

## CHAPTER 136D

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#### DEFINITION

#### 136D.01 INTERMEDIATE DISTRICT.

"Intermediate district" means a district with a cooperative program which has been established under Laws 1967, chapter 822, as amended; Laws 1969, chapter 775, as amended; and Laws 1969, chapter 1060, as amended, offering integrated services for secondary, postsecondary, and adult students in the areas of vocational education, special education, and other authorized services.

**History:** 1996 c 412 art 13 s 27

**INTERMEDIATE SCHOOL DISTRICT NO.  
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

**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. [Repealed, 1994 c 647 art 6 s 42]

**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.

Subd. 2. **Liability.** Except as to certificates of indebtedness or bonds issued under Minnesota Statutes 1990, section 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; 1994 c 647 art 13 s 12; 1996 c 305 art 1 s 31,32; 1996 c 412 art 13 s 28

**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.**

The participating school districts may contribute funds to the board. Disbursements shall be made by the board in accordance with sections 123B.14, 123B.143, and 123B.147. This board shall be subject to section 123B.52, subdivisions 1, 2, 3, and 5.

**History:** 1967 c 822 s 6; 1984 c 463 art 7 s 53 subd 1; 1994 c 647 art 13 s 13; 1998 c 397 art 11 s 3

**136D.27** [Repealed, 1994 c 647 art 6 s 42]

**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.** (a) 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.

(b) 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.

Subd. 8. **Expiration.** The intermediate school board may not issue bonds under this section after July 1, 1994.

**History:** 1991 c 265 art 6 s 48; 1994 c 647 art 6 s 31

#### **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-POSTSECONDARY 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 postsecondary 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 NO. 288, CARVER, LE SUEUR, AND SCOTT COUNTIES**

#### **136D.41 LISTED DISTRICTS MAY FORM INTERMEDIATE DISTRICT.**

Notwithstanding any other law to the contrary, two or more of the Independent School Districts Nos. 108, 110, 111, and 112 of Carver County, Independent School Districts Nos. 716, 717, 719, 720, and 721 of Scott County, and Independent School District No. 2905 of Le Sueur County, whether or not contiguous, may enter into agreements to accomplish jointly and cooperatively the acquisition, betterment, construction, maintenance, and operation of facilities for, and instruction in, special education, career and technical education, adult basic education, and alternative education. Each school district that becomes a party to such

an agreement is a "participating school district" for purposes of sections 136D.41 to 136D.49. The agreement may provide for the exercise of these powers by a joint school board created as set forth in sections 136D.41 to 136D.49.

**History:** *1Sp2015 c 3 art 1 s 15*

#### **136D.42 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.

**History:** *1Sp2015 c 3 art 1 s 16*

#### **136D.43 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.

Subd. 2. **Liability.** 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:** *1Sp2015 c 3 art 1 s 17*

#### **136D.44 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:** *1Sp2015 c 3 art 1 s 18*

#### **136D.45 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 resolution shall be published once in a newspaper published in the district, if there is one, or in a newspaper having general circulation in the district, and shall become effective 30 days after publication, unless within the 30-day period a petition for referendum on the resolution is 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 it may not be approved in all districts.

**History:** *1Sp2015 c 3 art 1 s 19*

#### **136D.46 DISTRICT CONTRIBUTIONS, DISBURSEMENTS, CONTRACTS.**

The participating school districts may contribute funds to the board. Disbursements shall be made by the board in accordance with sections 123B.14, 123B.143, and 123B.147. The board shall be subject to section 123B.52, subdivisions 1, 2, 3, and 5.

**History:** *1Sp2015 c 3 art 1 s 20*

#### **136D.47 TERM OF AGREEMENT.**

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.

**History:** *1Sp2015 c 3 art 1 s 21*

#### **136D.48 NON-POSTSECONDARY 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 postsecondary programs or services. Academic offerings shall be provided only under the direction of properly licensed academic supervisory personnel.

**History:** *1Sp2015 c 3 art 1 s 22*

#### **136D.49 OTHER MEMBERSHIP AND POWERS.**

In addition to the districts listed in sections 136D.21, 136D.41, 136D.71, and 136D.81, the agreement of an intermediate school district established under this chapter may provide for the membership of other school districts and cities, counties, and other governmental units as defined in section 471.59. In addition to the powers listed in sections 136D.25, 136D.73, and 136D.84, an intermediate school board may provide the services defined in section 123A.21, subdivisions 7 and 8.

**History:** *1Sp2015 c 3 art 1 s 23*

### **INTERMEDIATE SCHOOL DISTRICT NO. 916, ANOKA, RAMSEY, AND WASHINGTON COUNTIES**

#### **136D.71 LISTED DISTRICTS MAY FORM INTERMEDIATE DISTRICT.**

Subdivision 1. **Agreement.** (a) 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.

(b) 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 123A.56.

Subd. 2. [Repealed, 1994 c 647 art 6 s 42]

**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; 1Sp1995 c 3 art 16 s 13; 1998 c 397 art 11 s 3; 2003 c 130 s 12

### 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.** Terms of office of the members of the board shall expire on January 1. Thereafter the terms of office of board members shall be for four years commencing on January 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 organizational meeting.** The school board shall meet in January of each year when notified of such meeting by the chief executive officer of the intermediate school district. At the organizational 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 123B.09, 123B.14, 123B.143, and 123B.147 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; 1Sp1997 c 4 art 4 s 24,25; 1998 c 397 art 11 s 3

### 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.** (a) 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:

- (1) technical college facilities and instruction in vocational technical education; and
- (2) facilities for and instruction in special education.

(b) 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 postsecondary programs or services. Academic offerings shall be provided only under the direction of properly licensed academic supervisory personnel.

Subd. 3. [Repealed, 1994 c 647 art 6 s 42]

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 120A.22, subdivision 1, 120B.14, 120B.35, 121A.21, 122A.44, 122A.69, 123A.22, 123A.24, 123B.02, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 17, 18, 19, and 20, 123B.49, 123B.51, 123B.52, 123B.88, 124D.02, 124D.09, and 124D.51 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 3,4; 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; 1998 c 397 art 11 s 3; 2000 c 489 art 10 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. [Repealed, 1994 c 647 art 6 s 42]



Subd. 2b. [Repealed, 1994 c 647 art 6 s 42]

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

Subd. 4. [Repealed, 1994 c 647 art 6 s 42]

**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.** (a) 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.

(b) 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.

Subd. 8. **Expiration.** The intermediate school board may not issue bonds under this section after July 1, 1994.

**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; 1994 c 647 art 6 s 32

**136D.75** [Repealed, 1996 c 412 art 13 s 31]

### **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 Laws 1969, chapter 775, 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.76 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; 1996 c 305 art 1 s 139

**136D.77** [Repealed, 1995 c 212 art 3 s 60]

## **INTERMEDIATE SCHOOL DISTRICT NO. 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. [Repealed, 1995 c 212 art 3 s 60]

**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

### **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. [Repealed, 1994 c 647 art 6 s 42]

**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.

Subd. 2. **Liability.** Except as to certificates of indebtedness or bonds issued under Minnesota Statutes 1990, section 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; 1994 c 647 art 13 s 15; 1996 c 305 art 1 s 33,34; 1996 c 412 art 13 s 29

### **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.

The participating school districts may contribute funds to the board. Disbursements shall be made by the board in accordance with sections 123B.14, 123B.143, and 123B.147. This board shall be subject to section 123B.52, subdivisions 1, 2, 3, and 5.

**History:** 1969 c 1060 s 6; 1984 c 463 art 7 s 53 subd 1; 1994 c 647 art 13 s 16; 1998 c 397 art 11 s 3

136D.87 [Repealed, 1994 c 647 art 6 s 42]

### 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.** (a) 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.

(b) 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.

Subd. 8. **Expiration.** The intermediate school board may not issue bonds under this section after July 1, 1994.

**History:** *1991 c 265 art 6 s 54; 1994 c 647 art 6 s 33*

**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 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-POSTSECONDARY 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 postsecondary 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*

### **136D.93 OTHER MEMBERSHIP AND POWERS.**

In addition to the districts listed in sections 136D.21, 136D.71, and 136D.81, the agreement of an intermediate school district established under this chapter may provide for the membership of other school districts and cities, counties, and other governmental units as defined in section 471.59. In addition to the powers listed in sections 136D.25, 136D.73, and 136D.84, an intermediate school board may provide the services defined in section 123A.21, subdivisions 7 and 8.

**History:** *1Sp1995 c 3 art 9 s 37; 1998 c 397 art 11 s 3*

### **136D.94 REFUNDING BONDS.**

Sections 136D.281, subdivision 8, 136D.741, subdivision 8, and 136D.88, subdivision 8, do not apply to bonds issued solely for refunding purposes.

**History:** *1996 c 412 art 5 s 13; 1997 c 7 art 1 s 74*