

CHAPTER 121

ADMINISTRATION AND SUPERVISION

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121.11 STATE BOARD.

Subdivision 1. [Repealed, 1983 c 258 s 72]

[For text of subds 5 to 14, see M.S.1982]

Subd. 15. **Certain licensure rules.** The state board of education shall adopt and maintain as its rules for licensure of adult vocational education teachers, supervisory, and support personnel the rules of the state board of vocational technical education.

History: 1983 c 258 s 22

NOTE: Subdivision 1 was repealed by Laws 1983, chapter 258, section 72, subdivision 3, effective January 1, 1984. See Laws 1983, chapter 258, section 73, subdivision 4.

121.15 REVIEW AND COMMENT FOR SCHOOL DISTRICT CONSTRUCTION.

Subdivision 1. **Consultation.** A school district shall consult with the department of education before developing any plans and specifications to construct, remodel, or improve the building or site of an educational facility. This consultation shall occur before a referendum for bonds, solicitation for bids, or use of capital funds according to section 275.125, subdivision 11a, clause (c), is initiated.

Subd. 2. **Plan submittal.** The department of education, after the consultation required in subdivision 1, may require a school district engaging in a construction, remodeling, or site improvement project to submit for approval:

- (a) two sets of preliminary plans for each new building or addition, and
- (b) one set of final plans for each construction, remodeling, or site improvement project. The department of education shall approve or disapprove the plans within 60 days after submission. A school district shall not award contracts before the department approves the plans.

Final plans shall meet all applicable state laws, rules, and codes concerning public buildings, including sections 16.83 to 16.87. The department of education's approval shall be limited to compliance with applicable state laws, rules, and codes and shall reasonably conform to the recommended educational standards established by the department of education. The department may furnish to a school district plans and specifications for temporary school buildings containing two classrooms or less.

Subd. 3. **Final plans.** If no construction contract has been awarded within two years of approval, the approval shall no longer be valid. After approval, final plans and the approval shall be filed with the department of education. If substantial changes are made to plans after final approval, documents reflecting the changes shall be submitted to the department of education for approval. Upon completing a project, the school board shall certify to the department that the project was completed according to the approved plans.

Subd. 4. **Condemnation of school buildings.** The department of education may condemn school buildings and sites which the state board of education determines are unfit or unsafe for that use.

Subd. 5. **Rulemaking.** The state board of education may adopt rules for public school buildings.

Subd. 6. **Review and comment.** No referendum for bonds or solicitation of bids for new construction, expansion, or remodeling of an educational facility which requires a capital expenditure in excess of \$400,000 per school site shall be initiated prior to review and comment by the commissioner. A school board shall not separate portions of a single project into components to avoid the requirements of this subdivision.

Subd. 7. **Information required.** A school board proposing to construct a facility described in subdivision 6 shall submit to the commissioner a proposal containing information including at least the following:

(a) the geographic area proposed to be served, whether within or outside the boundaries of the school district;

(b) the population proposed to be served, including census findings and projections of the number of preschool and school-aged people in the area;

(c) the reasonably anticipated need for the facility or service to be provided;

(d) a description of the construction in reasonable detail, including: the capital expenditures contemplated; the estimated annual operating cost, including the anticipated salary and number of new staff necessitated by the proposal; and an evaluation of the energy efficiency and effectiveness of the construction, including estimated annual energy costs;

(e) so far as is known, existing facilities within the area to be served that offer the same or similar service; the extent existing facilities or services are used; the extent to which space is available from other sources, including institutions for higher education or other public buildings; and the anticipated effect that the proposal will have on existing facilities and services;

(f) the anticipated benefit to the area that will result from the facility;

(g) if known, the relationship of the proposed construction to any priorities which have been established for the area to be served;

(h) the availability and manner of financing the facility and the estimated date to begin and complete the facility; and

(i) desegregation requirements that cannot be met by any other reasonable means.

Subd. 8. **Review of proposals.** In reviewing each proposal, the commissioner shall submit to the school board, within 60 days of receiving the proposal, the review and comment about the educational and economic advisability of the project. The review and comment shall be based on information submitted with the proposal and other information the commissioner determines is necessary.

Subd. 9. **Publication.** At least 20 days but not more than 60 days before a referendum for bonds or solicitation of bids to construct a facility, the school

board shall publish the commissioner's review and comment in a legal newspaper of general circulation in the area. Supplementary information shall be available to the public.

Subd. 10. **Report.** Before January 15 of each year, the commissioner shall report to the legislature about the number and nature of proposals for projects submitted according to this section, the nature of the review and comment on the educational and economic advisability, and any recommendations.

History: 1983 c 314 art 7 s 6

121.151 STANDARDS FOR REMOVAL OF HAZARDOUS SUBSTANCES.

Prior to using the revenue obtained according to sections 123.36, subdivision 13, 124.245, subdivisions 1b and 1c, and 275.125, subdivisions 11b and 11c, a school district shall obtain approval from the department of education for its method of removal or encapsulation of asbestos or cleanup or disposal of polychlorinated biphenyls. The department of education shall consult with the pollution control agency, health department, environmental protection agency, or other appropriate governmental agency in approving or disapproving a district's method. If the pollution control agency or other appropriate governmental agency adopts rules establishing standards for asbestos removal or encapsulation or cleanup or disposal of polychlorinated biphenyls, the department of education shall approve only those district methods which are in compliance with the adopted rules.

History: 1983 c 314 art 6 s 1

121.16 COMMISSIONER OF EDUCATION.

Subdivision 1. The department shall be under the administrative control of the commissioner of education which office is established. The commissioner shall be the secretary of the state board. The commissioner shall be appointed by the governor under the provisions of section 15.06.

The commissioner shall be a person who possesses educational attainment and breadth of experience in the administration of public education and of the finances pertaining thereto commensurate with the spirit and intent of this code. Notwithstanding any other law to the contrary, the commissioner may appoint two deputy commissioners who shall serve in the unclassified service. The commissioner shall also appoint other employees as may be necessary for the organization of the department. The commissioner shall perform such duties as the law and the rules of the state board may provide and be held responsible for the efficient administration and discipline of the department. The commissioner shall make recommendations to the board and be charged with the execution of powers and duties which the state board may prescribe, from time to time, to promote public education in the state, to safeguard the finances pertaining thereto, and to enable the state board to carry out its duties.

History: 1983 c 150 s 1

121.212 BOARD POWER TO REGULATE TRAFFIC.

[For text of subd 1, see M.S.1982]

Subd. 2. Any fee established by the board pursuant to the authority granted in subdivision 1 shall not exceed \$1 per day per vehicle. Parking fees collected

shall be deposited in the general or capital expenditure fund of the school district or joint school district.

[For text of subds 3 and 4, see M.S.1982]

History: 1983 c 258 s 23

121.503 PROGRAM SELECTION.

Subdivision 1. **Authorization.** A school district or group of districts that wishes to receive a grant for improved learning programs may apply to the council on quality education for approval. Programs may be approved for one portion of a school population, one or several attendance areas, or one or a group of districts.

Subd. 2. **Applications.** The council on quality education shall prescribe the form and manner of annual application for the program. The application may include estimates of salaries and fringe benefits for the next school year and for the additional time beyond the regular contract period for staff to be employed. The council shall require that each program be evaluated and it may contract for additional evaluation.

Subd. 2a. **Declining grant amounts.** An improved learning program may receive grants for not more than three years. The grant amount for the second year of a program shall not exceed 75 percent of the grant amount for the first year. The grant amount for the third year of a program shall not exceed 50 percent of the grant amount for the first year. The council shall notify each recipient that no grant will be awarded after the third year and that the recipient is expected to continue successful programs without grants.

Subd. 3. **Rules and rights.** On recommendation of the council of quality education, the state board of education may waive school district compliance with its rules which would prevent implementation of an improved learning program. Participation in an improved learning program as a principal-teacher, counselor-teacher, or career teacher shall not affect seniority in the district or rights under the applicable collective bargaining agreement.

Subd. 4. **Additional funding.** A school district providing an improved learning program may receive funds for the program from private sources and governmental agencies, including state or federal funds.

Subd. 5. **Report.** The council on quality education shall submit a report to the legislature by February 1 each year. This report shall include the number and description of programs approved, implementation status of programs approved, waivers granted, and evaluation of programs approved.

History: 1983 c 314 art 9 s 1

121.505 PROGRAM COMPONENTS.

Subdivision 1. **Mandatory components.** An improved learning program shall include:

(a) participation by a designated individual as a principal-teacher, career teacher, or counselor-teacher, as defined in sections 121.506 and 121.507;

(b) a plan to involve parents in planning the educational experiences of their children;

(c) an annual plan for the district to evaluate program goals and objectives;

(d) a plan for the district to fund the program after the third year of the program.

Subd. 2. **Optional components.** An improved learning program may include:

(a) efforts to improve curricula strategies, instructional strategies, and use of materials which respond to the individual educational needs and learning styles of each pupil in order to enable each pupil to make continuous progress and to learn at a rate appropriate to that pupil's abilities;

(b) efforts to develop student abilities in basic skills; applied learning skills; and, when appropriate, arts; humanities; physical, natural, and social sciences; multicultural education; physical, emotional, and mental health; consumer economics; and career education;

(c) use of community resources and communications media to pursue improved learning opportunities for pupils;

(d) staff development for teachers and other school personnel;

(e) improvements to the learning environment, including use of the community in general, to enhance the learning process;

(f) cooperative efforts with other agencies involved with human services or child development and development of alternative community based learning experiences;

(g) apprenticeship post-secondary education components for pupils who are able to accelerate or programs for pupils with special abilities and interests who are given advanced learning opportunities within existing programs;

(h) use of volunteers in the learning program;

(i) flexible attendance schedules for pupils;

(j) adult education component;

(k) coordination with early childhood and family education programs;

(l) variable student/faculty ratios for special education students to provide for special programming;

(m) inclusion of nonpublic pupils as part of the ratio in the principal-teacher and career teacher component;

(n) application of educational research findings;

(o) summer learning experiences for students as recommended by the principal-teacher and career teacher;

(p) use of educational assistants, teacher aides or paraprofessionals as part of the improved learning program;

(q) establishment of alternative criteria for high school graduation; and

(r) variable age and class size groupings of students.

History: 1983 c 314 art 9 s 2

121.601 SUBJECT AREA IN-SERVICE TRAINING.

Subdivision 1. **Establishment.** The department of education shall establish a program for providing in-service training to school district staff. During the first year, the program shall provide in-service training to elementary and secondary staff in mathematics, science, and social science. For each succeeding year of the program, the commissioner shall recommend to the legislature subject areas for which in-service training programs shall be provided. In-service training programs shall be designed to offer a broad spectrum of experiences, including activities which require active participant involvement rather than classroom lectures. To the extent possible, the in-service training programs shall be integrated with the technology in-service training provided according to sections 129B.34 and 129B.35.

Subd. 2. **Proposals.** Grant proposals submitted by eligible applicants to the department shall include at least the following:

- (a) a variety of staff education activities which are designed to assess and upgrade skills of those attending the training programs;
- (b) provisions for addressing the requirements for licensure for those staff who currently are not licensed in the designated areas but who desire to be so licensed;
- (c) a plan for staff who participate in the training program to return to their school districts and provide training programs or disseminate information on in-service programs to other staff in their districts and regions;
- (d) a process for notifying staff in the state who teach in the designated subject areas and who are eligible for the program, a process for selecting staff to participate in the in-service training program, and a mechanism for evaluation to be provided to the state board upon completion of the program;
- (e) an estimated budget for the program, which shall provide for tuition expenses, related expenses including meals and lodging, and a stipend for participants in the program; and
- (f) other information that may be requested by the department.

Subd. 3. Eligible applicants. The department may allocate money to public or nonpublic institutions of higher education, public or private nonprofit organizations, educational cooperative service units, or school districts for the purpose of providing in-service training according to this section. When approving or disapproving grants, the department shall ensure geographic accessibility of the programs to teachers throughout the state and a balance of programs available in different subject areas.

Subd. 4. Consultation. When making grants for the in-service training programs according to this section, the department shall consult with elementary and secondary staff in the designated subject areas to ensure that proposals submitted incorporate recent research findings and address the retraining needs of staff in those subject areas.

Subd. 5. Private money. The commissioner of education may accept contributions from additional private or public sources to supplement state money provided by this section. These contributions shall be added to the total amount of available state money and shall be administered by the department in the same manner as state money.

Subd. 6. Federal money. The commissioner of education shall apply for and accept all federal money available for in-service training programs in the designated subject areas.

Subd. 7. Application dates. Applications for in-service training programs to be conducted during a school year shall be submitted to the department by January 15 preceding the beginning of that school year. The department shall approve or disapprove applications by the following March 1.

History: 1983 c 314 art 8 s 1

121.608 INSTRUCTIONAL EFFECTIVENESS PLAN.

By January 1, 1984, the commissioner of education shall develop a comprehensive statewide plan for maintaining and improving instructional effectiveness in the schools. The plan shall encourage implementation of school effectiveness strategies based on research findings in the area, develop inservice training models for school district staff, integrate developments in educational technology with classroom instruction models, and develop a mechanism for establishing a statewide network to coordinate and disseminate information on research in instructional effectiveness. The commissioner may employ consultants and specialists to

assist in the development of the plan, and, to the extent possible, shall utilize the information provided by the planning, evaluation, and reporting process and the statewide assessment program.

History: 1983 c 314 art 8 s 2

121.609 INSTRUCTIONAL EFFECTIVENESS TRAINING.

Subdivision 1. **Advisory task force; program model.** By January 1, 1984, the commissioner of education shall appoint an advisory task force to assist the department of education, in cooperation with the educational cooperative service units, in developing an implementation model for training school district staff in instructional effectiveness. The training program model shall be based on established principles of instructional design and the essential elements of effective instruction as determined by educational research. The training program model shall take into account the diverse needs of the school districts due to such factors as district size and location, and shall be structured to facilitate regional delivery of the training through the educational cooperative service units.

Subd. 2. **Pilot testing of training model.** Between January 1, 1984, and January 1, 1985, the commissioner shall administer a pilot program of the instructional effectiveness training models which shall be implemented in at least 20 pilot sites throughout the state. The advisory task force established in subdivision 1 of this section may recommend modifications in the training models as necessary.

Subd. 3. **Evaluation and report.** The commissioner shall pay an independent evaluator to conduct an evaluation of the effectiveness of this section. The evaluator shall submit a report, including a sample survey of district personnel trained at the pilot sites, to the commissioner by January 1, 1985.

History: 1983 c 314 art 8 s 3

121.612 CITATION.

Subdivision 1. This section may be cited as the "Minnesota Academic Excellence Act."

Subd. 1a. **Creation of foundation.** There is created the Minnesota Academic Excellence Foundation. The purpose of the foundation shall be to promote academic excellence in Minnesota public schools through a public-private partnership. The foundation shall be a nonprofit organization.

Subd. 2. **Board of directors.** The board of directors of the foundation shall consist of the governor or the governor's designee; the chairpersons of the education committee and education finance division in the house of representatives and the chairpersons of the education committee and education subcommittee on education aids in the senate; a minority member of the house of representatives to be appointed by the house minority leader; a minority member of the senate, to be appointed by the senate minority leader; the commissioner of education; and 15 members to be appointed by the governor. Of the 15 members appointed by the governor, six shall represent various education groups and nine shall represent various business groups. The board of directors shall meet as soon as possible after the effective date of this section. The commissioner of education shall serve as secretary for the board of directors and provide administrative support to the foundation.

Subd. 3. **Foundation programs.** The foundation shall plan for programs which advance the concept of educational excellence. These may include but are not limited to:

- (a) recognition programs and awards for students demonstrating academic excellence;
- (b) summer institute programs for students with special talents;
- (c) recognition programs for teachers, administrators, and others who contribute to academic excellence;
- (d) summer mentorship programs with business and industry for students with special career interests and high academic achievements;
- (e) governor's awards ceremonies to promote academic competition; and
- (f) consideration of the establishment of a Minnesota high school academic league.

To the extent possible, the foundation shall make these programs available to students in all parts of the state.

Subd. 4. **Private funding.** The foundation shall seek private resources to supplement the available public money. Individuals, businesses, and other organizations may contribute to the foundation in any manner specified by the board of directors. All money received shall be administered by the board of directors.

Subd. 5. **Report.** By February 1, 1984, and February 1, 1985, the board of directors of the foundation shall report to the education committees of the legislature on the progress of its activities made pursuant to the provisions of this section.

History: 1983 c 314 art 8 s 4

121.82 EDUCATION COMMISSION.

Subdivision 1. **Appointment of members.** Legislative members of the education commission established in article III (A) are appointed as follows: One member of the house of representatives appointed by the speaker of the house for a term coinciding with the term of office of the member; one member of the senate appointed by the committee on committees for a two year term. Members of the education commission appointed by the governor are appointed for a term which coincides with the term of the appointing governor. Members appointed from the legislature and members appointed by the governor serve until their successors are appointed and qualified.

[For text of subs 2 and 3, see M.S.1982]

History: 1983 c 305 s 18

121.844 MEMBERS OF THE BOARD.

Subdivision 1. **Appointment.** Legislative members of the Midwestern Education Board established in article III of the Midwestern Education Compact are appointed as follows: one member of the house of representatives appointed by the speaker of the house for a term coinciding with the term of office of the member; one member of the senate appointed by the subcommittee on committees of the rules and administration committee for a two-year term. Two citizen members, one of whom shall be from the field of education, shall be appointed by the governor for a term which coincides with the term of the appointing governor.

Members appointed from the legislature and members appointed by the governor serve until their successors are appointed and qualified.

[For text of subd 2, see M.S.1982]

History: 1983 c 305 s 19

121.87 STATE COMMUNITY EDUCATION ADVISORY COUNCIL.

Subdivision 1. The state board of education may appoint a community education advisory task force for the purpose of promoting the furtherance of sections 121.85 to 121.88, and the advancement of educational, recreational and social opportunity through the maximum utilization of public school facilities throughout the state of Minnesota. If appointed, the task force shall include at least one member from each congressional district and members who represent government and professions most closely related to community education activities, functions and school administrative jurisdictions.

Subd. 2. *[Repealed, 1983 c 260 s 68]*

Subd. 3. The task force shall expire and the terms, compensation, and removal of members shall be as provided in section 15.059.

History: 1983 c 260 s 24,25

121.902 COUNCIL RECOMMENDATIONS.

[For text of subd 1, see M.S.1982]

Subd. 1a. *[Repealed, 1983 c 258 s 72]*

[For text of subd 2, see M.S.1982]

121.904 REVENUE; REPORTING.

[For text of subs 1 to 4, see M.S.1982]

Subd. 4a. **Levy recognition.** (a) "School district tax settlement revenue" means the current, delinquent, and manufactured home property tax receipts collected by the county and distributed to the school district, including distributions made pursuant to section 279.37, subdivision 7, and excluding the amount levied pursuant to section 275.125, subdivision 9a, and Laws 1976, chapter 20, section 4.

(b) In June of each year, the school district shall recognize as revenue, in the fund for which the levy was made, the lesser of:

(1) the June and July school district tax settlement revenue received in that calendar year; or

(2) the sum of the state aids and credits enumerated in section 124.155, subdivision 2 which are for the fiscal year payable in that fiscal year; or

(3) thirty-two percent of the amount of the levy certified in the prior calendar year, plus or minus auditor's adjustments, not including levy portions that are assumed by the state, which remains after subtracting, by fund, the amounts levied for the following purposes:

(i) reducing or eliminating projected deficits in the appropriated fund balance accounts for unemployment insurance and bus purchases;

(ii) statutory operating debt pursuant to section 275.125, subdivision 9a, and Laws 1976, chapter 20, section 4; and

(iii) retirement and severance pay pursuant to section 275.125, subdivision 6a, and Laws 1975, chapter 261, section 4;

(iv) amounts levied for bonds issued and interest thereon, amounts levied for debt service loans and capital loans, and amounts levied pursuant to section 275.125, subdivision 14a.

(c) In July of each year, the school district shall recognize as revenue that portion of the school district tax settlement revenue received in that calendar year and not recognized as revenue for the previous fiscal year pursuant to clause (b).

(d) All other school district tax settlement revenue shall be recognized as revenue in the fiscal year of the settlement. Portions of the school district levy assumed by the state, including prior year adjustments and the amount to fund the school portion of the reimbursement made pursuant to section 273.425, shall be recognized as revenue in the fiscal year beginning in the calendar year for which the levy is payable.

[For text of subds 5 to 11a, see M.S.1982]

Subd. 11b. (1) Each district affected by the provisions of subdivision 11a shall account for and expend according to the provisions of this subdivision the total amount by which its 1976 payable 1977 and its 1977 payable 1978 permissible levies pursuant to section 275.125 were reduced on account of payments pursuant to sections 294.21 or 294.28; 298.23 to 298.28; 298.32; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; any law imposing a tax upon severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties. Notwithstanding the provisions of section 124.2132, subdivision 5, clause (2) and the provisions of section 275.125, subdivision 9, clause (2) or any other law to the contrary, this total amount shall not be applied to reduce the foundation aid which the district is entitled to receive pursuant to sections 124.2121 to 124.2128 or again be applied to reduce the permissible levies of the district.

(2) The lesser of the amount in (1) or an amount equal to \$200 times the pupil units in the district computed pursuant to section 124.17 for the 1977-1978 school year shall be reflected in an "appropriated fund balance reserve account for current use of taconite payments" which shall be established in the general fund. Each school year, beginning in 1978-1979, each affected district shall transfer an amount equal to \$20 times the number of pupil units in the district in 1977-1978 out of this account into other operating accounts in the general fund, until the amount transferred equals the amount originally reflected in the reserve account; provided that in the last year in which the district is required to make this transfer, it shall transfer the balance of the reserve account, not to exceed an amount equal to \$20 times the number of pupil units in the district in 1977-1978. Notwithstanding the provisions of section 121.917, each affected district may use the amount so transferred each year to increase its expenditures above the amount it would otherwise be authorized to expend in that school year.

(3) Of the amount in (1), any amount not reflected in the account established pursuant to clause (2) shall be reflected in the district's appropriated fund balance reserve account for purposes of reducing statutory operating debt, if the district has established this account pursuant to section 275.125, subdivision 9a. The June 30, 1977 statutory operating debt of the district shall be reduced by the amount so reflected and shall be recertified accordingly by the commissioner.

(4) Notwithstanding the provisions of section 121.912, any portion of the amount in (1) remaining after the application of clauses (2) and (3) shall be transferred to the district's capital expenditure fund; provided that before July 1,

1979 not exceeding \$75,000 of the amount transferred to the capital expenditure fund pursuant to this clause may be transferred to the district's general fund.

[For text of subs 11c to 14, see M.S.1982]

History: 3Sp1982 c 1 art 3 s 1; 1983 c 216 art 1 s 26; 1983 c 314 art 13 s 1

121.908 REQUIREMENT FOR ACCOUNTING, BUDGETING AND REPORTING.

Subdivision 1. On or before June 30, 1977, each Minnesota school district shall adopt the uniform financial accounting and reporting standards for Minnesota school districts provided for in section 121.902.

Subd. 2. Each district shall submit to the commissioner by August 15 of each year an unaudited financial statement for the preceding fiscal year. This statement shall be submitted on forms prescribed by the commissioner after consultation with the advisory council on uniform financial accounting and reporting standards.

Subd. 3. By December 31 of the calendar year of the submission of the unaudited financial statement, the district shall provide to the commissioner and state auditor an audited financial statement prepared in a form which will allow comparison with and correction of material differences in the unaudited statement.

Subd. 3a. Prior to July 1 of each year, the school board of each district shall approve and adopt its revenue and expenditure budgets for the next school year. The budget document so adopted shall be considered an expenditure-authorizing or appropriations document. No funds shall be expended by any board or district for any purpose in any school year prior to the adoption of the budget document which authorizes that expenditure, or prior to an amendment to the budget document by the board to authorize the expenditure. Expenditures of funds in violation of this subdivision shall be considered unlawful expenditures.

Subd. 4. Each district shall submit to the department by August 15 of each year, on forms prescribed by the commissioner, the revenue and expenditure budgets adopted for that fiscal year.

Subd. 5. All governmental units formed by joint powers agreements entered into by districts pursuant to sections 120.17, 123.351, 471.59, or any other law and all educational cooperative service units shall be subject to the provisions of this section.

History: 1983 c 314 art 7 s 7

121.911 CASH FLOW; SCHOOL DISTRICT REVENUES; BORROWING FOR CURRENT OPERATING COSTS.

[For text of subs 1 to 4, see M.S.1982]

Subd. 5. **Deficit for capital projects.** Upon approval by the commissioner of education, a district may incur a deficit in the capital expenditure fund for a period not to exceed three years to provide money for capital projects. A description of the project and a financial plan to recover the deficit shall be approved by the commissioner prior to the initiation of the project.

History: 1983 c 314 art 6 s 2

121.912 PERMANENT FUND TRANSFERS.

[For text of subd 1, see M.S.1982]

Subd. 1a. **AVTIs.** Money shall not be transferred from the post-secondary general fund to any other operating or nonoperating fund.

[For text of subd 2, see M.S.1982]

Subd. 3. **Deficits; exception.** For the purposes of this section, a permanent transfer includes creating a deficit in a nonoperating fund for a period past the end of the current fiscal year which is covered by moneys in an operating fund. However, a deficit in the capital expenditure fund pursuant to section 121.911, subdivision 5, shall not constitute a permanent transfer.

History: 1983 c 314 art 5 s 1; 1983 c 314 art 6 s 3

121.931 STATEWIDE EDUCATION MANAGEMENT INFORMATION SYSTEM; STATE BOARD POWERS AND DUTIES.

[For text of subds 1 to 6, see M.S.1982]

Subd. 7. **Approval powers.** The state board, with the advice and assistance of the ESV computer council, shall approve or disapprove the following, according to the criteria in section 121.937 and after promulgation, the rules adopted pursuant to subdivision 8:

(a) the creation of regional management information centers pursuant to section 121.935;

(b) the transfer by a district of its affiliation from one regional management information center to another;

(c) the use by a district of an alternative management information system to ESV-IS pursuant to section 121.936, subdivisions 2 to 4; and

(d) annual and biennial plans and budgets submitted by regional management information centers pursuant to section 121.935, subdivisions 3 and 4.

[For text of subd 8, see M.S.1982]

History: 1983 c 258 s 24

121.934 ESV COMPUTER COUNCIL.

[For text of subd 1, see M.S.1982]

Subd. 2. **Membership.** The council shall be composed of:

(a) four representatives of school districts, including one school district administrator from a rural school district, one school district administrator from an urban school district, one school board member from a rural school district, and one school board member from an urban school district;

(b) three persons employed in management positions in the private sector, at least two of whom are data processing managers or hold an equivalent position in the private sector;

(c) three persons employed in management positions in the public sector other than elementary, secondary, or vocational education, at least two of whom are data processing managers or hold an equivalent position in the public sector; and

(d) one person from the general public.

Members selected pursuant to clauses (b) and (c) shall not be employees or board members of local school districts or the department of education. The council shall include at least one resident of each congressional district.

[For text of subds 3 to 7, see M.S.1982]

History: 1983 c 258 s 25

121.936 SCHOOL DISTRICT MANAGEMENT INFORMATION SYSTEMS.

[For text of subds 1 to 4, see M.S.1982]

Subd. 4a. By July 1, 1984, the department of education shall develop and implement an alternative reporting system for submission of financial data in summary form. This system shall accommodate the use of a microcomputer finance system to be developed and maintained by the department of education. The alternative reporting system must comply with sections 121.90 to 121.917. The provisions of this subdivision shall not be construed to require the department to purchase computer hardware nor to prohibit the department from purchasing services from any regional management information center or the Minnesota educational computing consortium.

[For text of subd 5, see M.S.1982]

Subd. 6. [Repealed, 1983 c. 258 s 72]

History: 1983 c 314 art 7 s 8

121.938 [Repealed, 1983 c 260 s 68]