

## CHAPTER 128A

## ACADEMIES FOR THE DEAF AND BLIND

128A.01	Location and status.	128A.025	Staff of the academies.
128A.02	Duties of state board of education.	128A.026	State adopted procedures.
128A.021	Resource centers; deaf or hard of hearing and blind or visually impaired.	128A.05	Admission standards.
128A.022	Powers of state board of education.	128A.07	Expense of pupils.
128A.023	Duties of state departments.	128A.09	Deposit and appropriation of rents and fees.
128A.024	Obligations of the academies.	128A.11	Student activities account.

**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 govern.** The state board of education shall govern 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 [Repealed by amendment, 1989 c 220 s 2]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. [Repealed, 1Sp1995 c 3 art 11 s 25]

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 [Repealed by amendment, 1989 c 220 s 2]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

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 [Repealed by amendment, 1989 c 220 s 2]

Subd. 3b. **Planning, evaluation, and reporting.** To the extent required in school districts, the state board must establish a process for the academies to include parent and community input in the planning, evaluation, and reporting of curriculum and pupil achievement.

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 [Repealed by amendment, 1989 c 220 s 2]

Subd. 4. [Repealed, 1Sp1995 c 3 art 11 s 25]

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 [Repealed by amendment, 1989 c 220 s 2]

Subd. 5. **Site councils.** The state board may establish, and appoint members to, a site council at each academy. The site councils shall exercise power and authority granted by the state board. The state board must appoint to each site council the exclusive representative's employee designee from each exclusive representative at the 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 [Repealed by amendment, 1989 c 220 s 2]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; 1Sp1995 c 3 art 11 s 5-8

**128A.021 RESOURCE CENTERS; DEAF OR HARD OF HEARING AND BLIND OR VISUALLY IMPAIRED.**

Subdivision 1. **Also for multiply disabled.** Resource centers for the deaf or hard of hearing, and the blind or visually impaired, each also serving multiply disabled pupils, are transferred to the department of children, families, and learning.

Subd. 2. **Programs.** The resource centers must offer summer institutes and like programs throughout the state for deaf or hard of hearing, blind or visually impaired, and multiply disabled pupils. The resource centers must also offer workshops for teachers, and leadership development for teachers.

A program offered through the resource centers 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 centers may contract to have nonprofit organizations provide programs through the resource centers.

Subd. 4. **Advisory committees.** The special education advisory council shall establish an advisory committee for each resource center. The advisory committees shall develop recommendations regarding the resource centers.

**History:** 1987 c 398 art 3 s 30; 1989 c 220 s 2; 1991 c 265 art 3 s 38; 1Sp1995 c 3 art 11 s 9; art 16 s 13

### 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 at each academy.

Subd. 2. **Get help from department.** The state board may require the department of children, families, and learning 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 preparation 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; 1Sp1995 c 3 art 11 s 10,11; art 16 s 13

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

Subdivision 1. **Department of children, families, and learning.** The department of children, families, and learning 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; 1Sp1995 c 3 art 16 s 13

### 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 or individual family service plan and assessment.

**History:** 1989 c 220 s 2; 1991 c 265 art 3 s 38; 1993 c 224 art 13 s 55; 1Sp1995 c 3 art 11 s 12

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

Subdivision 1. **Academies' administrator.** The position of the chief administrator at each academy is in the unclassified service.

Subd. 2. **Teacher standards.** A teacher or administrator at the academies is subject to the licensure standards of the board of teaching or 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; 1Sp1995 c 3 art 11 s 13,14

#### 128A.026 STATE ADOPTED PROCEDURES.

Subdivision 1. **Subjects.** The state board of education 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 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 governing special education.

**History:** 1989 c 220 s 2; 1Sp1995 c 3 art 11 s 15

**128A.03** [Repealed, 1Sp1995 c 3 art 11 s 25]

**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, hard of hearing, or blind-deaf, may be admitted to the academy for the deaf. A pupil who is blind or 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 deafness or blindness 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 hard of hearing 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 hard of hearing, 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 children, families, and learning 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; 1Sp1995 c 3 art 11 s 16,17; art 16 s 13

**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 children, families, and learning 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; 1Sp1995 c 3 art 16 s 13

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, service cooperatives, 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; 1996 c 305 art 1 s 138

### 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