

CHAPTER 136D

INTERMEDIATE SCHOOL DISTRICTS

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NOTE: Chapter 136D expires July 1, 1995. See Laws 1992, chapter 499, article 6, section 39, subdivision 3.

INTERMEDIATE SCHOOL DISTRICT NUMBER 287, HENNEPIN AND WRIGHT COUNTIES

136D.21 LISTED DISTRICTS, JOINT TECHNICAL COLLEGES.

Two or more of the independent school districts numbered 270, 271, 272, 273, 276, 277, 278, 279, 280, 281, 282, 283, 284, and 286, Hennepin county, 879, Hennepin and Wright counties, and 883, Wright county, whether or not contiguous, may enter into agreements to accomplish jointly and cooperatively the acquisition, betterment, construction, maintenance, and operation of technical colleges and the provision of facilities for and instruction in special education, and driving of motor vehicles. Each school district which becomes a party to such an agreement is hereinafter referred to as a "participating school district." The agreement may provide for the exercise of such powers by the school board of one of the school districts on behalf of and for the benefit of other school districts, or by a joint school board created as set forth in sections 136D.21 to 136D.31. If the powers are to be carried out by one of the school districts, it shall in doing so have the same powers and duties and be subject to the same limitations as are herein provided for joint school boards.

History: 1967 c 822 s 1; 1969 c 945 s 1; 1971 c 146 s 1; 1981 c 358 art 7 s 27; 1984 c 463 art 7 s 53 subd 1; 1987 c 258 s 12; 1989 c 246 s 2

NOTE: Independent school districts Nos. 716, 717, 719, 720, 721, and 394 may join district 287. See Laws 1971, chapter 209.

136D.22 JOINT SCHOOL BOARD, MEMBERS, BYLAWS.

Subdivision 1. Board. The agreement shall provide for a joint school board representing the parties to the agreement. The agreement shall specify the name of the board, the number and manner of election or appointment of its members, their terms and qualifications, and other necessary and desirable provisions.

Subd. 2. Bylaws. The board may adopt bylaws specifying the duties and powers

of its officers and the meeting dates of the board, and containing such other provisions as may be usual and necessary for the efficient conduct of the business of the board.

Subd. 3. Limitation on membership. (a) No school district shall be required to be a participating district in an intermediate school district for a time period longer than that set forth in this subdivision. Any agreement, part of an agreement, or other type of requirement to the contrary is void.

(b) To withdraw from an intermediate district, a school board shall adopt a resolution and notify the intermediate board of its decision on or before February 1 of any year. Withdrawal shall be effective June 30 of the following fiscal year, unless the withdrawing school district and the intermediate district agree to a different date. The intermediate board shall file a copy of the withdrawal resolution with the county auditors of the counties in which the intermediate district is located in whole or in part.

(c) In addition to the requirements of section 136D.281, before issuing bonds or incurring other debt, the board of an intermediate district shall adopt a resolution proposing to issue bonds or incur other debt and the proposed financial effect of the bonds or other debt upon each participating school district. The resolution shall be adopted within a time sufficient to allow the school board to adopt a resolution within the time permitted by this subdivision and before any election required by chapter 475 is conducted. The resolution shall also be adopted within a time sufficient to allow the intermediate board and the school board of a participating district to comply with the statutory deadlines set forth in sections 122.895, 125.12, and 125.17. The intermediate board shall notify each school board of a participating school district of the contents of the resolution. Within 60 days of receiving the resolution of the intermediate board, the school board of the participating district shall adopt a resolution stating:

- (1) its concurrence with issuing bonds or incurring other debt; or
- (2) its intention to withdraw from the intermediate district.

A school board adopting a resolution according to clause (1) is liable for its share of bonded indebtedness or other debt as proposed by the board of the intermediate district. A school board adopting a resolution according to clause (2) is not liable for the bonded indebtedness or other debt as proposed by the board of the intermediate district. Failure of a school board to adopt a resolution within the required time period shall constitute concurrence with issuing bonds or incurring other debt.

(d) Except as provided in paragraph (c), a school district that withdraws from the intermediate district remains liable for its share of bonded indebtedness or other debt incurred by the intermediate district. The school district has continued liability only until the bonds are retired or the debt is discharged and only according to the payment schedule in effect at the time the school board provides notice of withdrawal to the intermediate district, except that the payment schedule may be altered for the purpose of refunding the outstanding bonds or restructuring other debt.

(e) For the purposes of this subdivision, "other debt" means a contractual obligation for which the intermediate district does not have specific authority to levy, except for the levy authorized for special education and secondary vocational education according to section 124.2727, and for which money is not appropriated in the current year's budget. It includes tax and aid anticipation certificates of indebtedness and warrants; however, the procedures for the issuance of tax and aid anticipation certificates and warrants shall be the same as those provided in chapters 124 and 475.

History: 1967 c 822 s 2; 1984 c 463 art 7 s 53 subd 1; 1989 c 329 art 9 s 17; 1991 c 265 art 6 s 47; 1992 c 499 art 6 s 21,22

136D.23 STATUS OF JOINT SCHOOL BOARD.

Subdivision 1. Public agency. The joint school board shall be a public agency of the participating school districts and may receive and disburse federal and state funds made available to it or to the participating school districts, including moneys described in section 136C.07.

Subd. 2. Liability. Except as to certificates of indebtedness or bonds issued under

sections 136D.27 and 136D.28 hereof, no participating school district shall have individual liability for the debts and obligations of the board nor shall any individual serving as a member of the board have such liability.

Subd. 3. **Tax exempt.** Any properties, real or personal, acquired, owned, leased, controlled, used, or occupied by the board for its purposes shall be exempt from taxation by the state or any of its political subdivisions.

History: 1967 c 822 s 3; 1984 c 463 art 7 s 53 subd 1

136D.24 JOINT BOARD HAS ALL POWERS OF MEMBER DISTRICTS.

To effectuate the agreement, the joint school board shall have all the powers granted by law to any or all of the participating school districts.

History: 1967 c 822 s 4; 1984 c 463 art 7 s 53 subd 1

136D.25 AGREEMENT APPROVAL, NOTICE, PETITION, REFERENDUM.

Subdivision 1. **Resolution.** The agreement shall, before it becomes effective, be approved by a resolution adopted by the school board of each school district named therein.

Subd. 2. **When effective.** Each such resolution shall be published once in a newspaper published in such district, if there is one, or in a newspaper having general circulation in such district, and shall become effective 30 days after such publication, unless within such period a petition for referendum on the resolution shall be filed with the school board, signed by qualified voters of the school district equal in number to five percent of the number of voters voting at the last annual school district election. In such case the resolution shall not become effective until approved by a majority of the voters voting thereon at a regular or special election. The agreement may provide conditions under which it shall become effective even though not approved in all districts.

History: 1967 c 822 s 5; 1984 c 463 art 7 s 53 subd 1

136D.26 DISTRICT CONTRIBUTIONS, DISBURSEMENTS, CONTRACTS.

In addition to or in lieu of the certification of tax levies by the joint school board under section 136D.27, the participating school districts may contribute funds to the board. Disbursements shall be made by the board in accordance with section 123.34. This board shall be subject to section 123.37.

History: 1967 c 822 s 6; 1984 c 463 art 7 s 53 subd 1

136D.27 STATE AIDS AND LEVIES.

Subdivision 1. [Repealed, 1991 c 265 art 6 s 67]

Subd. 2. **Prohibited levies.** Notwithstanding section 136D.24 or any other law to the contrary, the joint school board may not certify, either itself, to any participating district, or to any cooperating school district, any levies for any purpose, except the levies authorized by sections 124.2727, 124.83, subdivision 4, 127.05, 136C.411, 275.48, and 475.61, and for the joint school board's obligations under section 268.06, subdivision 25, for which a levy is authorized by section 124.912, subdivision 1.

Subd. 3. **Prohibited state aids.** Notwithstanding section 136D.24 or any law to the contrary, the department of education shall not pay, unless explicitly authorized by statute, any state aid, grant, credit, or other money to the joint school board, except the aid, credit, or money authorized by sections 121.201, 123.3514, 124.252, 124.32, 124.573, 124.574, and 124.646, 124.83, and chapter 273.

History: 1967 c 822 s 7; 1969 c 945 s 2; 1975 c 432 s 84; 1977 c 447 art 5 s 13; 1978 c 764 s 130; 1984 c 463 art 7 s 53 subd 1; 1987 c 398 art 3 s 32; 1988 c 486 s 79; 1988 c 718 art 6 s 16; 1988 c 719 art 5 s 84; 1989 c 209 art 2 s 13; 1989 c 329 art 6 s 44; 1990 c 604 art 8 s 3,4; 1991 c 130 s 37; 1992 c 499 art 12 s 20,29

NOTE: Laws 1969, chapter 945, section 3 followed this section in the uncoded law until repealed by Laws 1975, chapter 432, section 98.

136D.28 [Repealed, 1991 c 265 art 6 s 67]

136D.281 BONDS.

Subdivision 1. **Purpose.** The intermediate school board, acting in its own behalf, may issue bonds for the acquisition and betterment of school facilities or equipment or for the funding or refunding of outstanding bonds, warrants, orders, or certificates of indebtedness.

Subd. 2. **General law.** Chapter 475 shall be applicable in all respects.

Subd. 3. **Resolution.** The purpose and the amount of any borrowing shall first be approved by resolution of the school board of the intermediate school district. When the resolution has been adopted by the intermediate school board it shall be published once in a newspaper of general circulation in said district.

Subd. 4. **Referendum.** The intermediate school board shall not sell and issue bonds for acquisition or betterment purposes until the question of their issuance has been submitted to the voters of the intermediate school district at a special election held in and for the intermediate district. The date of the election, the question to be submitted, and all other necessary conduct of the election shall be fixed by the intermediate school board. The election shall be conducted and canvassed under the direction of the intermediate school board in accordance with chapter 205A, insofar as applicable.

If a majority of the total number of votes cast on the question within the intermediate school district is in favor of the question, the intermediate school board may proceed with the sale and issuance of the bonds.

Subd. 5. **General obligation bonds.** The full faith, credit, and unlimited taxing powers of the intermediate school district shall be pledged to the payment of all bonds and certificates of indebtedness, and none of the obligations shall be included in the net debt of any participating school district as defined by section 475.51, subdivision 4, or any other similar law.

Subd. 6. **Levies for payment.** The intermediate school board upon awarding a contract for the sale of the bonds shall certify to the county auditor or county auditors the years and amounts of taxes required to be levied for the payment of the bonds as provided by section 475.61. The county auditor shall cause taxes to be spread in each year until bonds and interest have been paid upon all of the assessable, taxable valuation of the intermediate school district.

Subd. 7. **Tax exempt securities.** In all other respects chapter 475 shall apply and the bonds shall be deemed authorized securities within the provisions of section 50.14 and shall be deemed instruments of a public governmental agency.

History: 1991 c 265 art 6 s 48

136D.29 TERM OF AGREEMENT; DISSOLUTION, BOND TAXES.

The agreement shall state the term of its duration and may provide for the method of termination and distribution of assets after payment of all liabilities of the joint school board. No termination shall affect the obligation to continue to levy taxes required for payment of any bonds issued before termination.

History: 1967 c 822 s 9; 1984 c 463 art 7 s 53 subd 1; 1991 c 265 art 6 s 49

136D.30 [Repealed, 1991 c 265 art 6 s 67]

136D.31 NON-POST-SECONDARY PROGRAMS; LICENSED DIRECTION.

The board may also provide any other educational programs or other services requested by a participating district. However, these programs and services may not be post-secondary programs or services. Academic offerings shall be provided only under the direction of properly licensed academic supervisory personnel.

History: 1983 c 314 art 7 s 37; 1984 c 463 art 7 s 53 subd 1

**INTERMEDIATE SCHOOL DISTRICT NUMBER 916, ANOKA, RAMSEY,
AND WASHINGTON COUNTIES****136D.71 LISTED DISTRICTS MAY FORM INTERMEDIATE DISTRICT.**

Subdivision 1. **Agreement.** Notwithstanding any other law to the contrary, two or more of the independent school districts numbered 12 and 16 of Anoka county, independent school districts numbered 621, 622, 623, and 624 of Ramsey county, and independent school districts numbered 832, 833, and 834 of Washington county, are hereby authorized to enter into an agreement to establish a special intermediate school district upon majority vote of the full membership of each of the boards of the districts entering into the agreement. When such resolution has been adopted by the board of one of the districts, it shall be published once in a newspaper of general circulation in said district. If a petition for referendum on the question of said district entering into such agreement is filed with the clerk of the said board within 60 days after publication of such resolution, signed by the qualified voters of said district equal to five percent of the number of voters at the last annual school election. No board shall enter into such agreement until the question of whether the district shall enter into the agreement has been submitted to the voters of said district at a special election. Said election shall be conducted and canvassed in accordance with chapter 205A.

If a majority of the total number of votes cast on the question within said district is in favor of the question, the board of said school district may thereupon proceed to enter into an agreement to establish the special intermediate school district for purposes herein described. Such school district so created shall be known as northeastern metropolitan intermediate school district, state of Minnesota. The commissioner of education shall assign an appropriate identification number as provided by section 122.03.

Subd. 2. **Limitation on membership.** (a) No school district shall be required to be a participating district in an intermediate school district for a time period longer than that set forth in this subdivision. Any agreement, part of an agreement, or other type of requirement to the contrary is void.

(b) To withdraw from an intermediate district, a school board shall adopt a resolution and notify the intermediate board of its decision on or before February 1 of any year. Withdrawal shall be effective June 30 of the following fiscal year, unless the withdrawing school district and the intermediate district agree to a different date. The intermediate board shall file a copy of the withdrawal resolution with the county auditors of the counties in which the intermediate district is located in whole or in part.

(c) In addition to the requirements of section 136D.741, before issuing bonds or incurring other debt, the board of an intermediate district shall adopt a resolution proposing to issue bonds or incur other debt and the proposed financial effect of the bonds or other debt upon each participating school district. The resolution shall be adopted within a time sufficient to allow the school board to adopt a resolution within the time permitted by this subdivision and before any election required by chapter 475 is conducted. The resolution shall also be adopted within a time sufficient to allow the intermediate board and the school board of a participating district to comply with the statutory deadlines set forth in sections 122.895, 125.12, and 125.17. The intermediate board shall notify each school board of a participating school district of the contents of the resolution. Within 60 days of receiving the resolution of the intermediate board, the school board of the participating district shall adopt a resolution stating:

- (1) its concurrence with issuing bonds or incurring other debt; or
- (2) its intention to withdraw from the intermediate district.

A school board adopting a resolution according to clause (1) is liable for its share of bonded indebtedness or other debt as proposed by the board of the intermediate district. A school board adopting a resolution according to clause (2) is not liable for the bonded indebtedness or other debt as proposed by the board of the intermediate district. Failure of a school board to adopt a resolution within the required time period shall constitute concurrence with issuing bonds or incurring other debt.

(d) Except as provided in paragraph (c), a school district that withdraws from the intermediate district remains liable for its share of bonded indebtedness or other debt incurred by the intermediate district. The school district has continued liability only until the bonds are retired or the debt is discharged and only according to the payment schedule in effect at the time the school board provides notice of withdrawal to the intermediate district, except that the payment schedule may be altered for the purpose of refunding the outstanding bonds or restructuring other debt.

(e) For the purposes of this subdivision, "other debt" means a contractual obligation for which the intermediate district does not have specific authority to levy, except for the levy authorized for special education and secondary vocational education according to section 124.2727, and for which money is not appropriated in the current year's budget. It includes tax and aid anticipation certificates of indebtedness and warrants; however, the procedures for the issuance of tax and aid anticipation certificates and warrants shall be the same as those provided in chapters 124 and 475.

History: 1969 c 775 s 1; 1971 c 267 s 1; 1984 c 463 art 7 s 53 subd 1; 1987 c 398 art 3 s 33; 1989 c 209 art 2 s 14; 1991 c 265 art 6 s 50; 1992 c 499 art 6 s 23

136D.72 GOVERNING BOARD.

Subdivision 1. Members. The district shall be operated by a school board consisting of at least one member from each of the school districts within the special intermediate school district. Board members shall be appointed by their respective school boards. Members shall serve at the pleasure of their respective school boards and may be subject to recall by a majority vote of the school board. They shall report at least quarterly to their boards on the activities of the intermediate district.

Subd. 2. Terms. The terms of the members of the first school board shall, as nearly as possible, consist of one-third of the members for one year, one-third of the members for two years, and one-third of the members for three years. The members of the first board shall determine by lot which length of term each member of the first board shall be assigned. Terms of office of the members of the board shall expire on June 30. Thereafter the terms of office of board members shall be for three years commencing on July 1 of each year. If a vacancy occurs on the board, it shall be filled by the appropriate school board. A person appointed to the board shall qualify as a board member by filing with the chief executive officer thereof a written certificate of appointment from the appointing school board.

Subd. 3. Annual meeting. The first meeting of the first school board shall be at such time mutually agreed to by the members appointed by the participating school districts. Thereafter the school board shall meet in July of each year when notified of such meeting by the chief executive officer of the intermediate school district. At such first meeting, the officers of the intermediate school district for the current year shall be chosen and such other organizational business as may be necessary shall be conducted.

Subd. 4. Officers, duties. The officers shall be a chair, vice-chair, clerk and treasurer, no two of whom shall be from the same school district. The chair shall preside at all meetings of the intermediate board and in the chair's absence the vice-chair shall preside. The clerk shall keep a complete record of the minutes of each meeting, and the treasurer shall be the custodian of the funds of said district. Insofar as applicable, sections 123.33 and 123.34 shall apply to the board and officers of said district.

Subd. 5. Voting. Each participating school district shall have at least one vote. A majority of the intermediate school district board shall be a quorum although a smaller number may adjourn from time to time. Any motion other than adjournment shall be favored by a majority of the voting power of the intermediate school board in order to prevail.

History: 1969 c 775 s 2; 1973 c 110 s 1; 1984 c 463 art 7 s 53 subd 1; 1986 c 444; 1989 c 329 art 9 s 18; 1991 c 265 art 6 s 51; 1992 c 499 art 6 s 24

136D.73 POWERS AND DUTIES.

Subdivision 1. **In general.** The intermediate school board shall have the general charge of the business of the district, the schoolhouses, and the interest of the schools thereof.

Subd. 2. **Vocational, special, other education.** It shall be the duty and the function of the intermediate district to furnish to every person eligible therefor residing in any part of such district and such other resident of the state as provided by law the following:

(a) technical college facilities and instruction in vocational technical education; and

(b) facilities for and instruction in special education.

The board may also provide any other educational programs or other services requested by a participating district. However, these programs and services may not be post-secondary programs or services. Academic offerings shall be provided only under the direction of properly licensed academic supervisory personnel.

Subd. 3. **Tax levy.** The board shall provide by levy of taxes necessary funds for the conduct of the schools, payment of indebtedness, and all other proper expenses of the district.

Subd. 4. **Contracts.** The board shall employ and contract with necessary qualified teachers and administrators and may discharge the same for cause. The board may employ and discharge other necessary employees and may contract for other services deemed necessary.

Subd. 4a. **Vocational program.** The board shall provide an educational program for high school, post high school, and adult vocational phases of instruction.

Subd. 4b. **High school program.** The high school phase of its educational program shall be offered in conjunction with the comprehensive curriculum offered by each of the component school districts. Graduation shall be from the student's home high school as shall be determined by the governing body of a participating school district.

Subd. 4c. **Applicable law.** Insofar as applicable, sections 123.35 to 123.40 shall apply.

Subd. 5. **Tuition.** The board may, in its discretion, prescribe rates of tuition for attendance at its schools.

History: 1969 c 775 s 4; 1971 c 267 s 2; 1983 c 314 art 7 s 38; 1984 c 463 art 7 s 53 subd 1; 1987 c 258 s 12; 1989 c 246 s 2

136D.74 STATUS OF INTERMEDIATE BOARD.

Subdivision 1. **Public agency.** The intermediate school board shall be a public agency and may receive and disburse federal and state funds made available to it.

Subd. 1a. **Liability.** No participating school district as such shall have any individual liability for the debts or obligations of said intermediate school district nor shall any individual serving as a member of the intermediate school board have such liability.

Subd. 1b. **Tax exempt.** Any property, real or personal, acquired, owned, leased, used, or controlled in any way by the intermediate board for its purposes shall be exempt from taxation by the state or any of its political subdivisions.

Subd. 2. [Repealed, 1991 c 265 art 6 s 67]

Subd. 2a. **Prohibited levies.** Notwithstanding subdivision 4, section 136D.73, subdivision 3, or any other law to the contrary, the intermediate school board may not certify, either itself, to any participating district, or to any cooperating school district, any levies for any purpose, except the levies authorized by sections 124.2727, 124.83, subdivision 4, 127.05, 136C.411, 275.48, and 475.61, and for the intermediate school board's obligations under section 268.06, subdivision 25, for which a levy is authorized by section 124.912, subdivision 1.

Subd. 2b. **Prohibited state aids.** Notwithstanding subdivision 4 or any law to the

contrary, the department of education shall not pay, unless explicitly authorized, any state aid, grant, credit, or other money to the intermediate school board, except the aid, credit, or money authorized by sections 121.201, 123.3514, 124.252, 124.32, 124.573, 124.574, and 124.646, 124.83, and chapter 273.

Subd. 3. [Repealed, 1992 c 499 art 6 s 39; 1992 c 603 s 10]

Subd. 4. **Applicable laws.** In all other respects not inconsistent with section 136D.741, chapters 124 and 136C, relating to school taxes funds and aids shall be applicable to said intermediate school district, and the provisions and reimbursements of Extra Session Laws 1967, chapter 32, shall also be applicable.

History: 1969 c 775 s 4; 1971 c 267 s 3; 1974 c 432 s 85; 1977 c 447 art 5 s 14; 1978 c 764 s 131,132; 1984 c 463 art 7 s 53 subd 1; 1Sp1986 c 3 art 1 s 19; 1987 c 398 art 3 s 34; 1988 c 486 s 80; 1988 c 718 art 6 s 17,18; 1988 c 719 art 5 s 84; 1989 c 209 art 2 s 15; 1989 c 329 art 6 s 45; 1990 c 604 art 8 s 5,6; 1991 c 130 s 37; 1992 c 499 art 12 s 21,29

136D.741 BONDS.

Subdivision 1. **Purpose.** The intermediate school board, acting in its own behalf, may issue bonds for the acquisition and betterment of school facilities or equipment or for the funding or refunding of outstanding bonds, warrants, orders, or certificates of indebtedness.

Subd. 2. **Chapter 475 applies.** Chapter 475 shall be applicable in all respects.

Subd. 3. **Resolution.** The purpose and the amount of any borrowing shall first be approved by resolution of the school board of the intermediate school district. When such resolution has been adopted by the intermediate school board it shall be published once in a newspaper of general circulation in said district.

Subd. 4. **Referendum.** The intermediate school board shall not sell and issue bonds for acquisition or betterment purposes until the question of their issuance has been submitted to the voters of the intermediate school district at a special election held in and for such intermediate district. The date of such election, the question to be submitted, and all other necessary conduct of such election shall be fixed by the intermediate school board and said election shall be conducted and canvassed under the direction of the intermediate school board in accordance with chapter 205A, insofar as the same may be deemed applicable.

If a majority of the total number of votes cast on the question within the intermediate school district is in favor of the question, the intermediate school board may thereupon proceed with the sale and the issuance of said bonds.

Subd. 5. **Payment.** The full faith, credit and unlimited taxing powers of the intermediate school district shall be pledged to the payment of all bonds and certificates of indebtedness, and none of such obligations shall be included in the net debt of any participating school district as defined by section 475.51, subdivision 4, or any other law similar thereto.

Subd. 6. **Tax for.** The intermediate school board upon awarding a contract for the sale of such bonds shall certify to the county auditor or county auditors the years and amounts of taxes required to be levied for the payment of such bonds as provided by section 475.61. The county auditor shall cause such taxes to be spread in each year until bonds and interest have been paid upon all of the assessable, taxable valuation of said intermediate school district.

Subd. 7. **Tax exempt securities.** In all other respects chapter 475, shall apply and said bonds shall be deemed authorized securities within the provisions of section 50.14, and shall be deemed instruments of a public governmental agency.

History: 1969 c 775 s 4; 1974 c 521 s 10; 1984 c 463 art 7 s 53 subd 1; 1985 c 210 art 1 s 4; 1989 c 209 art 2 s 16

136D.75 STATE BOARD APPROVAL TO RUN TECHNICAL COLLEGE, ISSUE BONDS.

Prior to the commencement of the operation of any technical college, the intermediate school board shall obtain the approval of the state board of education. Prior to the issuance of any bonds contemplated by sections 136D.71 to 136D.77 for post-secondary technical education, written approval by the state board of technical colleges shall be obtained.

History: 1969 c 775 s 5; 1984 c 463 art 7 s 53 subd 1; 1987 c 258 s 12; 1989 c 246 s 2; 1992 c 499 art 6 s 25

136D.76 GENERAL DISTRICT LAW APPLIES; JOINDER, WITHDRAWAL.

Subdivision 1. Independent district law. As of the effective date of the creation of the special intermediate school district contemplated by this act as contained in the agreement establishing such district, the organization, operation, maintenance, and conduct of the affairs of such district shall be governed by the general laws relating to independent school districts of the state of Minnesota unless otherwise provided herein or otherwise hereafter provided by statute.

Subd. 2. Joinder. Upon approval of the majority vote of the school district board and of the intermediate school board and without the requirement for an election, independent school district No. 138 of Chisago and Isanti counties and independent school district No. 141 of Chisago and Washington counties, and any other independent school district adjoining the territory embraced in the intermediate school district may become a participant in the intermediate school district and be governed by the provisions of sections 136D.71 to 136D.77 thereafter. The net tax capacity of the property within the geographic confines of such district shall become proportionately liable for any indebtedness issued, outstanding or authorized of the intermediate school district.

Subd. 3. [Repealed, 1991 c 265 art 6 s 67 subd 1; 1992 c 363 art 2 s 1; 1992 c 499 art 6 s 39; 1992 c 603 s 10]

History: 1969 c 775 s 6; 1984 c 463 art 7 s 53 subd 1; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20; 1991 c 265 art 6 s 52; 1992 c 499 art 6 s 26

136D.77 HECB REVIEW.

A technical college may be established in accordance with sections 136D.71 to 136D.77 only if its location is reviewed by the higher education coordinating board.

History: 1969 c 775 s 7; 1975 c 271 s 6; 1984 c 463 art 7 s 53 subd 1; 1987 c 258 s 12; 1989 c 246 s 2

INTERMEDIATE SCHOOL DISTRICT NUMBER 917, DAKOTA COUNTY**136D.81 DAKOTA AND GOODHUE COUNTY DISTRICTS, JOINT TECHNICAL COLLEGE.**

Subdivision 1. Agreements. Two or more of the special school district numbered 6 and the independent school districts numbered 191, 192, 194, 195, 196, 197, 199, 200, 252, and 256, located wholly or partly in the counties of Dakota or Goodhue, whether or not contiguous, may enter into agreements to accomplish jointly and cooperatively the acquisition, betterment, construction, maintenance, and operation of technical colleges. Each school district which becomes a party to such an agreement is hereinafter referred to as a "participating school district." The agreement may provide for the exercise of such powers by the school board of one of the school districts on behalf of and for the benefit of other school districts, or by a joint school board created as set forth in sections 136D.81 to 136D.92. If the powers are to be carried out by one of the school districts, it shall in doing so have the same powers and duties and be subject to the same limitations as are herein provided for joint school boards.

Subd. 2. HECB review. No technical college shall be constructed pursuant to sections 136D.81 to 136D.92 until the location of such technical college and its program

is first submitted for review and recommendation by the Minnesota higher education coordinating board.

History: 1969 c 1060 s 1; 1975 c 271 s 6; 1984 c 463 art 7 s 53 subd 1; 1987 c 258 s 12; 1988 c 718 art 7 s 54; 1989 c 246 s 2

NOTE: Independent school districts Nos. 716, 717, 719, 720, 721, and 394 may join district 917. See Laws 1971, chapter 209. Independent school district No. 659 may join district 917. See Laws 1973, chapter 746.

136D.82 BOARD, BYLAWS, DISTRICT PARTICIPATION AND SUPPORT.

Subdivision 1. Board. The agreement shall provide for a joint school board representing the parties to the agreement. The agreement shall specify the name of the board, the number and manner of election or appointment of its members, their terms and qualifications, and other necessary and desirable provisions.

Subd. 2. Bylaws. The board may adopt bylaws specifying the duties and powers of its officers and the meeting dates of the board, and containing such other provisions as may be usual and necessary for the efficient conduct of the business of the board.

Subd. 3. Limitation on membership. (a) No school district shall be required to be a participating district in an intermediate school district for a time period longer than that set forth in this subdivision. Any agreement, part of an agreement, or other type of requirement to the contrary is void.

(b) To withdraw from an intermediate district, a school board shall adopt a resolution and notify the intermediate board of its decision on or before February 1 of any year. Withdrawal shall be effective June 30 of the following fiscal year, unless the withdrawing school district and the intermediate district agree to a different date. The intermediate board shall file a copy of the withdrawal resolution with the county auditors of the counties in which the intermediate district is located in whole or in part.

(c) In addition to the requirements of section 136D.88, before issuing bonds or incurring other debt, the board of an intermediate district shall adopt a resolution proposing to issue bonds or incur other debt and the proposed financial effect of the bonds or other debt upon each participating school district. The resolution shall be adopted within a time sufficient to allow the school board to adopt a resolution within the time permitted by this subdivision and before any election required by chapter 475 is conducted. The resolution shall also be adopted within a time sufficient to allow the intermediate board and the school board of a participating district to comply with the statutory deadlines set forth in sections 122.895, 125.12, and 125.17. The intermediate board shall notify each school board of a participating school district of the contents of the resolution. Within 60 days of receiving the resolution of the intermediate board, the school board of the participating district shall adopt a resolution stating:

- (1) its concurrence with issuing bonds or incurring other debt; or
- (2) its intention to withdraw from the intermediate district.

A school board adopting a resolution according to clause (1) is liable for its share of bonded indebtedness or other debt as proposed by the board of the intermediate district. A school board adopting a resolution according to clause (2) is not liable for the bonded indebtedness or other debt as proposed by the board of the intermediate district. Failure of a school board to adopt a resolution within the required time period shall constitute concurrence with issuing bonds or incurring other debt.

(d) Except as provided in paragraph (c), a school district that withdraws from the intermediate district remains liable for its share of bonded indebtedness or other debt incurred by the intermediate district. The school district has continued liability only until the bonds are retired or the debt is discharged and only according to the payment schedule in effect at the time the school board provides notice of withdrawal to the intermediate district, except that the payment schedule may be altered for the purpose of refunding the outstanding bonds or restructuring other debt.

(e) For the purposes of this subdivision, "other debt" means a contractual obligation for which the intermediate district does not have specific authority to levy, except for the levy authorized for special education and secondary vocational education

according to section 124.2727, and for which money is not appropriated in the current year's budget. It includes tax and aid anticipation certificates of indebtedness and warrants; however, the procedures for the issuance of tax and aid anticipation certificates and warrants shall be the same as those provided in chapters 124 and 475.

History: 1969 c 1060 s 2; 1984 c 463 art 7 s 53 subd 1; 1989 c 329 art 9 s 19; 1991 c 265 art 6 s 53; 1992 c 499 art 6 s 27,28

136D.83 STATUS OF JOINT SCHOOL BOARD.

Subdivision 1. **Public agency.** The joint school board shall be a public agency of the participating school districts and may receive and disburse federal and state funds made available to it or to the participating school districts, including moneys described in section 136C.07.

Subd. 2. **Liability.** Except as to certificates of indebtedness or bonds issued under section 136D.87 or 136D.89 hereof, no participating school district shall have individual liability for the debts and obligations of the board nor shall any individual serving as a member of the board have such liability.

Subd. 3. **Tax exempt.** Any properties, real or personal, acquired, owned, leased, controlled, used, or occupied by the board for its purposes shall be exempt from taxation by the state or any of its political subdivisions.

History: 1969 c 1060 s 3; 1984 c 463 art 7 s 53 subd 1

136D.84 JOINT BOARD HAS ALL POWERS OF MEMBER DISTRICTS.

To effectuate the agreement, the joint school board shall have all the powers granted by law to any or all of the participating school districts.

History: 1969 c 1060 s 4; 1984 c 463 art 7 s 53 subd 1

136D.85 AGREEMENT APPROVAL, NOTICE, PETITION, REFERENDUM.

Subdivision 1. **Resolution.** The agreement shall, before it becomes effective, be approved by a resolution adopted by the school board of each school district named therein.

Subd. 2. **When effective.** Each such resolution shall be published once in a newspaper published in such district, if there is one, or in a newspaper having general circulation in such district, and shall become effective 30 days after such publication, unless within such period a petition for referendum on the resolution shall be filed with the school board, signed by qualified voters of the school district equal in number to five percent of the number of voters voting at the last annual school district election. In such case the resolution shall not become effective until approved by a majority of the voters voting thereon at a regular or special election. The agreement may provide conditions under which it shall become effective even though not approved in all districts.

History: 1969 c 1060 s 5; 1984 c 463 art 7 s 53 subd 1

136D.86 DISTRICT CONTRIBUTIONS, DISBURSEMENTS, CONTRACTS.

In addition to or in lieu of the certification of tax levies by the joint school board under section 136D.87, the participating school districts may contribute funds to the board. Disbursements shall be made by the board in accordance with section 123.34. This board shall be subject to section 123.37.

History: 1969 c 1060 s 6; 1984 c 463 art 7 s 53 subd 1

136D.87 TAX LEVIES, CERTIFICATES OF INDEBTEDNESS.

Subdivision 1. [Repealed, 1991 c 265 art 6 s 67]

Subd. 2. **Prohibited levies.** Notwithstanding section 136D.84 or any other law to the contrary, the joint school board may not certify, either itself, to any participating district, or to any cooperating school district, any levies for any purpose, except the levies authorized by sections 124.2727, 124.83, subdivision 4, 127.05, 136C.411, 275.48,

and 475.61, and for the joint school board's obligations under section 268.06, subdivision 25, for which a levy is authorized by section 124.912, subdivision 1.

Subd. 3. Prohibited state aids. Notwithstanding section 136D.24 or any law to the contrary, the department of education shall not pay, unless explicitly authorized, any state aid, grant, credit, or other money to the joint school board, except for aid, credit, or money authorized by sections 121.201, 123.3514, 124.252, 124.32, 124.573, 124.574, and 124.646, 124.83, and chapter 273.

History: 1969 c 1060 s 7; 1975 c 432 s 86; 1977 c 447 art 5 s 15; 1978 c 764 s 133; 1984 c 463 art 7 s 53 subd 1; 1987 c 398 art 3 s 35; 1988 c 486 s 81; 1988 c 718 art 6 s 19; 1988 c 719 art 5 s 84; 1989 c 209 art 2 s 17; 1989 c 329 art 6 s 46; 1990 c 604 art 8 s 7,8; 1991 c 130 s 37; 1992 c 499 art 12 s 22,29

NOTE: Laws 1969, chapter 1060, section 8 followed this section in the uncoded law until repealed by Laws 1975, chapter 432, section 98.

136D.88 BONDS.

Subdivision 1. Purpose. The intermediate school board, acting in its own behalf, may issue bonds for the acquisition and betterment of school facilities or equipment or for the funding or refunding of outstanding bonds, warrants, orders, or certificates of indebtedness.

Subd. 2. General law. Chapter 475 shall be applicable in all respects.

Subd. 3. Resolution. The purpose and the amount of any borrowing shall first be approved by resolution of the school board of the intermediate school district. When the resolution has been adopted by the intermediate school board it shall be published once in a newspaper of general circulation in the district.

Subd. 4. Referendum. The intermediate school board shall not sell and issue bonds for acquisition or betterment purposes until the question of their issuance has been submitted to the voters of the intermediate school district at a special election held in and for the intermediate district. The date of the election, the question to be submitted, and all other necessary conduct of the election shall be fixed by the intermediate school board. The election shall be conducted and canvassed under the direction of the intermediate school board in accordance with chapter 205A, insofar as applicable.

If a majority of the total number of votes cast on the question within the intermediate school district is in favor of the question, the intermediate school board may thereupon proceed with the sale and issuance of the bonds.

Subd. 5. General obligation bonds. The full faith, credit, and unlimited taxing powers of the intermediate school district shall be pledged to the payment of all bonds and certificates of indebtedness, and none of the obligations shall be included in the net debt of any participating school district as defined by section 475.51, subdivision 4, or any other similar law.

Subd. 6. Levies for payment. The intermediate school board upon awarding a contract for the sale of the bonds shall certify to the county auditor or county auditors the years and amounts of taxes required to be levied for the payment of the bonds as provided by section 475.61. The county auditor shall cause taxes to be spread in each year until bonds and interest have been paid upon all of the assessable, taxable valuation of the intermediate school district.

Subd. 7. Tax exempt securities. In all other respects chapter 475 shall apply and the bonds shall be deemed authorized securities within the provisions of section 50.14, and shall be deemed instruments of a public governmental agency.

History: 1991 c 265 art 6 s 54

136D.89 [Repealed, 1991 c 265 art 6 s 67]

136D.90 DISSOLUTION, BOND TAXES.

Subdivision 1. Term of agreement and termination. The agreement shall state the term of its duration and may provide for the method of termination and distribution

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of assets after payment of all liabilities of the joint school board. No termination shall affect the obligation to continue to levy taxes required for payment of any bonds issued before termination.

Subd. 2. [Repealed, 1992 c 363 art 2 s 2; 1992 c 499 art 6 s 39; 1992 c 603 s 10]

History: 1969 c 1060 s 10; 1984 c 463 art 7 s 53 subd 1; 1991 c 265 art 6 s 55

136D.91 [Repealed, 1991 c 265 art 6 s 67]

136D.92 NON-POST-SECONDARY PROGRAMS, LICENSED DIRECTION.

Subdivision 1. **Programs.** The board may also provide any other educational programs or other services requested by a participating district. However, these programs and services may not be post-secondary programs or services.

Subd. 2. **Direction.** Academic offerings shall be provided only under the direction of properly licensed academic supervisory personnel.

History: 1983 c 314 art 7 s 39; 1984 c 463 art 7 s 53 subd 1