

CHAPTER 128B

PINE POINT SCHOOL

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128B.01 RUN AS K-8 PUBLIC SCHOOL BY TRIBAL COUNCIL.

Subdivision 1. **Run by tribal council.** The White Earth reservation tribal council manages the Pine Point experimental school in independent school district No. 309, Park Rapids.

Subd. 2. **For K-8 pupils.** The school is for pupils in kindergarten through grade 8.

Subd. 3. **Indian education committee.** The Indian education committee serves in an advisory capacity to the White Earth reservation tribal council. The committee may exercise the powers and perform the duties delegated to it by the White Earth reservation tribal council.

Subd. 4. [Repealed by amendment, 1989 c 220 s 3]

Subd. 4. **Like school board.** The council shall manage the experimental school, adopt rules for its operation and for instruction, and prescribe textbooks and courses of study.

Subd. 5. [Renumbered subd 4]

Subd. 5. **Public school; course standards.** The experimental school is a public school. The courses of study must meet the standards for similar courses of study available in the other public schools of this state.

Subd. 6. [Renumbered subd 5]

History: 1973 c 683 s 26 subs 2,6; 1981 c 358 art 6 s 39,40; 1Sp1985 c 12 art 7 s 25,32; 1989 c 220 s 3

128B.02 TERMS OF OFFICERS; ELECTIONS; VOTING.

Subdivision 1. **Terms.** The term of an officer of the Indian education committee is three years.

Subd. 2. **Section 123.11 on elections.** The election of committee officers must be held according to section 123.11.

Subd. 3. **Who can vote.** A qualified voter who resides within former independent school district No. 25 may vote at an election of committee officers.

Subd. 4. **District 309 elections.** This chapter does not prohibit a qualified voter who resides within former independent school district No. 25 from voting in an election in independent school district No. 309.

History: 1973 c 683 s 26 subs 3,4; 1Sp1985 c 12 art 7 s 32; 1989 c 220 s 3

128B.03 FINANCES, INSURANCE, TRANSPORTATION.

Subdivision 1. **Cannot bond, tax, borrow.** This chapter does not allow the council to issue bonds, levy taxes, or borrow money.

Subd. 2. **May get federal aid.** The council may receive federal aid to Indians according to section 124.64.

Subd. 3. **District 309 state aid.** The school board of independent school district No. 309 must transfer to the council all state aids, grants, and refunds earned and received because of the pupils actually attending the experimental school.

Subd. 4. **District 309 federal aid.** (a) The school board of independent school district No. 309 must transfer to the council, to the extent permissible, any federal aids or grants which the school district is eligible for or entitled to because of:

- (1) the population in the experimental school attendance area;
- (2) the pupils actually attending the experimental school;
- (3) the program of the experimental school;
- (4) the boundaries of the attendance area of the experimental school; or
- (5) a related reason.

(b) For the sole purpose of receiving federal impact aid, the experimental school on the land comprising the former independent school district No. 25 is a local education agency, according to Code of Federal Regulations, title 34, section 222.80. The school and the land must not be included, for the purpose of determining federal impact aid, in independent school district No. 309.

Subd. 5. **Audits; state auditor law.** The council must have an audit done annually of the accounts of the experimental school. The audit must be finished within one year after the year for which the audit is made. The council is subject to chapter 6, relating to the state auditor.

Subd. 6. **Treasurer's bond.** The treasurer of the council must give a corporate surety bond to the state. The school board of independent school district No. 309 must set the amount of the bond. The amount must be sufficient to protect the interest of the school district.

Subd. 7. **Insurance.** The council may buy the insurance specified in sections 123.35, subdivision 13, and 123.41. The council must buy insurance to the extent required by chapter 466 and is not liable beyond the extent provided by section 466.12, subdivision 3a. The term "average number of pupils" in section 466.12, subdivision 3a, means, for this subdivision, the average number of pupils attending the experimental school.

Subd. 8. **Transportation.** To the extent permitted by statute, the school board of independent school district No. 309 is responsible for providing transportation for independent school district No. 309.

History: 1973 c 683 s 26 subs 2,5,7,8,9,11,14; 1Sp1985 c 12 art 7 s 32; 1989 c 220 s 3; 1990 c 562 art 3 s 8

128B.04 ALL PUPILS IN AREA ARE RESIDENT PUPILS.

For chapter 120, a pupil in kindergarten through 8th grade who resides within former independent school district No. 25 is a resident pupil of the experimental school attendance area, as if the area were a school district.

History: 1981 c 358 art 6 s 41; 1Sp1985 c 12 art 7 s 32; 1989 c 220 s 3

128B.05 EMPLOYEES; APPROPRIATE UNIT; INDIAN INSTRUCTORS.

Subdivision 1. **Hiring.** The council must employ necessary teachers according to section 125.12 and may employ other necessary personnel.

Subd. 2. **Council teachers are unit.** Teachers employed by the council are employees of the experimental school and are an "appropriate unit" or a "unit" under chapter 179A, notwithstanding section 179A.03, subdivision 2.

Subd. 3. **District 309 teachers.** Teachers employed by the school board of independent school district No. 309 who are assigned by the board to the experimental school remain employees of the board.

Subd. 4. **Indian culture instructors.** The council may employ instructors in Indian culture. The instructors need not be licensed by the state board. For all other purposes, the instructors are "teachers" as defined by section 125.03, subdivision 1.

History: 1973 c 683 s 26 subd 10; 1Sp1985 c 12 art 7 s 32; 1989 c 220 s 3

128B.06 THIS CHAPTER PREVAILS OVER CODE OR DISTRICT LAW.

Subdivision 1. **Education code.** The management of the experimental school by the council is governed by the education code and other law affecting public school districts.

Subd. 2. **Independent district law.** Unless otherwise provided in this chapter, the council must operate according to statutes governing independent school districts.

Subd. 3. **This chapter prevails.** If there is a conflict between the code or other law and this chapter, this chapter prevails.

History: 1973 c 683 s 26 subd 12; 1Sp1985 c 12 art 7 s 32; 1989 c 220 s 3

128B.07 PRETRANSFER OBLIGATIONS STAY WITH DISTRICT 309.

A claim against, or a contract obligation of, the school board of independent school district No. 309 arising before the effective date of the transfer to the council remains the responsibility of independent school district No. 309.

History: 1973 c 683 s 26 subd 15; 1Sp1985 c 12 art 7 s 32; 1989 c 220 s 3

128B.08 REPORTS TO LEGISLATURE.

Before December 1 of each year the council must submit a report to the legislature on the experimental school established by this chapter. The report must document the success or failure of the experimental school.

History: 1973 c 683 s 26 subd 17; 1975 c 432 s 88; 1977 c 447 art 7 s 28; 1981 c 358 art 6 s 42; 1Sp1985 c 12 art 7 s 32; 1989 c 220 s 3

128B.09 END OF EXPERIMENT; TRANSFER BACK TO DISTRICT 309.

At any time before July 1, 1991, the experimental status of the school may be ended on unanimous vote of the officers of the council and 30 days' notice to the school board of independent school district No. 309. Then the school board of independent school district No. 309 must resume management of the entire district on the next July 1.

History: 1973 c 683 s 26 subd 17; 1975 c 432 s 88; 1977 c 447, art 7 s 28; 1981 c 358 art 6 s 42; 1Sp1985 c 12 art 7 s 26,32; 1989 c 220 s 3; 1989 c 221 s 1

128B.10 REPEALER.

Subdivision 1. **Extension.** This chapter is repealed July 1, 1991.

Subd. 2. **State audit.** The state auditor shall conduct an audit of the school's finances for fiscal years 1989 and 1990. A preliminary or, if completed, a final report for fiscal year 1989 shall be submitted by February 15, 1990, to the White Earth reservation tribal council, the Pine Point Indian education committee, and the education committees of the legislature.

Subd. 3. **Evaluation.** The department of education shall conduct a management and program evaluation of the school and make recommendations about continuing the school. The council shall cooperate with and make available any information requested by the department. The evaluation and recommendations shall be submitted to the education committees of the legislature by January 1, 1991.

History: 1973 c 683 s 26 subd 17; 1Sp1985 c 12 art 7 s 26,32; 1989 c 221 s 2