

## CHAPTER 128A

## ACADEMIES FOR THE DEAF AND BLIND

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**128A.01 LOCATION AND STATUS.**

Subdivision 1. **State schools at Faribault.** The Minnesota state academy for the deaf and the Minnesota state academy for the blind are residential schools in Faribault. They are public schools under sections 125.03 and 125.04 and state educational institutions.

Subd. 2. **Resource center.** The state academies are a resource center for school districts.

**History:** 1976 c 271 s 66; 1985 c 240 s 2; 1987 c 398 art 3 s 27; 1989 c 220 s 2

**128A.02 DUTIES OF STATE BOARD OF EDUCATION.**

Subdivision 1. **To manage.** The state board of education must manage the state academy for the deaf and the state academy for the blind.

Subd. 1a. [Repealed by amendment, 1989 c 220 s 2]

Subd. 2. **Rules.** The state board must adopt rules about the operation of the academies and about the individuals attending the academies.

Subd. 2a. [Renumbered subd 4]

Subd. 3. [Repealed by amendment, 1989 c 220 s 2]

Subd. 3. **Most beneficial, least restrictive.** The state board must do what is necessary to provide the most beneficial and least restrictive program of education for each pupil at the academies who is handicapped by visual disability or hearing impairment.

Subd. 3a. [Repealed by amendment, 1989 c 220 s 2]

Subd. 4. [Repealed by amendment, 1989 c 220 s 2]

Subd. 4. **Plan.** (a) The state board must have a two-year plan for the academies and must update it annually.

(b) The plan must deal with:

- (1) interagency cooperation;
- (2) financial accounting;
- (3) cost efficiencies;
- (4) staff development;
- (5) program and curriculum development;
- (6) use of technical assistance from the department;
- (7) criteria for program and staff evaluation;
- (8) pupil performance evaluation;
- (9) follow-up study of graduates;
- (10) implementing this chapter;
- (11) how to communicate with pupils' districts of residence; and
- (12) coordinating instructional and residential programs.

(c) The plan may deal with other matters.

Subd. 5. [Repealed by amendment, 1989 c 220 s 2]

Subd. 5. **Advisory council.** The state board must have, and appoint members to, an advisory council on management policies at the state academies.

Subd. 6. [Repealed by amendment, 1989 c 220 s 2]

Subd. 6. **Trustee of academies' property.** The state board is the trustee of the academies' property. Securities and money, including income from the property, must be deposited in the state treasury according to section 16A.275. The deposits are subject to the order of the state board.

**History:** 1975 c 271 s 6; 1976 c 222 s 27; 1976 c 271 s 67; 1977 c 447 art 3 s 10,11; 1977 c 449 s 13; 1978 c 764 s 95,96; 1979 c 334 art 3 s 17; 1982 c 424 s 130; 1982 c 560 s 46; 1985 c 240 s 3; 1987 c 384 art 1 s 55; art 2 s 1; 1987 c 398 art 3 s 28,29; 1989 c 220 s 2; 1991 c 265 art 11 s 11

### 128A.021 RESOURCE CENTER: HEARING AND VISUALLY IMPAIRED.

Subdivision 1. **Also for multiply disabled.** A resource center for the hearing-impaired, visually impaired, and multiply disabled pupils is established at the state academies.

Subd. 2. **Programs.** The resource center must offer summer institutes and like programs throughout the state for hearing-impaired, visually impaired, and multiply disabled pupils. The resource center must also offer workshops for teachers, and leadership development for teachers.

A program offered through the resource center must promote and develop education programs offered by school districts or other organizations. The program must assist school districts or other organizations to develop innovative programs.

Subd. 3. **Programs by nonprofits.** The resource center may contract to have non-profit organizations provide programs through the resource center.

Subd. 4. **Advisory council.** The advisory council for the academies is the advisory council for the resource center.

**History:** 1987 c 398 art 3 s 30; 1989 c 220 s 2; 1991 c 265 art 3 s 38

### 128A.022 POWERS OF STATE BOARD OF EDUCATION.

Subdivision 1. **Personnel.** The state board of education may employ central administrative staff members and other personnel necessary to provide and support programs and services in each academy.

Subd. 2. **Get help from department.** The state board may require the department of education to provide program leadership, program monitoring, and technical assistance at the academies.

Subd. 3. **Unclassified positions.** The state board may place any position other than residential academies administrator in the unclassified service. The position must meet the criteria in section 43A.08, subdivision 1a.

Subd. 4. **Residential and building maintenance services.** The state board may enter into agreements with public or private agencies or institutions to provide residential and building maintenance services. The state board must first decide that contracting for the services is more efficient and less expensive than not contracting for them.

Subd. 5. [Repealed, 1992 c 499 art 3 s 18; art 11 s 11]

Subd. 6. **Student teachers and professional trainees.** (a) The state board may enter into agreements with teacher-preparing institutions for student teachers to get practical experience at the academies. A licensed teacher must provide appropriate supervision of each student teacher.

(b) The state board may enter into agreements with accredited higher education institutions for certain student trainees to get practical experience at the academies. The students must be preparing themselves in a professional field that provides special services to children with a disability in school programs. To be a student trainee in a field, a person must have completed at least two years of an approved program in the

field. A person who is licensed or registered in the field must provide appropriate supervision of each student trainee.

Subd. 7. [Repealed, 1992 c 499 art 3 s 18; art 11 s 11]

**History:** 1989 c 220 s 2; 1991 c 265 art 3 s 38

### 128A.023 DUTIES OF STATE DEPARTMENTS.

Subdivision 1. **Department of education.** The department of education must assist the state board of education in preparing reports on the academies.

Subd. 2. **Department of employee relations.** The department of employee relations, in cooperation with the state board of education, must develop a statement of necessary qualifications and skills for all staff members of the academies.

**History:** 1989 c 220 s 2

### 128A.024 OBLIGATIONS OF THE ACADEMIES.

Subdivision 1. [Repealed, 1992 c 499 art 3 s 18; 499 art 11 s 11]

Subd. 2. **Various levels of service.** The academies must provide their pupils with the levels of service defined in rules of the state board.

Subd. 3. **Pupils' developmental needs.** The academies must deal with the developmental needs of their pupils.

Subd. 4. **Education with pupils without a disability.** The academies must provide opportunities for their pupils to be educated with pupils without a disability. A pupil's opportunities must be consistent with the pupil's individual education plan and assessment.

**History:** 1989 c 220 s 2; 1991 c 265 art 3 s 38; 1993 c 224 art 13 s 55

### 128A.025 STAFF OF THE ACADEMIES.

Subdivision 1. **Academies' administrator.** The position of the residential academies' administrator is in the unclassified service.

Subd. 2. **Teacher standards.** A teacher at the academies is subject to the standards of the board of teaching and the state board of education.

Subd. 3. **Instructional supervisors.** An instructional supervisor at the academy for the deaf or the academy for the blind must have appropriate post-secondary credits from a teacher education program for teachers of the deaf or teachers of the blind, respectively. An instructional supervisor must have experience working with pupils with a disability.

Subd. 4. **Signing skills.** A staff member at the academy for the deaf must have the sign language communication skills appropriate for the staff member's job.

Subd. 5. **Braille skills.** A staff member at the academy for the blind must be knowledgeable in Braille communication as appropriate for the staff member's job.

Subd. 6. **Permanent employees must sign or know Braille.** An employee hired after August 1, 1985, cannot get permanent status until the employee is proficient in sign language if employed at the academy for the deaf or knowledgeable in Braille if employed at the academy for the blind.

Subd. 7. **Workers' compensation for trainees.** Student teachers and student trainees are employees of the academies for workers' compensation coverage.

**History:** 1989 c 220 s 2; 1991 c 265 art 3 s 38

### 128A.026 STATE BOARD RULES.

Subdivision 1. **Subjects.** The rules of the state board of education authorized in section 128A.02 must establish procedures for:

- (1) admission, including short-term admission, to the academies;
- (2) discharge from the academies;

- (3) decisions on a pupil's program at the academies; and
- (4) evaluation of a pupil's progress at the academies.

Subd. 2. **Minimum content.** The discharge procedures must include reasonable notice to the child's district of residence. The procedures set out in the rules must guarantee a pupil and the pupil's parent or guardian appropriate safeguards. The safeguards must include a review of the placement determination made under sections 120.17 and 128A.05 and the right to participate in educational program decisions.

Subd. 3. **Not contested case.** A proceeding about admission to or discharge from the academies or about a pupil's program or progress at the academies is not a contested case under section 14.02. The proceeding is governed instead by the rules of the state board described in this section.

**History:** 1989 c 220 s 2

### 128A.03 ACADEMIES' ADVISORY COUNCIL ON MANAGEMENT POLICIES.

Subdivision 1. **Members.** The advisory council to the state academies must have geographic balance. The council must include some parents or guardians of children who are visually disabled and some parents or guardians of children who are hearing-impaired. The council must have a staff member from each academy. The council must have one representative from groups representing the interests of the visually disabled and one from groups representing the interests of the hearing-impaired. Each member of the advisory council must have knowledge of, and experience and interest in, the problems of visually disabled or hearing-impaired children.

Subd. 2. [Renumbered subd 1]

Subd. 2. **Terms, pay, removal, expiration.** The terms, pay, and provisions for removal of members are in section 15.059, subdivisions 2, 3, and 4. The council shall expire on June 30, 1997.

Subd. 3. [Renumbered subd 2]

**History:** 1976 c 271 s 68; 1978 c 764 s 97; 1983 c 260 s 28; 1985 c 240 s 4; 1988 c 629 s 31; 1989 c 220 s 2; 1993 c 224 art 9 s 39

### 128A.04 [Repealed, 1989 c 220 s 6]

### 128A.05 ADMISSION STANDARDS.

Subdivision 1. [Repealed by amendment, 1989 c 220 s 2]

Subdivision 1. **Two kinds.** There are two kinds of admission to the academies.

(a) A pupil who is deaf or hearing-impaired may be admitted to the academy for the deaf. A pupil who is visually impaired, blind-deaf, or multiply handicapped may be admitted to the academy for the blind. For a pupil to be admitted, two decisions must be made under section 120.17.

(1) It must be decided by the individual education planning team that education in regular or special education classes in the pupil's district of residence cannot be achieved satisfactorily because of the nature and severity of the hearing or visual impairment respectively.

(2) It must be decided by the individual education planning team that the academy provides the most appropriate placement within the least restrictive alternative for the pupil.

(b) A deaf or hearing-impaired child or a visually impaired pupil may be admitted to get socialization skills or on a short-term basis for skills development.

Subd. 2. [Repealed by amendment, 1989 c 220 s 2]

Subd. 2. **Multiply handicapped.** This section does not prevent a pupil with handicaps in addition to being

- (1) deaf or hearing-impaired, or
- (2) blind or visually impaired

from attending the academy for the deaf or the academy for the blind, respectively.

Subd. 3. [Renumbered subd 4]

Subd. 3. **Out-of-state admissions.** An applicant from another state who can benefit from attending either academy may be admitted to the academy if the admission does not prevent an eligible Minnesota resident from being admitted. The state board of education must obtain reimbursement from the other state for the costs of the out-of-state admission. The state board may enter into an agreement with the appropriate authority in the other state for the reimbursement. Money received from another state must be deposited in the general fund and credited to the general operating account of the academies. The money is appropriated to the academies.

Subd. 4. **Compulsory attendance.** The compulsory attendance provisions of section 120.101 apply to attendance at the academies. Attendance may be excused under that section by the commissioner of education or a designee. A person who fails to comply with section 120.101 is subject to section 120.103. The academies' administrator must exercise the duties imposed on a superintendent by section 120.103. Attendance at the academy for the deaf or the academy for the blind fulfills the requirements of section 120.17. The academies are subject to sections 127.26 to 127.39, the pupil fair dismissal act of 1970, as amended.

**History:** 1976 c 271 s 70; 1985 c 240 s 5; 1986 c 444; 1987 c 384 art 1 s 55; 1989 c 220 s 2; 1991 c 265 art 11 s 12

**128A.06** [Repealed, 1978 c 764 s 143]

#### **128A.07 EXPENSE OF PUPILS.**

Subdivision 1. **Paid by one liable for support.** The person who is liable for the support of a pupil attending a state academy must provide the pupil with enough money for proper clothing, postage, and necessary incidental expenses.

Subd. 2. **Local social services agency.** If the person liable for support of a pupil cannot support the pupil, the local social services agency of the county of the pupil's residence must do so. The commissioner of education must decide how much the local social services agency must pay. The state board of education must adopt rules that tell how the commissioner is to fix the amount. The local social services agency must make the payment to the superintendent of the school district of residence.

Subd. 3. **Transportation expenses.** The school district of residence must pay for the transportation of the pupil from the pupil's residence to the academy and back.

**History:** 1976 c 271 s 72; 1977 c 449 s 15; 1986 c 444; 1987 c 384 art 1 s 55; 1989 c 220 s 2; 1994 c 631 s 31

**128A.08** [Repealed, 1977 c 449 s 23]

#### **128A.09 DEPOSIT AND APPROPRIATION OF RENTS AND FEES.**

Subdivision 1. **Rental income; appropriation.** Rental income, excluding rent for land and living residences, must be deposited in the state treasury and credited to a revolving fund of the academies. Money in the revolving fund for rental income is annually appropriated to the academies for staff development purposes. Payment from the revolving fund for rental income may be made only according to vouchers authorized by the administrator of the academies.

Subd. 2. **Fees; appropriation.** Income received under subdivision 3 must be deposited in the state treasury and credited to a revolving fund of the academies. Money in the revolving fund for fees from conferences, seminars, technical assistance, production of instructionally related materials and other services is annually appropriated to the academies to defray expenses of those services. Payment from the revolving fund for conferences and other fees may be made only according to vouchers authorized by the administrator of the academies.

Subd. 3. **Contracts; fees; appropriation.** The state board may enter into agreements

for the academies to provide respite care and supplemental educational instruction and services including assessments and counseling. The agreements may be made with public or private agencies or institutions, school districts, education cooperative service units, or counties. The board may authorize the academies to provide conferences, seminars, nondistrict and district requested technical assistance, and production of instructionally related materials.

**History:** 1987 c 398 art 3 s 31; 1989 c 220 s 2; 1989 c 329 art 12 s 2; 1992 c 499 art 11 s 5,6

#### **128A.11 STUDENT ACTIVITIES ACCOUNT.**

**Subdivision 1. Student activities; receipts; appropriation.** All receipts of any kind generated to operate student activities, including student fees, donations and contributions, and gate receipts must be deposited in the state treasury. The receipts are appropriated annually to the residential academies for student activities purposes. They are not subject to budgetary control by the commissioner of finance.

**Subd. 2. To student activities account.** The money appropriated in subdivision 1 to the residential academies for student activities must be credited to a Faribault academies' student activities account and may be spent only for Faribault academies' student activities purposes.

**Subd. 3. Carryover.** An unexpended balance in the Faribault academies' student activities account may be carried over from the first fiscal year of the biennium into the second fiscal year of the biennium and from one biennium to the next. The amount carried over must not be taken into account in determining state appropriations and must not be deducted from a later appropriation.

**Subd. 4. Specifically included among receipts.** Any money generated by a Faribault academies' student activity that involves:

- (1) state employees who are receiving compensation for their involvement with the activity;
- (2) the use of state facilities; or
- (3) money raised for student activities in the name of the residential academies is specifically included among the kinds of receipts that are described in subdivision 1.

**History:** 1993 c 224 art 11 s 5