

CHAPTER 123

SCHOOL DISTRICTS; ELECTION, POWERS AND DUTIES

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123.32 INDEPENDENT SCHOOL DISTRICTS, ELECTIONS.

[For text of subds 1 to 3, see M.S.1980]

Subd. 4. At the annual election board members shall be elected to fill vacancies on the board caused by expiration of term on July 1 next following the election. Any person desiring to be a candidate for a district office at the election shall file with the clerk of the district a written application to be placed on the ballot for the office, or any five voters of the district may file such written application for or on behalf of any qualified voter in the district that they desire shall be such candidate. The application shall be filed not more than 43 nor less than 21 days before the election.

[For text of subds 5 and 6, see M.S.1980]

Subd. 7. The board of any independent school district, at any regular meeting, or special meeting called for that purpose, may provide for the use of voting machines at all school elections to be held in that district. The board and any municipal corporation, owning or using voting machines, may enter into an agreement for the rental and use of the voting machines for that purpose. The provisions of section 204B.22, subdivision 1 and sections 206.02 to 206.23 apply to the use of voting machines in school elections insofar as applicable.

[For text of subds 8 to 27, see M.S.1980]

History: 1981 c 29 art 7 s 3; 1981 c 166 s 1

123.34 OFFICERS OF INDEPENDENT SCHOOL DISTRICTS.

[For text of subds 1 to 8, see M.S.1980]

Subd. 9. All districts maintaining a classified secondary school shall employ a superintendent who shall be ex officio a member of the school board but not entitled to vote therein. The authority for selection and employment of a superintendent shall be vested in the school board. Notwithstanding the provisions of section 125.12, subdivision 6a or 6b, no individual shall have a right to employment as a superintendent based on seniority or order of employment in the district. The superintendent in such districts shall visit the schools of the district, and exercise a general supervision over them, and report their condition to the board, with proper recommendations, when he deems it advisable, or when requested by the board. He shall make recommendations to the board concerning the employment and dismissal of teachers. He shall superintend the grading of the schools and examinations for promotions and perform such other duties as the

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board shall prescribe. He shall make directly to the commissioner such reports as shall be required.

[For text of subd 10, see M.S.1980]

History: 1981 c 175 s 1

123.35 GENERAL POWERS OF INDEPENDENT SCHOOL DISTRICTS.

[For text of subs 1 to 8, see M.S.1980]

Subd. 8a. The board may permit a person who is over the age of 21 or who has graduated from high school to enroll as a part-time student in a class or program at a secondary school if there is space available. In determining if there is space available, full-time public school students, shared-time students, and students returning to complete a regular course of study shall be given priority over part-time students seeking enrollment pursuant to this subdivision. The following are not prerequisites for enrollment:

(a) residency in the school district;

(b) United States citizenship; or

(c) for a person over the age of 21, a high school diploma or equivalency certificate. A person may enroll in a class or program even if that person attends evening school, an adult or continuing education, or a post-secondary educational program or institution.

Subd. 8b. Notwithstanding the provisions of sections 120.06 and 120.74, a board may charge a part-time student a reasonable fee for a class or program.

Subd. 8c. A district may not count a person enrolled pursuant to subdivision 8a as a pupil unit or a pupil in average daily membership for the purpose of receiving any state aid.

[For text of subs 9 to 14, see M.S.1980]

Subd. 15. When payment of a claim cannot be deferred until the next board meeting without loss to the district of a discount privilege, or when payment of a claim cannot be deferred until the next board meeting because of contract terms, purchase order terms, or a vendor's standard terms which are part of the contract, the claim may be paid prior to board approval, providing that the board:

(a) Has delegated authority to the clerk or a designated business administrator to make a payment prior to board approval and

(b) Requires that payment made prior to board approval be acted upon at the next board meeting.

Payment prior to board approval shall not affect the right of the district or a taxpayer to challenge the validity of a claim.

History: 1981 c 194 s 1; 1981 c 358 art 7 s 22

123.36 SCHOOLHOUSES AND SITES, ACCESS BY PERSONS FOR NON-CURRICULAR PURPOSES, INDEPENDENT SCHOOL DISTRICTS.

[For text of subs 1 to 12, see M.S.1980]

Subd. 13. Proceeds of the sale or exchange of school buildings or real property of the school district shall be used as provided in this subdivision.

(1) In districts with outstanding bonds, the proceeds of the sale or exchange shall first be deposited in the debt retirement fund of the district in an amount

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sufficient to meet when due that percentage of the principal and interest payments for outstanding bonds which is ascribable to the payment of expenses necessary and incidental to the construction or purchase of the particular building or property which is sold.

(2) After satisfying the requirements of clause (1), a district with outstanding bonds may deposit proceeds of the sale or exchange in its capital expenditure fund if the amount deposited is used for the following:

(a) for energy audits on district owned buildings conducted pursuant to chapter 116H, and for funding those energy conservation and renewable energy measures which the energy audits indicate will reduce the use of nonrenewable sources of energy to the extent that the projected energy cost savings will amortize the cost of the conservation measures within a period of ten years or less;

(b) for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped persons;

(c) for capital expenditures to bring district facilities into compliance with the uniform fire code adopted pursuant to chapter 299F; or

(d) to replace the building or property sold.

The amount of the proceeds used for the purposes specified in clauses (a), (b) and (c) shall be deducted from the levy limitation computed for the levy authorized in section 275.125, subdivision 11b in the first year after the deposit and from levy limitations computed for this levy in succeeding years until the entire amount is deducted.

(3) In a district with outstanding bonds, the amount of the proceeds of the sale or exchange remaining after the application of clauses (1) and (2), which is sufficient to meet when due that percentage of the principal and interest payments for the district's outstanding bonds which is not governed by clause (1), shall be deposited in the debt retirement fund.

(4) Any proceeds of the sale or exchange remaining in districts with outstanding bonds after the application of clauses (1), (2), and (3), and all proceeds of the sale or exchange in districts without outstanding bonds shall be deposited in the capital expenditure fund of the district.

(5) Notwithstanding clauses (2) and (3), a district with outstanding bonds may deposit in its capital expenditure fund and use for any lawful capital expenditure without the reduction of any levy limitation the same percentage of the proceeds of the sale or exchange of a building or property as the percentage of the initial cost of purchasing or constructing the building or property which was paid using revenue from the capital expenditure fund.

(6) Every district which sells or exchanges a building or property shall report to the commissioner in the form and at the time he prescribes on the disposition of the proceeds of the sale or exchange.

History: 1981 c 358 art 6 s 13

123.39 INDEPENDENT SCHOOL DISTRICTS, TRANSPORTATION.

Subdivision 1. The board may provide for the free transportation of pupils to and from school, and to schools (\$,\$) in other districts for grades and departments not maintained in the district, including high school, at the expense of the district, when funds are available therefor and if agreeable to the district to which it is proposed to transport the pupils, for the whole or a part of the school year, as it may deem advisable, and subject to its rules. Every driver shall possess all the qualifications required by the rules of the state board of education. In any school

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district, the board shall arrange for the attendance of all pupils living two miles or more from the school through suitable provision for transportation or through the boarding and rooming of the pupils who may be more economically and conveniently provided for by that means. When transportation is provided, scheduling of routes, establishment of the location of bus stops, manner and method of transportation, control and discipline of school children and any other matter relating thereto shall be within the sole discretion, control and management of the school board. The district may provide for the transportation of pupils or expend a reasonable amount for room and board of pupils whose attendance at school can more economically and conveniently be provided for by that means or who attend school in a building rented or leased by a district within the confines of an adjacent district.

[For text of subs 2 to 7, see M.S.1980]

Subd. 8. The board may rent a bus owned by the school district excluding a motor-coach bus to any person for any lawful purpose. Bus rental shall not interfere with the transportation of pupils by the district. A lessee may use and operate the bus without payment of a motor vehicle tax. The lessee is liable for any claims for injuries and damages arising out of the use and operation of a bus leased from the district. Except as provided in subdivision 9a, the lessee shall procure insurance at the lessee's expense protecting the board and the district against claims for injuries and damages arising out of the use and operation of the bus.

[For text of subs 8a and 8b, see M.S.1980]

Subd. 8c. School districts may provide bus transportation along regular school bus routes on a space available basis for part-time students enrolled in secondary classes pursuant to section 123.35, subdivisions 8a, 8b and 8c, provided that this use of a bus does not interfere with the transportation of pupils to and from school or other authorized transportation of pupils. The total additional cost of providing these services, as determined by sound accounting procedures, shall be paid by charges made against those using the services or some third party payor.

Subd. 9. The board may provide for the protection of pupils transported for school purposes or activities in district owned, operated, leased, or controlled motor vehicles against injuries or damages arising out of the operation of these vehicles. The board may purchase and pay for insurance from any funds available. An insurance contract covering this risk shall contain a waiver of the defense of governmental immunity. The payment of any insurance premiums by the district does not in itself make the district liable for any injuries or damages incurred by the transportation.

Subd. 9a. If a school board has obtained insurance pursuant to subdivision 9 or section 466.06, it may also obtain and pay for insurance coverage to indemnify a lessee and to protect the board and the district, in any amount not exceeding the limits of coverage provided for the insurance obtained pursuant to subdivision 9 or section 466.06 against claims for injuries and damages arising out of the use and operation of a district-owned bus while it is leased or rented to the lessee pursuant to subdivision 8. The rental charge shall include the cost of this additional insurance coverage. The procurement of this additional insurance coverage constitutes a waiver of the defense of governmental immunity to the extent of the additional coverage but has no effect on the liability of the board, the school district, or its employees beyond the coverage so provided.

[For text of subs 10 to 13, see M.S.1980]

History: 1981 c 194 s 2; 1981 c 234 s 1-3; 1981 c 358 art 2 s 1

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123.40 INDEPENDENT SCHOOL DISTRICTS, SPECIFIC POWERS AND DUTIES.

[For text of subds 1 to 4, see M.S.1980]

Subd. 5. *[Repealed, 1981 c 358 art 7 s 31]*

[For text of subds 6 and 8, see M.S.1980]

123.702 SCHOOL BOARD RESPONSIBILITIES.

Subdivision 1. Every school board shall provide for a voluntary health and developmental screening program for children once before entering kindergarten. This screening program shall be established either by one board, by two or more boards acting in cooperation, by educational cooperative service units, by early childhood and family education programs, or by other existing programs. No school board may make this screening examination a mandatory prerequisite to enroll a student.

Subd. 1a. The screening programs shall include at least the following components to the extent the school board determines they are financially feasible: developmental assessments, hearing and vision screening, the review of health history and immunization status and nutritional and physical assessments. The school board may also provide additional components, including laboratory tests or dental assessments, in the screening program. All screening components shall be consistent with the standards of the state commissioner of health for early and periodic screening programs. No child shall be required to submit to any component of this screening program to be eligible for any other component. No screening program shall provide laboratory tests, a health history or a physical examination to any child who has been provided with those laboratory tests or a health history or physical examination within the previous 12 months. The school district shall request the results of any laboratory test, health history or physical examination within the 12 months preceding a scheduled screening clinic.

[For text of subds 2 to 7, see M.S.1980]

History: 1981 c 358 art 6 s 14

123.703 STATE BOARD OF EDUCATION AND STATE COMMISSIONER OF HEALTH; RESPONSIBILITIES.

[For text of subds 1 and 2, see M.S.1980]

Subd. 3. **Report.** The state board of education, in cooperation with the state commissioner of health, shall report to the legislature by February 1 of each year on the results of the screening programs in accomplishing the purposes specified in section 123.701. The report shall include information on the rates of children's participation in screening programs, on districts' costs for implementing the various components of the screening program, and on any exemptions granted from screening requirements because of financial infeasibility.

History: 1981 c 358 art 6 s 15

123.705 STATE AID.

The department of education shall pay each school district for the cost of screening services provided pursuant to sections 123.701 to 123.705. The payment shall not exceed \$28 per child screened in fiscal year 1982 and \$29 per child screened in fiscal year 1983. Any district may request and receive an advance payment equal to 50 percent of its estimated payment for screening eligible children.

History: 1981 c 358 art 6 s 16

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123.742 ASSISTANCE TO LOCAL SCHOOL DISTRICTS.

[For text of subds 1 and 2, see M.S.1980]

Subd. 3. The department may provide available curriculum information for improving teaching practices at public elementary, secondary and post-secondary vocational schools. The information may be provided upon the request of a school district or an educational cooperative service unit with which the department has a written agreement. The department may collect reasonable fees not to exceed its actual costs for this service. The department may also accept money from any public or private source to defray the cost of this service.

History: 1981 c 359 s 13

123.743 APPROPRIATION.

There is annually appropriated from the general fund to the department of education any and all amounts received by the department pursuant to section 123.742, subdivisions 2 and 3.

History: 1981 c 359 s 14

123.937 LIMIT ON DISTRICT OBLIGATIONS.

If the amount appropriated for purposes of sections 123.931 to 123.937 for any year is not sufficient to make the payments required pursuant to sections 123.931 to 123.937 for that year, then no school district or intermediary service area is required to expend an amount pursuant to sections 123.931 to 123.937 for that year which exceeds the amount of the payments it receives pursuant to sections 123.931 to 123.937 for that year.

History: 1981 c 358 art 6 s 17

123.939 [Repealed, 1981 c 359 s 18]