

CHAPTER 123

SCHOOL DISTRICTS; ELECTION, POWERS
AND DUTIES

123.32	Independent school districts, elections.	123.581	In-service training programs.
123.33	Boards of independent school districts.	123.702	School board responsibilities.
123.34	Officers of independent school districts.	123.705	Health screening aid.
123.351	Cooperative centers for vocational education.	123.741	Educational policy; curriculum advisory committees.
123.36	Schoolhouses and sites, access by persons for noncurricular purposes, independent school districts.	123.742	Assistance to local school districts.
123.37	Independent school districts, contracts.	123.743	Appropriation.
123.39	Independent school districts, transportation.	123.933	Purchase or loan of textbooks, individualized instructional materials, standardized tests.

123.32 INDEPENDENT SCHOOL DISTRICTS, ELECTIONS.

[For text of subs 1 to 24, see M.S.1982]

Subd. 25. **Contests.** (a) Any voter may contest the election of any person for or against whom he had the right to vote, who is declared elected to a school district office, or other questions submitted to public vote, by proceeding as follows:

He shall file with the clerk of the district court of the county in which the administrative office of the school district is located, within ten days after the canvass is completed, a written notice of contest specifying the points upon which the contest will be made, and cause a copy thereof to be served within said period as follows:

(1) If the contest is upon the election of any person, then upon the person whose election he is contesting and the official authorized to issue the certificate of election;

(2) If the contest is upon the question of consolidation or reorganization, then upon the county auditor authorized by law to issue the order;

(3) If the contest be upon any other question, by serving a copy upon the clerk of the district.

When the contestee desires to offer testimony on points not specified in contestant's notice, he shall file and serve on the contestant a notice specifying the additional points. The notices shall be treated as the pleadings in the case and may be amended in the discretion of the court in the manner and within the times as the court orders. Thereafter the matter shall be tried and determined by the court at a time set by the court within 30 days after the canvass. So far as consistent with this section, the rules of civil procedure apply.

(b) An appeal taken from the determination of the district court in any contest instituted under this code shall be in accordance with the rules of civil appellate procedure.

[For text of subs 26 to 28, see M.S.1982]

Subd. 29. **Requirements for petitions.** Any petition to a school board authorized in this section or section 275.125 or any other law which requires the board to submit an issue to referendum or election shall meet the following requirements to be valid.

(1) Each page of the petition shall contain a heading at its top which specifies the particular action the board is being petitioned to take. The signatures on any

page which does not contain such a heading shall all be invalidated. All pages of the petition shall be assembled and filed with the board as a single instrument.

(2) Each page of the petition shall contain an authentication signed by the circulator of the petition specifying as follows:

I personally have circulated this page of the petition, all signatures were made in my presence, I believe that each person signed his or her own name and that each person who has signed is eligible to vote in a school district election according to Minnesota Statutes, section 123.32.

Signed: Signature of Petition Circulator

Date:

The signatures on any page which does not contain such an authentication shall all be invalidated.

(3) Each signer of the petition shall personally sign his own name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. Except as provided in clause (4) of this subdivision, any signature which does not meet these requirements shall be invalidated.

(4) An individual who is unable to write his name shall be required to make his mark on the petition. The circulator of the petition shall certify the mark by signing the individual's name and address and shall thereafter print the phrase "mark certified by petition circulator."

(5) A petition to be valid must contain the minimum number of valid signatures of eligible voters specified in the law authorizing the petition and election.

History: 1983 c 247 s 57; 1983 c 314 art 7 s 15

123.33 BOARDS OF INDEPENDENT SCHOOL DISTRICTS.

[For text of subds 1 to 8, see M.S.1982]

Subd. 10. The school board of any school district of this state by a two-thirds vote may become a member of the Minnesota school boards association or the Minnesota association of public schools, or the metropolitan area school board association, and appoint one or more of its members to attend its annual meeting. The amount of annual membership dues in the association and actual and necessary expense incurred in attending such meeting shall be paid as other expenses of the district are paid.

[For text of subds 11 and 12, see M.S.1982]

Subd. 14. The school board of any school district of this state by a two-thirds vote may become a member of an association of vocational schools and may appoint one or more of its members to attend the annual meeting of such association. The amount of annual membership dues in the association and actual and necessary expenses incurred in attending such meeting shall be paid as other expenses of the district are paid.

[For text of subds 15 and 16, see M.S.1982]

History: 1983 c 314 art 7 s 16,17

123.34 OFFICERS OF INDEPENDENT SCHOOL DISTRICTS.

[For text of subds 1 to 8, see M.S.1982]

Subd. 9. **Superintendent.** All districts maintaining a classified secondary school shall employ a superintendent who shall be an ex officio nonvoting member of the school board. The authority for selection and employment of a superintendent shall be vested in the school board in all cases. Notwithstanding the provisions of sections 122.532, 122.541, 125.12, subdivision 6a or 6b, or any other law to the contrary, no individual shall have a right to employment as a superintendent based on seniority or order of employment in any district. The superintendent of a district shall perform the following:

- (a) visit and supervise the schools in the district, report and make recommendations about their condition when advisable or on request by the board;
- (b) recommend to the board employment and dismissal of teachers;
- (c) superintend school grading practices and examinations for promotions;
- (d) make reports required by the commissioner of education; and
- (e) perform other duties prescribed by the board.

[For text of subd 10, see M.S.1982]

History: 1983 c 314 art 7 s 18

123.351 COOPERATIVE CENTERS FOR VOCATIONAL EDUCATION.

[For text of subds 1 to 3, see M.S.1982]

Subd. 4. **Powers and duties.** (a) The center board shall have the general charge of the business of the center and the ownership of facilities. Where applicable, section 123.36, shall apply. The center board may not issue bonds in its behalf. Each participating district may issue its bonds for the purpose of acquisition and betterment of center facilities in the amount certified by the center board to such participating district in accordance with chapter 475.

(b) The center board (1) may furnish vocational offerings to any eligible person residing in any participating district; (2) may provide special education for the handicapped and disadvantaged; and (3) may provide any other educational programs or services agreed upon by the participating districts. Academic offerings shall be provided only under the direction of properly licensed academic supervisory personnel.

(c) In accordance with subdivision 5, clause (b), the center board shall certify to each participating district the amount of funds assessed to the district as its proportionate share required for the conduct of the educational programs, payment of indebtedness, and all other proper expenses of the center.

(d) The center board shall employ and contract with necessary qualified teachers and administrators and may discharge the same for cause pursuant to section 125.12. The authority for selection and employment of a director shall be vested in the center board. Notwithstanding the provisions of section 125.12, subdivision 6a or 6b, no individual shall have a right to employment as a director based on seniority or order of employment by the center. The board may employ and discharge other necessary employees and may contract for other services deemed necessary.

(e) The center board may provide an educational program for secondary and adult vocational phases of instruction. The high school phase of its educational program shall be offered as a component of the comprehensive curriculum offered by each of the participating school districts. Graduation shall be from the student's resident high school district. Insofar as applicable, sections 123.35 to 123.40, shall apply.

(f) The center board may prescribe rates of tuition for attendance in its programs by adults and nonmember district secondary students.

[For text of subds 5 to 9, see M.S.1982]

History: 1983 c 314 art 7 s 19

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

[For text of subds 1 to 8, see M.S.1982]

Subd. 9. The board may contract for the furnishing of heat for its building for such terms as it may deem for the best interest of the district, not exceeding ten years. However, a district may enter into a contract for a period not to exceed 30 years for a district heating system. Where it is necessary to lay mains or pipes to connect these buildings with a heating system, the district is authorized to advance all, or any part of the cost thereof upon such terms and conditions as shall be agreed upon.

[For text of subds 10 to 12, see M.S.1982]

Subd. 13. **Proceeds of sale or exchange.** 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 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;

(d) for expenditures for the removal of asbestos from school buildings or property or for asbestos encapsulation, if the method for asbestos removal or encapsulation is approved by the department of education;

(e) for expenditures for the cleanup of polychlorinated biphenyls, if the method for cleanup is approved by the department of education;

(f) for capital expenditures to renovate and improve school buildings in which enrollment has increased as a result of closing schools in the district; or

(g) to replace the building or property sold.

The amount of the proceeds used for the purposes specified in clauses (a), (b), (c), (d), and (e) 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.

Subd. 14. **Asbestos removal and polychlorinated biphenyls cleanup.** Notwithstanding any law to the contrary, school districts may, without an election, enter into contracts extending beyond the end of the fiscal year to pay the costs of removal or encapsulation of asbestos or cleanup of polychlorinated biphenyls found in school buildings or on school property.

History: 1983 c 314 art 6 s 5,6; 1983 c 314 art 7 s 20

123.37 INDEPENDENT SCHOOL DISTRICTS, CONTRACTS.

[For text of subs 1 and 1a, see M.S.1982]

Subd. 1b. **Transportation; fuel.** Notwithstanding the provisions of subdivision 1 or section 471.345, a contract for the transportation of school children, or a contract for the purchase of petroleum heating fuel or fuel for vehicles may be made by direct negotiation, by obtaining two or more written quotations for the service when possible, or upon sealed bids. At least 30 days before awarding a directly negotiated contract, the school district shall, by published notice, request quotations for the service to be provided. All quotations obtained shall be kept on file for a period of at least one year after receipt thereof. If a contract is made by direct negotiation, all quotations shall be public information. If a contract is made upon sealed bids, the procedure for advertising and awarding bids shall conform to the provisions of subdivision 1 except as otherwise provided in this subdivision.

Notwithstanding the provisions of subdivision 1 or section 574.26, a performance bond shall be required of a contractor on a contract for the transportation of school children only when and in the amount deemed necessary by and at the discretion of the school board.

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

History: 1983 c 314 art 2 s 1

123.39 INDEPENDENT SCHOOL DISTRICTS, TRANSPORTATION.

[For text of subs 1 and 2, see M.S.1982]

Subd. 4. The board may provide for the instruction of any resident pupil in another district when inadequate room, distance to school, unfavorable road conditions, or other facts or conditions make attendance in his own district unreasonably difficult or impractical, in which case such district shall pay to the district so attended the tuition agreed upon or charged, pursuant to section 124.18, subdivision 2, and may provide transportation; provided, that such pupil shall continue to be a pupil of the district of his residence for the payment of apportionment and other state aids.

[For text of subs 5 to 13, see M.S.1982]

History: 1983 c 314 art 7 s 21

123.581 IN-SERVICE TRAINING PROGRAMS.

Subdivision 1. **Establishment.** Programs for in-service training for regular classroom teachers, assistant principals and principals in techniques of education of handicapped pupils shall be established in school districts designated by the state board of education. Funds for these programs shall be granted by the state board. Handicapped pupils for the purposes of this section, are those defined in section 120.03.

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

Subd. 3. [Repealed, 1983 c 260 s 68]

Subd. 4. [Repealed, 1983 c 260 s 68]

Subd. 5. [Repealed, 1983 c 260 s 68]

[For text of subd 6, see M.S.1982]

Subd. 7. [Repealed, 1983 c 260 s 68]

History: 1983 c 260 s 26

123.702 SCHOOL BOARD RESPONSIBILITIES.

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

Subd. 1a. **Components.** A screening program shall include at least the following components to the extent the school board determines they are financially feasible: developmental assessments, hearing and vision screening, review of health history and immunization status, and assessments of height and weight. 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. A school board may offer additional components such

as nutritional, physical and dental assessments, blood pressure, and laboratory tests. State aid shall not be paid for additional components.

[For text of subds 2 to 7, see M.S.1982]

History: 1983 c 314 art 6 s 7

123.705 HEALTH SCREENING AID.

Subdivision 1. **Aid amounts.** 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 \$15 per child screened in fiscal year 1983, \$15 per child screened in fiscal year 1984, and \$15.60 per child screened in fiscal year 1985.

Subd. 2. **Payment schedule.** For the 1982-1983 and 1983-1984 school years, 85 percent of a district's health screening aid for each school year shall be distributed prior to November 30 of that school year. The final aid distribution to each district shall be made prior to November 30 of the following school year.

History: 1983 c 314 art 6 s 8

123.741 EDUCATIONAL POLICY; CURRICULUM ADVISORY COMMITTEES.

Subdivision 1. The school board of each school district in the state shall develop and adopt a written educational policy which establishes educational goals for the district, a process for achieving these goals, and procedures for evaluating and reporting progress toward the goals. These goals shall include meeting the curriculum requirements adopted by the state board of education. The school board shall review this policy each year and adopt revisions which it deems desirable. School boards are encouraged to develop this school district policy and any revisions after consultation with the staff of each school building. In formulating the policy, the school board of a district is encouraged to consider: (a) the number of dropouts of school age in the district and the reasons for the dropouts; (b) existing programs within the district for dropouts and potential dropouts and (c) program needs of dropouts and potential dropouts.

[For text of subds 2 to 5, see M.S.1982]

History: 1983 c 314 art 8 s 9

123.742 ASSISTANCE TO LOCAL SCHOOL DISTRICTS.

[For text of subds 1 to 3, see M.S.1982]

Subd. 4. The department of education may provide career information to school districts and educational systems. The department may collect reasonable fees for subscriptions to the Minnesota career information service.

History: 1983 c 258 s 26

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, 3, and 4.

History: 1983 c 258 s 27

123.933 PURCHASE OR LOAN OF TEXTBOOKS, INDIVIDUALIZED INSTRUCTIONAL MATERIALS, STANDARDIZED TESTS.

[For text of subs 1 and 2, see M.S.1982]

Subd. 3. **Cost of textbooks; limitation.** (a) The cost per pupil of the textbooks, individualized instructional materials and standardized tests provided for in this section for each school year shall not exceed the statewide average expenditure per pupil, adjusted pursuant to clause (b), by the Minnesota public elementary and secondary schools for textbooks, individualized instructional materials and standardized tests as computed and established by the department of education by March 1 of the preceding school year from the most recent public school year data then available.

(b) The cost computed in clause (a) shall be increased by an inflation adjustment equal to the percent of increase in the foundation aid formula allowance, pursuant to section 124.2122, subdivision 1, from the second preceding school year to the current school year.

(c) The commissioner shall allot to the school districts or intermediary service areas the total cost for each school year of providing or loaning the textbooks, individualized instructional materials and standardized tests for the pupils in each nonpublic school. The allotment shall not exceed the product of the statewide average expenditure per pupil, adjusted pursuant to clause (b), multiplied by the number of nonpublic school pupils who make requests pursuant to this section and who are enrolled as of September 15 of the current school year.

(d) For the 1982-1983 school year, 85 percent of a district's nonpublic pupil aid shall be distributed prior to December 31 of that school year. The final aid distribution to each district shall be made prior to December 31 of the following school year.

History: 1983 c 314 art 6 s 9