

January 1, 1979 on the feasibility of creating similar programs for men.

Sec. 5. Minnesota Statutes, 1977 Supplement, Section 241.66, Subdivision 2, is amended to read:

Subd. 2. **MANDATORY DATA COLLECTION.** Every hospital licensed pursuant to sections 144.50 to 144.58, every physician licensed to practice in this state, every public health nurse, every social services agency, every community health agency, and every local law enforcement agency shall collect data related to battered women in the form required by rule of the commissioner. The data shall be collected and transmitted to the commissioner at such times as he shall, by rule, require.

Sec. 6. Minnesota Statutes, 1977 Supplement, Section 241.66, is amended by adding a subdivision to read:

Subd. 3. **IMMUNITY FROM LIABILITY.** Any person participating in good faith and exercising due care in the collection and transmission of data pursuant to this section shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his action.

Sec. 7. **APPROPRIATION.** Subdivision 1. The sums set forth in this section are appropriated from the general fund to the commissioner of corrections for the purposes specified in this section.

Subd. 2. For the purpose of making grants pursuant to section 241.62, subdivision 1.....\$100,000

Subd. 3. For the purpose of implementing section 241.63, clause (e).....\$25,000

The approved complement of the department of corrections is increased by one unclassified position.

Approved April 5, 1978.

CHAPTER 733-S.F.No.1722

[Coded in Part]

An act relating to education; providing educational aids for children attending nonpublic schools; appropriating money; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 9; 123.931; 123.932, Subdivision 7, and by adding subdivisions; 123.933; 123.935; 123.936; 123.937; 124.212, by adding a subdivision; and Chapter 123, by adding sections; Minnesota Statutes, 1977 Supplement, Sections 124.212, Subdivision 9a; and 124.223; repealing Minnesota Statutes 1976, Sections 123.932, Subdivisions 1, 2, 6 and 8; 123.934; and Laws 1977, Chapter 447, Article VI, Section 12.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Changes or additions indicated by underline deletions by ~~strikeout~~

Section 1. Minnesota Statutes 1976, Section 120.17, Subdivision 9, is amended to read:

Subd. 9. **SPECIAL INSTRUCTION.** ~~After August 15, 1977,~~ No resident of a district who is eligible for special instruction and services pursuant to this section shall be denied provision of this instruction and service on a shared time basis because of attendance at a nonpublic school defined in section 123.932, subdivision 3. ~~Nothing in this subdivision shall be construed to prevent any school district from providing special instruction and services pursuant to section 120.17 on a shared time basis prior to August 15, 1977.~~

Sec. 2. Minnesota Statutes 1976, Section 123.931, is amended to read:

123.931 **DECLARATION OF POLICY.** It is the intent of the legislature ~~by this enactment~~ to provide for distribution of educational aids such as ~~auxiliary services, instructional materials and equipment~~ textbooks, standardized tests and pupil support services so that every school ~~and~~ pupil in the state will share equitably in education benefits and therefore further assure all Minnesota ~~students~~ pupils and their parents freedom of choice in education.

Sec. 3. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 1a. As used in sections 123.931 to 123.937 and section 19 of this act, the terms defined in this section shall have the meanings ascribed to them.

Sec. 4. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 1b. "Textbook" means any book, workbook or manual, whether bound or in looseleaf form, which a pupil uses as a text or principal source of study in a particular class or program in the school he regularly attends and a copy of which is expected to be available for the individual use of each pupil in this class or program. The term includes only such secular, neutral and nonideological textbooks as are available and are of benefit to Minnesota public school pupils.

Sec. 5. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 1c. "Standardized tests" means standardized tests and scoring services which are provided by commercial publishing organizations and which are in use in the public schools of Minnesota to measure the progress of pupils in secular subjects.

Sec. 6. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 1d. "Pupil support services" means guidance and counseling services and health services.

Changes or additions indicated by underline deletions by strikeout

Sec. 7. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 2a. "Pupils" means elementary and secondary pupils.

Sec. 8. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 2b. "Elementary pupils" means pupils in grades kindergarten through six; provided, each kindergarten pupil shall be counted as one-half pupil for all computations pursuant to sections 123.931 to 123.937.

Sec. 9. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 2c. "Secondary pupils" means pupils in grades seven through twelve.

Sec. 10. Minnesota Statutes 1976, Section 123.932, Subdivision 7, is amended to read:

Subd. 7. "Intermediary service area" means a school administrative unit approved by the state board of education, other than a single school district, ~~such as including~~ but not limited to the following: (a) a regional educational service area an educational cooperative service unit; (b) a cooperative of two or more school districts; (c) learning centers; or (d) an association of schools or school districts.

Sec. 11. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 9. "Neutral site" means a public center, a mobile unit located off the nonpublic school premises, or any other location off the nonpublic school premises which is neither physically nor educationally identified with the functions of the nonpublic school.

Sec. 12. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 10. "Guidance and counseling services" means all activities of a licensed counselor in counseling pupils and parents, providing counseling on learning problems, evaluating the abilities of pupils, assisting pupils in personal and social development and providing referral assistance.

Sec. 13. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

Subd. 11. "Health services" means physician, dental, nursing or optometric services provided to pupils in the field of physical or mental health; provided the term does not include direct educational instruction, services which are required pursuant to section

Changes or additions indicated by underline deletions by strikeout

120.17, or services which are eligible to receive special education aid pursuant to section 124.32.

Sec. 14. Minnesota Statutes 1976, Section 123.933, is amended to read:

123.933 PURCHASE OR LOAN OF TEXTBOOKS AND STANDARDIZED TESTS. Subdivision 1. The state board of education shall promulgate rules under the provisions of chapter 15, requiring that in each school year, based upon formal requests by or on behalf of nonpublic school ~~students~~ pupils in a nonpublic school, the local districts or intermediary service areas shall purchase or otherwise acquire ~~instructional materials~~ textbooks and standardized tests and loan or provide them for use by children enrolled in that nonpublic school. These ~~instructional materials~~ textbooks and standardized tests shall be loaned or provided free to the children for the school year for which requested. The loan or provision of the ~~instructional materials~~ textbooks and standardized tests shall be subject to rules prescribed by the state board of education. ~~In the case of consumable or nonreusable instructional materials the title and possession may be surrendered to the nonpublic school student for whom they are provided; in the case of nonconsumable or reusable instructional materials~~

Subd. 2. The title to ~~same~~ textbooks and standardized testing materials shall remain in the servicing school district or intermediary service area, and possession or custody may be granted or charged to administrators of the nonpublic school attended by the nonpublic school pupil or pupils to whom the ~~instructional materials were~~ textbooks or standardized tests are loaned or provided.

Subd. 3. The cost per pupil unit of the ~~instructional materials~~ textbooks and standardized tests provided for in ~~sections 123.931 to 123.937~~ this section for each school year shall not exceed the statewide average ~~cost~~ expenditure per pupil unit spent by the Minnesota public elementary and secondary schools for ~~instructional materials~~ textbooks and standardized tests as computed and established by the department of education by ~~each preceding~~ each preceding ~~October + March 1 of the preceding school year~~ from the most recent public school year data then available. The commissioner shall allot to the school districts or intermediary service areas the total cost for each school year of providing or loaning the ~~instructional materials~~ textbooks and standardized tests for the ~~students~~ pupils in each nonpublic school which shall not exceed the product of the statewide average ~~cost~~ expenditure per pupil unit multiplied by the number of nonpublic school ~~pupil units~~ pupils who make requests pursuant to this section and who are enrolled as of ~~October + September 15 of the preceding current~~ school year.

Sec. 15. Minnesota Statutes 1976, Section 123.935, is amended to read:

123.935 PROVISION OF PUPIL SUPPORT SERVICES. Subdivision 1. The state board of education shall promulgate rules under the provisions of chapter 15 requiring each school district or other intermediary service area: (a) to provide each year upon formal request by a specific date by or on behalf of a nonpublic school student pupil enrolled in a nonpublic school located in that district or area, the same auxiliary specific health services as are provided for Minnesota public school pupils by the district where the nonpublic school is located; and (b) to provide each year upon formal request by a

Changes or additions indicated by underline deletions by strikeout

specific date by or on behalf of a nonpublic school secondary pupil enrolled in a nonpublic school located in that district or area, the same specific guidance and counseling services as are provided for public school secondary pupils by the district where the nonpublic school is located. The requests shall be limited collectively to The district where the nonpublic school is located shall provide the necessary transportation within the district boundaries between the nonpublic school and a public school or neutral site for nonpublic school pupils who are provided pupil support services pursuant to this section. Each request for pupil support services shall set forth the guidance and counseling or health services requested by or on behalf of all eligible nonpublic school students pupils enrolled in a given nonpublic school. The auxiliary services shall be provided in the student's respective school whenever possible by the district or intermediary service area wherein the nonpublic student's school is situated. The cost of the required services shall not exceed the amount allotted under this section to the participating district or intermediary service area. No district or intermediary service area shall expend an amount for these pupil support services which exceeds the amount allotted to it under this section.

Subd. 2. Health services may be provided to nonpublic school pupils pursuant to this section at a public school, a neutral site, the nonpublic school or any other suitable location. Guidance and counseling services may be provided to nonpublic school pupils pursuant to this section only at a public school or a neutral site. District or intermediary service area personnel and representatives of the nonpublic school pupils receiving pupil support services shall hold an annual consultation regarding the location of the provision of these services. The district board or intermediary service area governing board shall make the final decision on the location of the provision of these services.

Subd. 3. Guidance and counseling services provided to nonpublic school pupils pursuant to this section shall not include the planning or selection of particular courses or classroom activities of the nonpublic school.

Subd. 4. Each school year the commissioner shall allot to the school districts or other intermediary service areas for the provision of the health services pursuant to this section the actual cost of the services provided for the pupils in each respective nonpublic school for that school year, but not to exceed \$50 multiplied by the number of nonpublic school pupils in grades 9 through +2 and \$75 the average expenditure per public school pupil for these services by those Minnesota public elementary and secondary schools which provide health services to public school pupils, multiplied by the number of nonpublic school pupils in kindergarten through grade 8; in that particular nonpublic school who request these health services and who are enrolled as of October 1 September 15 of the last preceeding current school year.

Subd. 5. Each school year the commissioner shall allot to the school districts or intermediary service areas for the provision of guidance and counseling services pursuant to this section the actual cost of the services provided for the pupils in each respective nonpublic school for that school year. The allotment for guidance and counseling services for the secondary pupils in each nonpublic school shall not exceed the average expenditure per public school secondary pupil for these services by those Minnesota public schools which provide these services to their secondary pupils, multiplied by the

Changes or additions indicated by underline deletions by strikeout

number of secondary pupils in that particular nonpublic school who request these services and who are enrolled as of September 15 of the current school year.

Subd. 6. For purposes of computing maximum allotments for each school year pursuant to this section, the average public school expenditure per pupil for health services and the average public school expenditure per secondary pupil for guidance and counseling services shall be computed and established by the department of education by March 1 of the preceding school year from the most recent public school year data then available.

Sec. 16. Minnesota Statutes 1976, Section 123.936, is amended to read:

123.936 PAYMENTS FOR CONTRACTUAL OBLIGATIONS. In every event the commissioner shall make such payments to school districts or intermediary service areas pursuant to sections 123.931 to 123.937 as are needed to meet contractual obligations incurred for the provision of benefits to nonpublic school students pursuant to sections 123.933; ~~123.934~~ or 123.935.

Sec. 17. Minnesota Statutes 1976, Chapter 123, is amended by adding a section to read:

[123.936I] ADMINISTRATIVE COSTS. Each year, a school district or intermediary service area may claim and receive from the department of education an additional sum for the actual cost of administration of sections 123.933 and 123.935, which shall not exceed an amount equal to five percent of the district's or area's allocation for that year pursuant to those sections.

Sec. 18. Minnesota Statutes 1976, Section 123.937, is amended to read:

123.937 APPROPRIATION. There is appropriated annually to the department of education from the general fund of the state treasury the sum of ~~\$12,000,000~~ \$2,479,200 for the purposes of sections 123.931 to 123.937.

Sec. 19. Minnesota Statutes 1976, Chapter 123, is amended by adding a section to read:

[123.938] EDUCATIONAL AID FOR NONSECTARIAN NONPUBLIC SCHOOL CHILDREN. **Subdivision 1. DEFINITIONS.** As used in this section, the terms defined in this subdivision shall have the meanings ascribed to them.

(1) "Nonsectarian nonpublic school" means any nonpublic school, as defined in section 123.932, subdivision 3, which is not church related, is not controlled by a church, and does not promote a religious belief.

(2) "Instructional materials" means books, workbooks, manuals, published materials, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, musical scores, maps, globes, sound recordings including but not limited to those on discs and tapes, or any other printed and published materials of a similar nature

Changes or additions indicated by underline deletions by strikeout

made by any method. The term does not include textbooks or standardized tests as defined in section 123.932. The term includes only such secular, neutral and nonideological materials as are available and of benefit to Minnesota public school pupils or are made available in public school libraries. The term shall be limited to "school library and audio visual materials" and "instructional supplies" as those terms or their equivalent are described and designated in the manual of instructions for uniform accounting for Minnesota school districts published by the department of education.

Subd. 2. APPLICATION OF SECTION; PUPIL COUNT. The provisions of this section shall apply only to those nonsectarian nonpublic schools which enroll fewer than 200 pupils as of September 15 of the school year for which the instructional materials and equipment are provided. For purposes of the count in this subdivision, each kindergarten pupil shall be counted as one pupil. The provisions of this section shall not apply to nonsectarian nonpublic schools whose primary purpose is to provide programs to preschool children or to children under the age of seven.

Subd. 3. PURCHASE OR LOAN OF INSTRUCTIONAL MATERIALS. The state board of education shall promulgate rules under the provisions of chapter 15, requiring that in each school year, based on formal requests by or on behalf of nonsectarian nonpublic school pupils in a nonsectarian nonpublic school, the local districts or intermediary service areas shall purchase or otherwise acquire instructional materials and loan or provide them for use by children enrolled in that nonsectarian nonpublic school. The loan or provision of the instructional materials shall be subject to rules promulgated by the state board of education.

In the case of consumable or nonreusable instructional materials, the title and possession may be surrendered to the nonsectarian nonpublic school pupil for whom they are provided; in the case of nonconsumable or reusable instructional materials the title to same shall remain in the servicing school district or intermediary service area, and possession or custody may be granted or charged to administrators of the nonsectarian nonpublic school attended by the nonsectarian nonpublic school pupil or pupils to whom the instructional materials were loaned.

The cost per pupil of the instructional materials provided for in this subdivision for each school year shall not exceed the statewide average expenditure per pupil by the Minnesota public elementary and secondary schools for instructional materials as computed and established by the department of education by March 1 of the preceding school year from the most recent public school year data then available. The commissioner shall allot to the school districts or intermediary service areas the total cost for each school year of providing or loaning the instructional materials for the pupils in each nonsectarian nonpublic school which shall not exceed the product of the statewide average expenditure per pupil multiplied by the number of nonsectarian nonpublic school pupils who make requests pursuant to this subdivision and who are enrolled as of September 15 of the current school year.

Subd. 4. AIDS AS SUPPLEMENTARY. The educational aids to nonsectarian nonpublic school pupils provided for by this section shall be supplementary to the educational aids and services provided to nonpublic school pupils pursuant to sections

Changes or additions indicated by underline deletions by strikeout

123.931 to 123.937.

Subd. 5. PAYMENTS. During each school year the commissioner shall make such payments to school districts or intermediary service areas as are needed to meet contractual obligations incurred for the provision of benefits to nonsectarian nonpublic school students pursuant to this section.

Subd. 6. ADDITIONAL COST OF ADMINISTRATION AMOUNT. Each year, a school district or intermediary service area may claim and receive from the department of education an additional sum for the actual cost of administration of this section, which shall not exceed an amount equal to five percent of the district's or area's allocation for that year pursuant to this section.

Subd. 7. EXPIRATION DATE. This section expires June 30, 1979.

Sec. 20. Minnesota Statutes, 1977 Supplement, Section 124.212, Subdivision 9a, is amended to read:

Subd. 9a. Shared time pupils are defined as those pupils who attend public ~~schools~~ school programs for part of the regular school day and who otherwise fulfill the requirements of section 120.10 by attendance at a private school.

(a) The average daily membership of a pupil enrolled on a shared time basis shall equal the ratio of the total minutes for which the pupil is enrolled and the minimum minutes required during the year for a regularly enrolled public school pupil.

(b) Foundation aid for shared time pupils shall equal the amount which would accrue if shared time pupil units, counted pursuant to section 124.17, subdivision 1, clauses (1) and (2), were added to the district's total pupil units used in determining its foundation aid. Foundation aid for shared time pupils shall be in addition to any other aid to which the district is otherwise entitled and shared time average daily membership shall not be used in the computation of pupil units under section 124.17, subdivision 1, for any purpose other than the computation of shared time foundation aid pursuant to this subdivision.

(c) Foundation aid for shared time pupils shall be paid to the district of the pupil's residence. If a pupil attends shared time classes in another district, the resident district shall pay to the district of attendance an amount of tuition equal to the ratio in clause (a) times the amount of tuition which would be charged and paid for a nonresident public school pupil in a similar circumstance. The district of residence shall not be obligated for tuition except by previous agreement.

(d) Notwithstanding the provisions of clause (c), the resident district of a shared time pupil attending shared time classes in another district may grant the district of attendance, upon its request, permission to claim the pupil as a resident for state aid purposes. In this case, state aid shall be paid to the district of attendance and, upon agreement, the district of attendance may bill the resident district for any unreimbursed education costs, including unreimbursed transportation costs.

Changes or additions indicated by underline deletions by ~~strikeout~~

(e) Minutes of enrollment in a public school during which a nonpublic school pupil receives services pursuant to section 123.935 shall not be used in the computation of shared time foundation aid pursuant to this subdivision.

Sec. 21. Minnesota Statutes 1976, Section 124.212, is amended by adding a subdivision to read:

Subd. 9b. Public school programs may be provided to shared time pupils only at a public school building; provided, however, that special instruction and services for handicapped children required pursuant to section 120.17 may also be provided at a neutral site as defined in section 123.932, and diagnostic and health services required pursuant to section 120.17 may also be provided at a nonpublic school building. As used in this subdivision, "diagnostic services" means speech, hearing, vision, psychological, medical and dental diagnostic services and "health services" means physician, nursing or optometric services provided to pupils in the field of physical and mental health.

Sec. 22. Minnesota Statutes, 1977 Supplement, Section 124.223, is amended to read:

124.223 TRANSPORTATION AID AUTHORIZATION. For the 1977-1978 1978-1979 school year and thereafter, school transportation and related services for which state transportation aid is authorized are:

(1) Transportation or board of resident pupils who reside one mile or more from the public schools which they could attend, or transportation to, from, or between the schools they attend pursuant to a program approved by the commissioner of education, or who reside one mile or more from a private school actually attended, but only to the extent permitted by sections 123.76 to 123.79 with respect to private school pupils;

(2) Transportation to and from or board and lodging in another district, of resident pupils of a district without a secondary school; the pupils may attend a classified secondary school in another district and shall receive board and lodging in or transportation to and from a district having a classified secondary school at the expense of the district of the pupil's residence;

(3) Transportation to and from a state board approved secondary vocational center for secondary vocational classes for resident pupils of any of the districts who are members of or participating in programs at that center;

(4) Transportation or board and lodging of a handicapped pupil when that pupil cannot be transported on a regular school bus, and the conveying of handicapped pupils between home and school and within the school plant;

(5) When necessary, board and lodging for nonresident handicapped pupils in a district maintaining special classes;

(6) Transportation from one educational facility to another within the district for resident pupils enrolled on a shared time basis in educational programs approved by the commissioner of education;

Changes or additions indicated by underline deletions by strikeout

(7) Transportation for residents to and from the Minnesota school for the deaf or the Minnesota braille and sight-saving school;

(8) Services described in clauses (1) to (7) and clause (10) when provided in conjunction with a state board approved summer school program; and

(9) Transportation to, from or between educational facilities located in any of two or more school districts jointly offering academic classes for resident pupils of any of these districts, if this transportation is provided in conjunction with transportation of resident pupils to a state board approved secondary vocational center; and

(10) Necessary transportation within district boundaries between a nonpublic school and a public school or a neutral site for nonpublic school pupils who are provided pupil support services pursuant to section 123.935.

Sec. 23. The state board of education may promulgate temporary rules for the implementation of sections 123.931 to 123.937 and section 19 of this act for the 1978-1979 school year. These temporary rules shall be effective for no more than 180 days following their approval by the attorney general. The portions of sections 123.931 to 123.937 relating to guidance and counseling services shall not be implemented until the 1979-1980 school year.

Sec. 24. APPROPRIATION. There is appropriated from the general fund to the department of education for the year ending June 30, 1979, the sum of \$10,000 for the purpose of paying the department's expenses of administering sections 1 to 23 of this act. This appropriation shall be added to the amount appropriated for that year for that purpose in Laws 1977, Chapter 449, Section 2.

Sec. 25. APPROPRIATION. There is appropriated from the general fund to the department of education the sum of \$90,000 for the year ending June 30, 1979, for the purposes of section 19 of this act.

Sec. 26. REPEALERS. Subdivision 1, Minnesota Statutes 1976, Sections 123.932, Subdivisions 6 and 8; and 123.934, are repealed effective the day following final enactment.

Subd. 2, Minnesota Statutes 1976, Section 123.932, Subdivisions 1 and 2; and Laws 1977, Chapter 447, Article VI, Section 12, are repealed effective July 1, 1978.

Sec. 27. EFFECTIVE DATE. Sections 1 to 13, 15, 16, 17, 20, 21, and 23 of this act are effective the day following final enactment.

Approved April 5, 1978.

Changes or additions indicated by underline deletions by ~~strikeout~~