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MINNESOTA STATUTES
1927

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THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED
BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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St. Paul
1927
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2741. Public schools—Tuition free—Age of pupils—All schools supported in whole or in part by state school funds shall be styled public schools and admission and to tuition therein shall be free to all persons between the ages of five and twenty-one years, in the district in which such pupil resides. Provided, that the school board of any district may, by resolution, exclude all children under six years of age, and may also adopt rules and regulations for the admission of children who become six years of age during the school year after the commencement thereof. (R. L. '05 § 1279, G. S. '13 § 2070, amended '21 c. 61)

2742. School districts—For school purposes the state is divided into common, special, and independent school districts, each of which shall be a public corporation. Common school districts shall be numbered consecutively in each county, and each shall be known as school district No. of county. A district, when situate in two or more counties, shall be known as joint school district No. of counties. Independent school districts shall be known by names given them at their organization. (1260) [2671]


As to special districts (11-21, 12: 17-412, 301: 49-104, 61-814).

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2744. Petition—The petitions shall contain:

1. A correct description of the territory to be included in such proposed district.
2. The number of persons residing therein.
3. The names and ages of all children of school age residing therein, and the existing district in which each such child lives.
4. The districts in which such territory lies, and the number of such children in each such district.
5. The reasons for the formation of the proposed district.

Such petitions shall be acknowledged by the petitioners and submitted to the county superintendent, and if he shall approve of the same he shall endorse such approval in writing upon said petition, stating his reasons therefor; and if he shall disapprove of same he shall indorse thereon in writing his reasons for such disapproval. (R. L. § 1282, amended '07 c. 110 § 1) [2672]

Cited (119-119, 137-302).
165-384, 206-719.

2745. Notice of hearing—Upon the presentation of such petition, the county board shall appoint a time and place for hearing thereon, and shall cause two weeks' published notice thereof to be given in the county, and ten days' posted notice in each district affected. Such notice shall also be served on the clerk of each district, by mail, at least ten days before the time set for hearing, and the auditor's certificate shall be proof of mailing. (1282) [2674]

G. S. 1894 § 3668, cited (101-163, 112-255).

2746. Proceedings on hearing—At the hearing the board shall receive any evidence and consider any arguments for and against such proposed organization, and shall make an order either granting or denying the petition; and if the petition be granted, the order shall particularize the description, state its name or number, shall be signed by the chairman, and attested and filed with the auditor, who shall mail to the clerk of each district affected a copy thereof, and shall cause ten days' posted notice to be given of a meeting to organize such district. The board may adjourn the hearing from time to time, and, upon the recommendation or with the written approval of the county superintendent, enlarge or change the boundaries proposed in the petition. (1284) [2078]

80-361, 94-886; 107-442, 120-898.

2747. Appeal from order—Any person aggrieved may appeal from such order to the district court of the county upon the following grounds:
1. That the county board had no jurisdiction to act.
2. That it has exceeded its jurisdiction.
3. That its action is against the best interests of the territory affected.

Such appeal shall be taken by serving upon the county auditor within thirty days from the making of the order a notice of appeal, specifying the grounds thereof. The appellant shall also execute and deliver to the auditor a bond to the county in the sum of one hundred dollars, to be approved by the county auditor, conditioned for the payment of all costs taxed against the appellant on such appeal. Such further proceedings shall be had upon such appeal as upon other appeals from the county board. (1985) [2676]


2748. Changing boundaries of school districts—By like proceedings, and upon petition of the majority of the freeholders of each district affected, qualified to vote at school meetings, the boundaries of any existing district may be changed, or two or more districts consolidated, or one or more districts annexed to an existing district. No change in the boundaries of a district by organization of a new district or otherwise shall be made, so as to leave the old district without at least one school house used for school purposes and without at least four sections of land, nor shall any change of districts in any way affect the liabilities of the territory so changed upon any bond or other obligation; but any such real estate shall be taxed for such outstanding liability and interest, as if no change had been made. In case of the consolidation or annexation of districts, whether under the foregoing or any other provisions of the law, action shall be brought by or against the new or remaining district upon any cause existing in favor of or against any discontinued district, but a judgment in such action against such existing district shall be satisfied only from taxes upon the real property included in the discontinued district, when the liability was incurred.

Provided, that when any incorporated borough, village or city of seven thousand or less inhabitants, has within its limits a school district, however organized, territory wholly or partially included within the boundaries of any school district, however organized, or whenever any such school district shall include within its boundaries part or the whole of any incorporated borough, village or city of seven thousand inhabitants or less, the boundaries of any such district or districts may be enlarged or changed so as to include all lands within the corporate limits of such borough, village or city, or so as to include lands within and outside of such incorporated borough, city, or village, but contiguous to said district in the following manner, to wit:

Whenever a majority of the legal voters residing within such school district and a majority of the legal voters residing upon the lands proposed to be attached or annexed to such school districts shall petition the board of county commissioners of the county wherein such district is situated for an enlargement of such district, and shall file a petition with the auditor of said county, it shall be the duty of the board of county commissioners at its next regular meeting, or special meeting, to set a time and place for hearing upon such petition, and it shall cause a copy of the notice of hearing, to be posted in some public place in each district to be affected by such proposed change, and a copy thereof to be served upon the clerk of each of said districts, at least ten (10) days before the time appointed for such hearing. The posting of such copy of notice shall be proven by the affidavit of the person posting the same; said affidavit shall state the time and place of posting and serving of the copy of notice, as herein specified, and upon filing proof of the posting and serving of such notice in the office of the county auditor, the board of county commissioners shall at its next regular meeting, or special meeting, proceed with the consideration of such matter and shall hear all evidence offered by any person interested, tending to show what territory should be included in such enlarged district, and having heard the evidence they shall, if they find it conducive to the good of the inhabitants of the territory affected, proceed to enlarge the said school district as asked for in the petition, and to fix the boundaries thereof and of all the remaining school districts thereby affected, attaching to or detaching contiguous territory to or from any of such districts, in such manner as in their judgment the best interests of the persons and districts thereby affected may require; provided, that no action or order changing any boundaries of any school district shall be valid unless and until the foregoing requirements as to posting and serving of notices have been observed; and provided further, that whenever the territory affected by any of the
forgoing proceedings lies in two or more counties, like proceedings shall be had in each county affected, and no order in such proceedings shall be valid unless concurred in by the county board of all such counties affected.

At the time of making such division, enlargement or change of boundaries, the county commissioners shall apportion to the district so enlarged that portion of the debts of said other districts as may seem to them right and proper, and said apportionment when so made shall be binding upon all the districts affected, and the county commissioners may also apportion to said districts so enlarged, such portion of the property of such other districts as shall seem to them just and proper. Said last mentioned apportionment shall be subject to review by the district court;

And provided further, that any person or officer of any school district aggrieved by any order of the county board made pursuant to the provisions of this section, may appeal to the district court from such order, such appeal to be governed by the provisions of section 1285, Revised Laws 1905. (R. L. '05 § 1286, amended '07 c. 88; '09 c. 13; '11 c. 264; '13 c. 435 § 1; '23 c. 304) [2677]

46-13, 414; 59-15, amending 1947 c. 188, so as to permit appeals from orders pursuant thereto, operated retroactively (194-197, 195+787).

Local voters, held not to include women (129+449).

126-309, 148+52; 130-25, 163+224; 131-32, 158+729; 133-483.

158-225, 150-178; 167-350; 144-258, 156+715; 144-197, 174+455, 193+487.

An appeal to the district court from an order of the board of county commissioners, presents the question whether the order of consolidation or refusal to consolidate was arbitrary, unreasonable, and against the manifest justice of the case; (107-317, 136+789; 134-258, 170+103, 171+97, 172+287.)

An appeal to the Supreme Court from an order of the district court approving or disapproving the consolidation order of the county board presents, in the absence of some point of law raised by the record, the single question whether the order of the district court is clearly and manifestly against the evidence. 153+457.

194+8

Petition held sufficient. 165-284, 206+739.

Section is valid. 165-284, 204+709.

2748-1. Platted territory annexed to and included in corporate limits of cities of fourth class part of existing organized school districts in such cities—That any platted territory heretofore annexed to and included in corporate limits of any city of the fourth class shall be a part of the organized school district then existing within such city, provided that this act shall not affect any school district whose territory includes two or more villages or parts thereof. (25, c. 134)

Unconstitutional as special legislation. 164-66, 204+572.

2749. Annexation of additional territory to school districts—[Repealed.]

This section (Laws 1919, c. 236) is repealed by Laws 1923, c. 312, § 157-264, 193+487; 158-217, 197+742.

2749-1. Annexation of school districts to other districts on annexation of city of fourth class to city of third class—Resolution of annexation—Certification and filing—Where a city of the fourth class has been or is hereafter annexed to a city of the third class and each of such cities at the time of such annexation were respectively wholly embraced within the territorial limits of two adjoining school districts, however organised, the said school district within such city of the fourth class was so embraced may be annexed to such adjoining school district by resolution declaring in favor of such annexation duly adopted by the respective governing bodies of such school districts. Up

on the adoption of such resolutions, the clerk of such respective districts shall certify to the same and to the vote thereon, and shall forthwith file one of said certificates in the office of the secretary of state, and shall file for record another thereof in the office of register of deeds in each county in which said school districts, or any part thereof, are located, and thereupon such annexation shall be effected and completed. (25, c. 324, § 1)

2749-2. Same—Division of annexed districts into wards or precincts—If the annexing district is divided into wards or precincts, which said wards or precincts serve as election units, out of which, respectively, and by which, respectively, the respective members of the governing body of the said annexed district are elected, the territory so annexed shall be a part of such ward or precinct, or form such new and separate ward or precinct as shall be specified in a resolution adopted by the governing body of the annexing school district forthwith upon completion of the said annexation proceedings. (25, c. 324, § 2)

2749-3. Same—Debts, etc., of annexed districts—In the event of such annexation, the district, as thus enlarged, shall assume and be responsible for the obligations, debts and liabilities of the annexed school district, as well as its own, and shall own all of the property theretofore owned by such annexed district. (25, c. 324, § 3)

2749-4. Same—School taxes—In all cases where the territory so annexed, is situated in a county other than the county in which such annexing school district is situated, all school taxes levied by such enlarged school district upon the property situated in such other county shall be duly certified to the county auditor of the county in which such annexed territory is situated, and the county treasurer of such county, to whom the said school taxes are payable, and upon payment of the same, shall pay, at the times provided for by law, to the treasurer of such enlarged school district all of such school taxes. (25, c. 324, § 4)

2750. Districts in two or more counties—Whenever the territory affected by any of the foregoing proceedings lies in two or more counties, like proceedings shall be had in each county affected, and no order in such proceedings shall be valid unless concurred in by the county boards of all such counties. (1287) [2682]

G. S. 1894 § 3670 cited (101-163, 112+253).

When any part of such territory is located in different counties, proceedings must be had in each county. 158-217, 197+742.

The words "territory affected" embraces the whole of the petitioning district to which lands are attached, and the whole of districts from which lands are detached. 158-217, 197+742.

2751. District in more than one county—That the first proviso of section one, chapter three hundred seventy-one, of the Laws of nineteen hundred and one, be amended so as to read as follows: Provided, that when the territory of the district or districts to be affected by such formation, alteration, consolidation or setting off of any freeholder from one district or attaching him to another consists of parts of two or more counties, the petition shall be in duplicate or more, as the case may be, and one presented to the commissioners of each of such counties, who shall severally proceed to hear the petition in the manner directed; that to effect the formation, alteration, consolidation or setting off of any freeholder from one district and attaching him to another consists of parts of two or more counties, the petition shall be in duplicate or more, as the case may be, and one presented to the commissioners of each of such counties shall severally proceed to hear the petition in the manner directed; that to effect the formation, alteration, consolidation or setting off of any freeholder from one district and attaching him to another, in such petition desired, shall require the concurrent action of the commissioners of each of such counties. The determination of the commissioners in each county shall be entered upon their records in the several counties by the

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several county auditors, who shall file the copies thereof with the clerks of the districts affected thereby in their respective counties in the manner directed, and, also, with the county auditors in each of the counties petitioned for consolidation, or, if none, with the auditor of said county, or with an adjoining district in the same county. Provided, that this act shall only apply to counties having a population of 225,000 or more and counties adjoining thereto. (*05 c. 183 § 1) [2683] 151-55, 1854563.

2752. Apportionment of property.—That in case any division of a school district is made under this act, the county commissioners of the counties in which said district is situated shall divide and apportion property of such district in proportion to the assessed valuation thereof. (*05 c. 183 § 2) [2684]

2753. Nominal districts.—Any district in which for two years no school has been held may be dissolved by the county board, and its territory may be annexed to an adjoining district in the same county, or consolidated with an adjoining district in the same county. Provided, that this act shall only apply to counties having a population of 225,000 or more and counties adjoining thereto. (*05 c. 183 § 1) [2683] 151-55, 1854563.

2754. Procedure for consolidation of school district.—Two or more school districts of any kind may consolidate either by the formation of a new district or by the annexation of one or more existing districts, upon petition of a majority of the inhabitants, in each of the districts affected, and upon the request of the county superintendent of a petition signed and acknowledged by at least twenty-five (25) per cent of the resident freeholders of each school district or area affected, qualified to vote at school meetings, who have been such freeholders for at least thirty (30) days immediately preceding the signing and acknowledging of the petition, asking for the formation of a consolidated school district in accordance with the plans approved by the superintendent of education, the county superintendent shall, within ten days, cause ten days' posted notice to be given in each district affected and one week's published notice, if there be a newspaper published in each district, of an election or special meeting to be held within the proposed district, at a time and place specified in such notice, to vote upon the question of consolidation. (*15 c. 238 § 3, amended *17 c. 470 § 1) 146-404, 178439; 130-58, 1844369; 151-54, 1854962; 151-299, 1854962; 165-507, 208448.

2755. Certain districts to receive aid as consolidated districts.—To receive state aid as a consolidated school district of Class A or Class B, as defined in this act, the consolidated districts must contain not less than twelve sections of land, and must be in connection with the formation of other school districts. The population of such districts shall be not less than fifty thousand dollars, and has resident therein not less than fifteen children of school age, the county commissioners of either county may organize that part of such district lying in their county into a separate school district, or consolidate the same with an adjoining district in the same county, provided, that this act shall only apply to counties having a population of 225,000 or more and counties adjoining thereto. (*05 c. 183 § 1) [2683] 151-55, 1854563.

The school is located. Provided that this act shall not affect the rights or status of any consolidated school district now organized. (*15 c. 238 § 2, amended *21 c. 230) 127-84, 144391; 130-58, 152441; 144-431, 1704958; 150-58, 1844359; 165-507, 208448.

2756. Petition for formation of consolidated school districts to contain signatures of at least 25% of free holders who have been residents of districts for thirty days prior to signing.—After approval by the superintendent of education of the plan for the formation of a consolidated school district, and upon presentation to the county superintendent of a petition signed and acknowledged by at least twenty-five (25) per cent of the resident freeholders of each school district or area affected, qualified to vote at school meetings, who have been such freeholders for at least thirty (30) days immediately preceding the signing and acknowledging of the petition, asking for the formation of a consolidated school district in accordance with the plans approved by the superintendent of education, the county superintendent shall, within ten days, cause ten days' posted notice to be given in each district affected and one week's published notice, if there be a newspaper published in each district, of an election or special meeting to be held within the proposed district, at a time and place specified in such notice, to vote upon the question of consolidation. (*15 c. 238 § 3, amended *17 c. 470 § 1) 146-404, 178439; 130-58, 1844369; 151-54, 1854962; 151-299, 1854962; 165-507, 208448.
tionate share of any bond, or other then outstanding indebtedness, incurred by the consolidated district for the construction of school buildings or the purchase of school equipment, but shall not be liable for any portion of any indebtedness incurred by any constituent territory from which said consolidated district was formed, which indebtedness was so incurred prior to the consolidation. ('15 c. 238 § 4, amended '17 c. 410 § 1; '19 c. 342 § 1)

151-58, 184-361. 166-507, 2084-408.

2758. Consolidation of districts having an area of one square mile and a voting school population of 100 —In like manner, one or more school districts may be consolidated with an existing district in which is maintained a state high or graded, or semi-graded school in a district containing an incorporated village, in which case the school board of the district maintaining a state high or graded, or semi-graded school in a district containing an incorporated village, shall continue to be the board governing the consolidated school district, until the next annual school election, when successors to the members whose terms then expire shall be elected by the legally qualified voters of the consolidated school district; provided, however, that in case of consolidation with a school district in which there is maintained a state high or graded, or semi-graded school in a district containing an incorporated village, consolidation shall be effected by vote of the rural school districts only, in the manner provided under this act, and by the approval of such consolidation of the rural school district or districts with the one in which there is maintained a state high or graded, or semi-graded school in a district containing an incorporated village by the school board thereof. Provided that the provisions in this section shall be applicable to a district that has an area not exceeding one (1) mile square in which there is contained a voting school population of one hundred (100) voters or more. ('15 c. 238 § 5, amended '17 c. 410 § 2)

192+440. 166-507, 2084-408.

2759. Consolidation with unorganized districts—In like manner any portion of an unorganized school district or district governed by a county education board may be consolidated with an existing district in which is maintained a state high, graded or semi-graded school, by a vote of the county board of education in the county in which is located such unorganized territory and by the approval of such consolidation of the unorganized territory by the school board of the district in which is maintained a state graded, semi-graded or high school. ('15 c. 238 § 8)

150-58, 184-369; 151-52, 184-601.

2760. Certificate of officers—The officers of the several districts forming a consolidated school district shall within ten days from receipt of copy of the order of consolidation, or within ten days from the date of the service of the notice of the order of consolidation, as prescribed by the superintendent certifying the formation of the new district, or immediately after election and qualification of members of the school board in the consolidated school district, turn over to the proper officers of the newly elected school board, or to the proper officers of the school board in the district maintaining the state high or graded, or semi-graded school, all records, funds, credits, buildings, property and other effects of their several districts. ('15 c. 238 § 7)

150-58, 184-369; 151-52, 184-601.

2761. Powers of consolidated boards—For the purpose of promoting a better condition in rural schools, and to encourage industrial training, including the elements of agriculture, manual training and home economics, the board in a consolidated school district is authorized to establish schools of two or more departments, provide for transportation of pupils, or expend a reasonable amount for room and board of pupils whose attendance at school can more economically and conveniently be provided for by such means; locate and acquire sites of not less than two acres, and erect necessary and suitable buildings thereon, including a suitable dwelling for teachers, when money therefor has been voted by the district. They shall submit to the superintendent of education a plat of the school grounds, indicating the site of the proposed buildings, plans and specifications for the school building and its equipment, and the equipment of the premises. ('15 c. 238 § 8)

150-58, 184-369; 151-52, 184-601.

2762. Requirements for receiving state aid—(1) For receiving state aid for transportation, schools in consolidated districts shall be in session at least eight months in the year and be well organized. They shall have suitable school houses with the necessary rooms and equipment. The board in a consolidated school district shall arrange for the attendance of all pupils living two miles or more from the school, through suitable provision for transportation or for the boarding and rooming of such pupils as may be more economically and conveniently provided for by such means.

(2) Besides maintaining schools in consolidated districts conforming to the above requirements the school board may maintain other schools of not more than two departments, and receive state aid for these schools as provided for ungraded elementary schools. ('15 c. 228 § 9, amended 228 c. 349 § 1)

150-58, 184-369; 151-52, 184-601.

2763. Qualifications of principal—The principal of a consolidated school shall be qualified to teach the elements of agriculture, as determined by such tests as are required by the superintendent of education. A school of this class shall have suitable rooms and equipment for industrial and other work, a library, and necessary apparatus and equipment for efficient work, and a course of study embracing such branches as may be prescribed by the superintendent of education.

(2) The principal and other teachers, including special teachers, shall have such qualifications as may be fixed by the superintendent of education. ('15 c. 238 § 10)

150-58, 184-369; 151-52, 184-601.

2764. Schools to receive amount expended for transportation of children—Consolidated schools shall receive annually the amount reasonably expended for the transportation of pupils, but not to exceed the amount provided for in section 7 of the state aid law.

In addition to the annual aid consolidated schools shall receive an amount to aid in the construction of buildings, equal to forty (40) per cent of the cost of such buildings, but no school shall receive more than a total of six thousand dollars ($6,000) for aid in the construction of buildings. The annual aid and the aid for buildings shall be paid in the same manner as now provided by law for the payment of other state aid to public schools.

Every school located in a consolidated district shall be classified under one of the following heads:

(1) Ungraded elementary, (2) Graded elementary, (3) Junior grade-school (4) high school, (5) junior high school or (6) senior high school, and every such school shall possess all the rights and
privileges of the rank and class which it has attained and shall be entitled to state aid according to such rank and class. (15 c. 238 § 11, amended '19 c. 445; '21 c. 467 § 18)

2765. Certain sections and chapters repealed—Sections 1289, 1290, 1291, 1292, 1293 Revised Laws 1905, and chapter 326 Session Laws of 1905 and chapter 304 Session Laws of 1907. Chapter 207 Session Laws of 1911, and chapters 279 and 428 Session Laws 1913 and other acts and parts of acts inconsistent herewith are hereby repealed. (15 c. 238 § 12)

2766. Consolidated school districts may be dissolved—Any consolidated school district, which has not issued any bonds since its organization, and in which district the voters thereof have voted against issuing bonds may be dissolved in the following manner:

Upon presentation, prior to May first of any year, the clerk of any such consolidated school district of a petition signed and acknowledged by at least twenty-five per cent of the resident free-holders, qualified to vote at school meetings, of such consolidated school district, asking that the question of the dissolution of such consolidated school district be submitted to the qualified voters of said district, the clerk shall, within ten days, cause ten days posted notice to be given in each of said original school districts, or parts of districts, and such notice published, if there is a newspaper published in such original school districts or parts of districts, of an election or special meeting to be held, at a time and place specified in such notice, to vote upon the question of such dissolution. (23 c. 316 § 1)

2767. Voters of district to vote on question of dissolution—At such meeting the electors shall elect from their number a chairman and clerk who shall be the officers of the meeting. The chairman shall appoint two tellers, and the meeting and election shall be conducted as are annual meetings in consolidated school districts. The vote at such election or meeting shall be by ballot which shall read "For Dissolution" or "Against Dissolution." The officers of such meeting or election shall, within ten days thereafter, in case of dissolution, certify the result of the vote to the superintendents of the counties in which such original school districts or parts of districts lie, and in case of no dissolution to the superintendent of the county in which such consolidated district mainly lies. If a majority of the votes cast by the voters of the county board have been for a dissolution, the county board shall have the power to divide such district or districts, at the time of the election, or within ten days thereafter, shall make proper orders to give effect to such vote, and shall thereafter transmit a copy thereof to the auditor of each county in which any of said original school districts or parts of districts lie, and to the clerk of each of said districts, and also to the superintendent of education. The county superintendents shall also cause ten days posted notice to be given of a meeting to elect officers for such original school district, or parts of districts, and thereafter upon such original school districts, or parts of districts, shall be governed by such laws, and acts amendatory thereof and supplementary thereto, as were applicable to them prior to such consolidation.

The school board of the consolidated school district shall, notwithstanding such vote of dissolution, continue to maintain the schools therein until the end of the school year in the same manner as if no dissolution had been voted, and the terms of office of the members of said board shall not terminate until all the provisions of Section 3 hereof have been fully performed. (23 c. 316 § 2)

Section 3 is § 2768. herein.

2768. Funds to be distributed to original districts—In case of the dissolution of any such consolidated school district, the funds in its treasury and undistributed taxes, shall be apportioned to the original school districts, and parts of districts, to the extent the same were collected from the territories thereof. All taxes collected after such dissolution shall be paid to the original school district, or part of district, in which the property upon which the taxes are collected is situated; such board shall also apportion to the several original school districts, or parts of districts, that portion of the debts of the dissolved district represented by outstanding orders or otherwise, and shall also apportion the property thereof as may seem to it right and proper, and said apportionment when so made shall be binding upon the said original school districts, or parts of districts, affected, but shall be subject to review by the district court. (20 c. 316 § 3)

2769 to 2773. [Unconstitutional.]

These sections (Laws 1913, c. 425, §§ 1 to 5) were held unconstitutional as violative of Const. Art. 6, §§ 33, 34, 165,205, 208,409.

2774. Division of funds on change of district—That whenever the boundaries of any school district are changed, or when a school district is formed from territory comprising two or more districts, or when any school district is divided, the county board shall make a division of the moneys, funds and credits belonging to such districts and shall make an award of such moneys, funds and credits to the district or districts affected by such change, and in making such award the commissioners shall take into consideration the indebtedness, if any, of the district so divided, and shall make such division as they deem just and equitable. (97 c. 109 § 2) 125-131, 148-152, 159-160, 159-164.

It was the duty of the county board to determine the respective rights of plaintiff and defendant in the taxes received under chapter 271, Laws of 1919, and not having done so, the record fails to show that defendant is entitled to the share of these taxes turned over to plaintiff by the county officers. 211,232.

2775. Duty of auditor—When a school district has been formed from territory comprising two or more districts, or where a school district has been divided and the county board has, by resolution, made a division of the moneys, funds and credits belonging to such districts the auditor of the county shall be required to make a division of all the moneys, funds and credits evidenced by the evidence in his office pursuant to and as required by said resolution. (97 c. 109 § 2) 2697

2776. Consolidation of school districts—When an incorporated village or a city of the fourth class contains two or more school districts of any kind situated wholly or in part within the corporate limits of such village or city, when only one of such districts maintains a state high school, such districts may be consolidated and form one district in the manner hereinafter provided. (17 c. 453 § 1) 14-153, 174,214: 150,58, 184,359, 151-52, 185,961.

2777. School districts may consolidate—Procedure—Whenever a petition signed and acknowledged by at least twenty-five per cent of the legal voters of each school district affected shall be presented to the state commissioner of education requesting that the said districts be united to form one district, and requesting the said state commissioner to call an election within each affected district to vote upon the consolidating of such districts, the state commissioner of education shall make proper inquiry as to the advisability of such
proposed consolidation, and if he shall deem it for the best interest of education therein and of the territory affected, he shall call an election to determine the question of such proposed consolidation to be held within in each of the districts affected. Notice of such election shall be given by posted and published notice as required by law for the consolidation of school districts. Such elections shall be conducted in the same manner as are annual school elections in independent districts. The vote shall be by ballots which shall read: "For Consolidation" or "Against Consolidation." ('17 c. 455 § 2; amended '21 c. 441 § 1) 141-3, 174-44: 160-58, 184-493; 151-5, 185-496.

2778. Elections—The officers of such election shall certify and make return of the result of the election to the State Commissioner of Education. If a majority of the legal votes cast at such election in each school district shall be in favor of such consolidation, such districts shall be consolidated and the state commissioner of education, within ten days after the result of such certification and return, shall make an order to give effect to such vote and declare the consolidation, specifying the number of such new district and transmit a copy thereof to the auditor of each county in which any part of any district affected lies and to the clerk of each district affected.

After the formation of any consolidated school district under this act any person aggrieved may appeal from said order of the commissioner declaring such consolidation to the district court of the county as now provided by law in connection with the formation of other school districts. ('17 c. 455 § 3; amended '21 c. 441 § 3)

2779. Existing indebtedness—Nothing in this act shall be construed to transfer the liability of existing indebtedness from the district or territory against which it was originally incurred. ('17 c. 455 § 4)

2780. State aid—A consolidation formed under this act shall not entitle the district to any of the state aid for consolidated schools unless the district and its schools conform in all respects to the provisions for consolidated schools under chapter 238, General Laws of 1915. ('17 c. 455 § 5)

2780-1. Consolidation of school districts in certain counties—Resolution—Submission to voters—Records, funds, etc.—Any county having less than five (5) organizing school districts and having within its borders a district of ten or more townships, which contains more than one-half of the area of the county, may consolidate such districts into one county district, which shall be designated as County District of _________ County, in the following manner:

The board of county commissioners of such county may, by a resolution, and upon petition to such board signed by not less than ten per cent of the qualified voters of the county according to the votes of the then last preceding general election, shall submit to the qualified electors of the county at the next general election to be held in such county not less than thirty days thereafter, the proposition of consolidating said districts into a county district. The ballots submitting the same shall read as follows:

For Consolidation
Against Consolidation

Such ballots shall be voted, canvassed and the result declared and returned in the same manner as ballots for elective county officers. If a majority of the votes cast on the proposition for consolidation, the county auditor shall make proper orders to give effect to such vote and shall transmit a copy thereof to the clerk of each district.

The school board of each district shall continue to maintain schools therein in the same manner as if no consolidation had been voted until July 1st next following, at which time all records, moneys, credits and funds of said districts, except the ten townships district herein referred to, shall be delivered to the county treasurer to act as custodian of same until such time as the organization of the county district shall have been completed. The county treasurer shall give a receipt for such records and funds and shall cause the financial accounts and statements to be audited by competent authority. ('27, c. 82, § 1)

2780-2. Same—School board—Election, etc.—The school board of any such county district shall consist of six members to be elected at the same time, in the same manner and for the same term as school board members in a ten or more townships districts, provided, that each member of the board of the ten or more townships district herein referred to shall continue to serve as a member of the school board of the county district for the full term for which he was elected and until his successor has qualified. The board of county commissioners shall be and are hereby authorized to appoint the remaining members of such board for the same term as such members herein referred to. The school board shall organize in the same manner and at the same time as boards of independent districts. ('27, c. 82, § 2)

2780-3. Same—School board—Powers—The school board of any such county district shall have and shall exercise all powers, and be subject to the same laws and regulations as school boards of ten or more townships and independent consolidated districts, and all laws applicable to ten or more townships and independent consolidated districts shall apply to said county district. ('27, c. 82, § 3)

2780-4. Same—Elections in county district—The election of the county district shall be held on the same day as the election in ten or more townships district, at the same time and in the same manner as elections are held therein. ('27, c. 82, § 4)

2780-5. Same—Election districts—That until otherwise determined by the electors, county commissioner districts numbers 1 and 5 shall constitute election district number 1, from which shall be elected two members of said board, and county commissioner districts numbers 2, 3 and 4 shall constitute election district number 2, from which shall be elected three members of said board, and that the remaining member of said board shall be elected at large in said county. ('27, c. 82, § 5)

2780-6. Same—School board—Compensation—The members of the board shall receive a per diem of $6.00 while attending any regular or special meeting of the board, but not, however, more than $72.00 in any one year, and shall receive 40 cents per mile in going to and from his place of residence to the place of meeting by the usual route of travel. ('27, c. 82, § 6)

2780-7. Same—Office of county superintendent of schools abolished—Upon the completion of the organization of a county district and the election of a superintendent, the office of county superintendent of schools in said county shall cease to exist from January 1 next following and the functions and duties of the county superintendent of schools shall be performed by the superintendent of the county district. ('27, c. 82, § 7)

2781. Indebtedness of old school district—Whenever any school district has heretofore been included in
a consolidated school district, the bonded and floating indebtedness of such old school district existing at the time of the going into effect of such consolidation shall be paid in the manner following:

A. Each year the county auditor shall extend a tax against the territory chargeable with the payment of any outstanding bond for an amount sufficient to pay the interest or instalment of principal due upon such bond in the year following. Such tax when so collected shall be turned over by the county treasurer to the treasurer of the consolidated school district, who shall keep the same in a separate fund and use the money so received for the payment of such interest or instalment of principal. In case, either because all of said taxes so levied are not paid or for any other reason, the amount so raised by such tax levy shall not be sufficient to pay such interest or instalment of principal, then the amount so remaining unpaid for such year shall be included in the levy to be made the following year.

B. The county auditor shall also levy a sufficient tax against the territory which was included in the old school district at the time of the consolidation to pay the outstanding liability of such old district, except indebtedness, the collection of which may be represented by school district orders duly issued prior to such consolidation. The money collected from such tax levy shall be by the county treasurer paid over to the treasurer of the consolidated school district, who shall keep the same in a separate fund and therefrom pay such outstanding orders with interest thereon. In case the money so collected shall not be sufficient to pay all of such outstanding orders with interest thereon, then the county auditor shall the following year levy a tax sufficient to pay such residuum so unpaid, and so continue from year to year until full payment has been made.

In case any such old school district included in a consolidated school district has outstanding obligations not represented by bonds or school district orders, the claims against such old school district may be presented to the board of the consolidated district, and if found correct may be allowed by said board and school district orders issued therefor against the territory included in such old school district to be so designated and money to pay the same shall be provided. (17 c. 452 § 2)

D. The school board of a consolidated district in which was included any school district having a bonded indebtedness may refund such bonded indebtedness by a three-fourths vote of the members of such school board and issue refunding bonds therefor which shall be chargeable against the territory that was chargeable with the payment of the bonds so proposed to be refunded. Such refunding bonds shall not run for a period shorter than five years nor longer than twenty years. The first refunding bond shall be due six years from the date of its issuance and shall be for not less than one-tenth of the bond issue in question nor more than one-fifth thereof, and each subsequent bond shall be for a like amount and shall be payable one year from the due date of the bond to be paid the preceding year. The county auditor shall extend a tax against all the territory chargeable in the first instance with the payment of the old bonds sufficient to pay the interest on such refunding bonds and any instalment of principal that may be due in the following year. Such tax for the first year shall be fifty per cent in excess of the amount to be due the succeeding year, and for every year thereafter shall be in such amount that, not exceeding fifty per cent, of the amount to be due the succeeding year, as the auditor may deem necessary. The county treasurer, upon the collection of such tax, shall apply the proceeds thereof to the payment of such interest or instalment of principal, and shall file with the county auditor receipts therefore together with a report of the amount collected.

The state board of investment may invest the funds under its control in refunding bonds so issued under the provisions of this paragraph.

E. Whenever any person has a claim against a school district which has been included in a consolidated district, which claim is not represented by a bond or school district order and which claim the consolidated district school board will not allow and issue a school district order therefor as provided in paragraph C hereof, such person may institute action in the proper court against the territory included in such old school district at the time of the consolidation by serving a summons and complaint upon the consolidated district school board, which board shall defend itself to such suit. If judgment is secured by any such person on any such claim, then upon filing a certified copy of such judgment with the county auditor, such county auditor shall proceed by tax levy substantially as provided in paragraph B hereof and the money so received from such tax levy shall be paid by the county treasurer in payment of such judgment. (17 c. 452 § 1)

2782. Care and distribution of moneys received—Such moneys so received by the county treasurer and by the treasurer of the consolidated district shall be considered as county and school district moneys so received by them respectively, and such treasurers and their bondsmen shall be liable for the proper care and distribution thereof to the same extent as they are liable for other county and school district funds that may be received by them. (17 c. 452 § 2)

2783. Change of common or special districts—Any common or special district may be changed to an independent district as hereinafter provided. (R. L. § 1295; amended '13 c. 356 § 1) [2698].

2784. Notice of meeting—To effect such change, ten days' posted notice of a meeting shall be given, signed by six or more resident freeholders, stating the object of the meeting, and notifying the voters of said district to assemble upon a specified day, at a place in said district named in said notice, the time and place and manner to assemble and notifying the officers of such district of the time and place of said meeting, and notifying the voters of said district to assemble upon a specified day, at a place in said district named in said notice, the time and place of said meeting and the object thereof. The notice shall be posted in two public places in such district, and the school board of the district named in such notice shall be the judges of such election. The voting shall be by ballot upon the question of organization as an independent district. (1296) [2699]

2785. Vote upon change—At the time and place mentioned in said notice, the electors assembled shall appoint a chairman, assistant chairman, and clerk, who shall be the judges of such election. The voting shall be by ballot, and those favoring such change shall write upon their ballots, “Independent district—Yes,” and those against, “Independent district—No.” (1297) [2700]

2786. Meeting to elect officers—If a majority of votes cast be in favor of the change, the clerk shall forthwith give notice thereof to the county auditor, and, within twenty days thereafter, shall call a meeting to elect officers, upon ten days' posted notice, and the same proceedings shall thereafter be had as in the organization of other independent districts; and
the officers of the common or special district shall act as officers of the new district until the qualification of officers and organization of the new board. (1302) [2701]

2787. Dissolving independent districts—Any independent district may change its organization to that of a common school district by a vote, by ballot, of two-thirds of the electors voting upon the question at any annual or special meeting; notice having been given that such question would be submitted at such meeting. In case of such affirmative vote, the meeting shall elect the proper officers in the same manner as in the organization of a common school district, and the chairman, treasurer, and clerk of the independent district shall be the chairman, treasurer, and clerk, respectively, and shall constitute the board of the common district until their successors shall qualify, and the common district shall in all things be the successor of the independent district. (1999) [2702]

2788. Rehearing before county board—When the boundaries of any district have been changed by order of the county board, if there shall be filed with the auditor a petition to such board for rehearing, signed by not less than five freeholders, legal voters in said district, the auditor shall forward such petition to the county board. The board shall thereupon set a time and place for rehearing, and shall cause notice thereof to be served on the clerks of the districts affected by such change, and posted as in case of the original petition. The hearing may be adjourned from time to time, and the board shall make such order in the premises as it shall deem just. (1200) [2703]

The county board created district No. 13 out of territory therefrom included in district No. 5 and denied an application for a rehearing. Held, that the order denying a rehearing could not be reviewed in an action brought by the new district to recover its share of the funds in the treasury of the old district. 211:432.

2789. Aggrieved person may appeal to court where his land is set off from school district and added to another—When any freeholder shall present to the board of any county a petition, verified by him, stating that he owns land in such county adjoining any district therein, or that land may not more than one quarter section, and that such intervening land is vacant and unoccupied, or that its owner is unknown, and that he desires his said land, together with such intervening land, set off to such adjoining district, and his reasons for asking such change, the board, upon notice and hearing as in other cases, and upon proof of all the allegations of the petition, may make its order granting the same, and like notice of such change shall be given as in other cases; provided, that any person or officer of any school district aggrieved by any order of the county board made pursuant to the provisions of this section, or by any order of the county board, made on the rehearing before it of any such petition, may appeal to the district court from such order, such appeal to be governed by the provisions of Section 2676, General Statutes 1913. (R. L. '05 § 1301; G. S. '13 § 2704; amended '15 c. 113 § 1)


2790. Districts to be composed of adjoining territory—All districts shall be composed of adjoining territory, and any part of a district not so situated, and not containing a school house used as such, shall be by the county board, upon notice and in other cases, attached to a proper district. (1302) [2705]

211:460.

2791. Plats and description of districts—The county auditor shall keep in his office books containing a correct plat and description of such district organized, whether wholly or partly in his county. (1303) [2706] 211:490.

2792. Presumption of legal organization—Every school district which for one year shall have exercised the powers and franchises of a district shall be deemed legally organized. (1304) [2707] 54-211, 55:1222; 65:166, 68:66. 33:156, 34:1, 211:469.

2793. School meetings of common and independent districts—The annual meeting of all common and independent districts shall be held on the third Tuesday in July, at 7 o'clock p. m., unless a different hour has been fixed at the preceding annual meeting, upon ten days' posted notice given by the clerk, and specifying the matters to come before such meeting; but failure of the clerk to give such notice, or to specify the business to be transacted thereat, shall not affect the validity of any business, except the raising of money to build or purchase a schoolhouse, the authorizing of an issue of bonds, the fixing of a schoolhouse site, the organization as an independent district, or the change from an independent to a common district. The boards of education or trustees in special school districts may fix the annual meeting, when so authorized by vote of the district. Provided, that the polls at all school meetings shall be held open at least one hour. (1305) [2710] (Amended '25, c. 147, § 1)

This Corrupt Practices Act, which prohibits the sale of newspapers printed in school districts, applies only to school districts which for one year shall have exercised the powers and franchises of a district. (R. L. '05 § 1306; amended '13 c. 142 § 1) [2711] 45:8, 47:442.

2794. Special school meetings—Upon the written request of five freeholders and voters of a district, specifying the business to be acted upon, or upon the adoption of a proper resolution, by specifying, signed by the school board, or upon a request, so specifying, signed by a majority of the members of the school board, the clerk shall call a special meeting of such district upon ten days' posted notice and one week's published notice, if there be a newspaper printed in such district, and shall specify in such notice the business named in such request or resolution the time and place of meeting. If there be no clerk in the district, or if he fails for three days after receiving such request or resolution to give notice of such meeting, it may be called by like notice signed by five freeholders and voters of the district. No business except that named in the notice shall be transacted at such meeting.

In case it shall be made to appear by affidavit that there are not five voters who are freeholders in any school district, or that there is not a legal school board therein, the county superintendent of schools of the county in which such district is located, shall, if in his opinion there is need for such school meeting, call such meeting by giving notice thereof as hereinbefore provided. (R. L. § 1306; amended '13 c. 142 § 1) [2711] 45:8, 47:442.

2795. Notice of meetings in common school districts—The annual school meeting of any common school district may in its discretion authorize and direct the district clerk to mail a notice of annual and special school meetings to the electors of the district, at least five days before the date of the meeting; provided, that the failure or neglect of the clerk to mail such notice shall not affect or invalidate the said meet-
2797. Publication of proceedings of boards of independent school districts—The school board of each independent school district in this state shall cause to be published once, in some newspaper published in such school district, or if there be no newspaper so published therein, then in some newspaper published in the county in which such school district is located, the official proceedings of such board, and such publication shall be made as soon as may be, and not later than thirty days after the meeting at which such proceedings were had. Such publication shall be let annually for the space of ten days, at the expense of the district, and shall be placed upon the free state at all public meetings of the electors of said district; provided, that not more than fifty cents per folio shall be paid for such publication. (15 c. 360 § 1; amended '19 c. 496 § 1)

2798. Powers of annual meeting—The annual meeting, not less than five legal voters being present, shall have power:

1. To elect a chairman and clerk pro tem., if the chairman and clerk of the board be absent; but in common and independent districts the chairman and clerk of the school board shall officiate in their respective capacities at all meetings of the electors of the district.

2. To adjourn from time to time.

3. To elect by ballot officers of the district. In all elections or vote by ballot, the clerk shall record the names of all voters participating therein, and the chairman shall appoint as tellers two disinterested electors, who, with the assistance of the clerk, shall supervise the ballotting and canvass the votes.

4. To designate a site for a school house, and provide therefor, by building or otherwise placing a school house thereon, when proper notice has been given, but a site on which a school house stands or is begun shall not be changed, except by vote therefor, designating a new site, by a majority of the legal voters of the district, who have resided therein not less than one year prior to the vote.

5. To repeal and modify their proceedings from time to time, in accordance with the powers therein conferred. (R. L. § 1508; amended '11 c. 249 § 1) [2715]


The elections of a common school district have authority to designate a site, direct the erection of a new schoolhouse, and provide funds therefor. When this is done, it becomes the duty of the school board to carry into effect such instructions. 161-134. 204-440. Mandamus to compel action. 164-134. 204-440.

2799. Candidates for school district offices—Filing of applications with clerk—Ballots—Any person desiring to be a candidate for a school district office at the annual meeting of such district shall file with the clerk of such district an application to be placed on the ballot for such office or any five (5) voters of the district may file such application for or on behalf of any qualified voter in the district that they desire shall be such candidate. Such applications shall be filed not more than thirty (30) nor less than twelve (12) days before the annual school district meeting. The clerk of the district in his notice of annual meeting shall state the names of the candidates for whom applications have been filed, failure to do so, however, shall not affect the validity of the election thereafter held. The Clerk shall prepare at the expense of the district, necessary ballots for the election of officers, placing therein the names of the proposed candidates for such office, and with a blank space after such names, and such ballots shall be substantially prepared as are ballots for general elections such ballots shall be marked and signed as official ballots, and which said ballots so prepared by the clerk of the said district shall be used to the exclusion of all other ballots at such annual school meeting in the election of officers of said district; provided that nothing in this act shall apply to or affect school districts employing but one teacher. (17 c. 384; amended '25, c. 206)

The provision of this act as originally enacted, relating to the preparation of ballots by the clerk for the annual school district elections, held directory merely, and voters at such elections using other ballots properly marked were not to be disfranchised. 162-59. 2796. (See 1899)

2800. Additional powers of meetings in common school districts—In addition to the foregoing powers, any common school district at its annual meeting, or at a special meeting when proper notice has been given, may vote a sufficient fund for maintenance of its schools and for all other proper purposes, appoint a librarian, and make rules for the use and management of the library, and the school board to make designated improvements to school property, and to provide free text-books for the schools. (1509) [2716] [2801]

2801. Election of officers in certain districts—In any common school district containing over three hundred voters, in counties having a population of more than fifty thousand and less than one hundred thousand, the school board shall divide the district for the purpose of electing officers, voting on the issue of bonds, or other matter specifically submitted for vote by ballot, into precincts for each three hundred voters, or major fraction thereof. The voters present at the opening of the polls shall choose a moderator and two clerks, who shall forthwith certify the result of the election of the clerk of the board, and the result be canvassed and the result announced at the annual meeting, except in case of a special election, when the same shall be canvassed by the district officers as soon as practicable after the receipt of the returns. Such regular elections shall be held on the Saturday preceding the annual meeting, and at the same hour and upon the same notice, and no matter except the election of officers shall be voted upon at such meeting unless specified in the notice. (1310) [2717]

2801-1. Special school elections in districts with boundaries coterminous with boundaries of fourth class cities—This act shall apply to all school districts, however organized, the territorial boundaries of which are coterminous with the territorial boundaries of a city of the fourth class. (25, c. 10, § 1)

2801-2. Same—Definitions—By the expression "School Board," as used herein, is meant the governing body of such school district, however designated, and by the word "Clerk," the school district's officer who, under any title, performs clerical functions. (25, c. 10, § 2)

2801-3. Same—Calling election by school board—Conduct of election—Contests—The school board of any
such school district, shall have authority by resolution to call special elections of such school district, and to cause to be submitted thereat to its electors any proposition or question provided or permitted by law to be submitted to the voters of a school district at a special school election or meeting, including the proposition of issuing the school district's bonds under any applicable law. For the purposes of any such special election, the school district shall consist of election precincts or voting districts as many in number and identical as to boundaries with the election precincts or voting districts into which the city may at the time be divided for the purposes of a general election, and the special election shall be held in such election precincts or voting districts. There shall be one polling place for each voting precinct or election district. The resolution calling any such special election shall name the voting places and provide for election officers in accordance with the provisions of law in that regard applicable to such city or school district, and shall prescribe the time during which the polls shall be kept open, which shall not be less than one hour. The school board shall give notice of any such special election by ten days' posted notice thereof signed by the Clerk in each of said election precincts or voting districts, and by one week's publication thereof in a newspaper, if a newspaper is published in the school district. The voting at any such special election shall be by ballot, and the Clerk shall prepare ballots and necessary stationery. More than one proposition or question may be submitted at the same special election, but each proposition or question submitted shall be stated separately in the notice and on the ballots. The compensation of election officers shall be in conformity with the general election laws, and the school board is empowered to pay all expenses for any such special election out of the district's funds. The general election laws shall govern in the conduct of the election. The returns from each election precinct or voting district shall be made to the school board, and shall by it be canvassed within three days after the holding of the election. In the event of a contest, the provisions of General Statutes 1913, Chapter 529, shall apply and govern. (25, c. 10, § 4).

Explanatory note—For "General Statutes 1513, Chapter 529." read "General Statutes 1913, § 529." (§ 438, herein.)

2801-4. Same—Law supplemental and additional—The provisions of this act are supplemental and additional to all other powers conferred by law on any such school district. (25, c. 10, § 4.)

2802. Districts of ten or more townships—Trustees, how elected—In all common school districts in Minnesota embracing or containing ten or more townships, the trustees and members of the school board shall be elected as follows: In all such districts existing at the date of the passage of this act, the trustees and members of the school board shall continue to hold their respective offices, as follows: The chairman until August 1 following the next biennial general state election; the treasurer until one year from such date, and the clerk until two years from such date. If said terms of office or either of them so existing at the date of the passage of this act shall expire prior to said dates, that is, shall expire on or after August 1 following the next biennial general state election, and one year from said date, and two years from said date, as above stated, then and in that event the expiration of such terms shall constitute a vacancy, and such vacancy shall be filled as provided by sections 1316 and 1317 of said Revised Laws of 1905, as amended hereby. At the first meeting of each newly created or organized district hereafter created or organized, containing ten or more townships, the chairman shall be elected to hold office until August 1 following the next biennial general state election, the treasurer until one year from said date, and the clerk until two years from said date. At the first biennial general state election held after the passage of this act in common school districts embracing or containing ten or more townships and at the first biennial general state election held after the organization of each new district embracing or containing ten or more townships, and in each biennial general state election thereafter, there shall be elected two members of said board, such members being elected to fill the offices expiring respectively August 1 after such election and one year from August 1 after such election, the term of office of one to commence August 1 in the year following his election, and that of the other August 1 in the second year following his election. The office to which each is so elected and the time of the commencement of the term of each, with the length of term, shall be stated on the ballot. For the purpose of carrying into effect this act, and so as to enable the electors in each of such districts embracing or containing ten or more townships to elect officers at such biennial general state election, the primary election law and the primary election law including the primary election law, shall, so far as possible, be applicable hereto, and the candidates for said offices shall file for nomination and be chosen and nominated and their names placed upon the ballot, under and pursuant to the provisions of said general election law and the primary election law in this state, and the general election law and the primary election law shall be made applicable hereto and carried out by the officers and persons having the performance and enforcement thereof, except that a separate ballot box shall be used and voters need not register. The votes shall be returned and canvassed and the persons elected notified in the same manner as in the election of county officers. (R. L. § 1311; amended '09 c. 187 § 1.) (2718)

Explanatory note—For R. L. '65, §§ 1315, 1317, see §§ 2815, 2817, herein. 1909 c. 187 § 5 repeals inconsistent acts, etc. This section is not void because its meaning cannot be ascertained, because inconsistent acts, etc.

2802-1. Common school districts containing ten or more townships and less than ten schools—School board—Annual meeting—Trustees—In each common school district in the state now or hereafter containing ten or more townships and less than ten schools—School board shall consist of five trustees to be elected in the manner and for the terms hereinafter provided, and to hold office until their successors are elected and qualify. The annual meeting of each such district for the election of trustees and the transaction of other lawful business shall be held at the time and in the manner provided by law for independent districts. At the annual meeting of each such common school district to be held in July, 1927, there shall be elected five trustees, to take office on August 1, 1927, two to hold office for one year, two to hold office for two years, and one to hold office for three years from said date, and thereafter at each annual meeting of such district two trustees, as the case may be, shall be elected to succeed those whose terms will expire on August 1, next following such meeting, and to serve for three years, provided, that all trustees now serving upon the board of any such district shall hold office until the expiration of the terms for which they were herebefore elected, as hereinafter provided, and no new trustees shall be
elected to fill the places held by such present trustees except as hereinafter provided. The term for which each trustee is elected shall be designated on the ballot. The board of any such district as now constituted shall continue to serve until August 1, 1927, and until a new board is constituted as herein provided. If any trustee now in office has heretofore been elected for a term expiring after August 1, 1927, he shall be entitled to serve out such term, and shall be deemed to be a member of the new board, and shall hold one of the regular places thereon hereinbefore provided of which the term expires at the same time as the term of such present trustee or if there be no such place on the board, he shall hold, until the expiration of the term for which he was elected, one of the regular places on the board of which the term expires on August 1 next following the term for which he was elected; provided, that the term for which he was elected shall not be extended, and at the annual meeting next preceding the expiration of such term a successor shall be elected to take office upon the expiration of such term and to serve out the remainder of the regular term of the place on the new board held by such present trustee. (27, c. 84, § 1)

2802-2. Same—School board—Vacancies—Any vacancy in the board shall be filled by the board at any legal meeting thereof until the next annual meeting, when a trustee shall be elected to fill the vacancy for the unexpired portion of the regular term. If a vacancy shall occur after August 1, 1927, in a place on the new board held by any member of the present board holding over until the expiration of the term for which he was elected, such vacancy shall be filled by the board until the next annual meeting, as hereinbefore provided, when a trustee shall be elected to fill the vacancy for the remainder of the regular term; provided, that if a new trustee has already been elected to take office at the expiration of the original term of such present trustee, as hereinbefore provided, such new trustee shall take office immediately to fill the vacancy and shall serve until the expiration of the term for which he was elected. (27, c. 84, § 2)

2802-3. Same—School board—Organization—Officers—Within ten days after the election of the first school board in such districts, under the provisions of this act, and annually thereafter on the first Saturday in August, or as soon thereafter as practicable, the board shall meet and organize by choosing a chairman, clerk, and treasurer, who shall hold office for one year, and until their successors are elected and qualified; provided, that if after August 1, 1927, there shall be upon the new board a trustee who has heretofore been duly elected as chairman, clerk, or treasurer, for a term expiring after August 1, 1927, and has duly qualified for and held such office until said date, he shall be entitled to hold such office until the expiration of the term for which he was lawfully elected thereto. (27, c. 84, § 3)

2802-4. Same—Laws repealed—Laws 1925, Chapter 391, is hereby repealed. (27, c. 84, § 4)

2802-5. Common school districts with ten or more townships and more than thirty schools—Term of office of trustees—Vacancies in office of trustee—Election of trustees—In each common school district containing ten or more townships and more than thirty schools upon the passage of this act, or hereafter coming into that class, each person heretofore elected a trustee thereof shall hold his office for the duration of the term for which he was elected and until the first Monday in January next following, unless sooner vacated according to law. Vacancies shall be filled by the remaining members of the school board by appointment until the first Monday in January following the next biennial election. If such remaining members fail to appoint within ten days after the vacancy occurs, such vacancy may be filled, after five days' notice to them, by mail, by appointment of the Governor. At each biennial election there shall be elected successors of the board members whose terms end prior to the next biennial election, as well as members or officers to fill vacancies for unexpired terms; and the terms of members so elected shall commence on the expiration of the terms of their predecessors and except when elected to fill unexpired terms shall be for four years and until their successors are elected and qualified; provided, when any such term commences in January in an even-numbered year it shall be for three years; provided further that in districts not having officers holding over as elected officers of common school districts containing ten or more townships, there shall be elected at the first biennial election a chairman and a treasurer to hold for two years and a clerk to hold for four years. All general provisions of law for the nomination and election of county officers shall apply to the nomination and election of school officers hereunder, and such school officers shall be nominated and elected without party designation. (23, c. 143, § 1; amended '25, c. 48, § 1)

2802-6. Same—Annual and special meetings—Proceedings at—Annual and special meetings of such school districts shall be called and held in the manner and at the time provided by law for such meetings of common school districts containing ten or more townships, in the village or township having the largest school attendance during the preceding school year; provided, proposed bond issues and all other matters required or desired to be submitted to vote by ballot shall be so submitted at a general biennial election or at a special election held in each precinct, as hereinafter set forth. The office and meeting place of the board shall be in the same village or township; provided that the board may in their discretion hold special meetings in any other places therein; and business relating to the transaction of any business thereon, or if one hundred or more voters of the district so petition within such ten days, the matter shall be in like manner submitted and disposed of at a special election and voted on in the precincts as in Section 3 hereof provided. When any proposed bond issue or other matter is to be submitted at a general election, the board shall certify the fact to the county auditor,
who shall cause all such matters to be so submitted to the voters of the district on a separate ballot, and further proceedings shall be taken in like manner to similar county-wide propositions. The result shall be certified by the auditor to the school board.

The proceedings of the board shall be published in accordance with Chapter 496, Laws 1910, the letting of the contract therefore to be at their first meeting annually. Except that, if the board determine, that the best interests of the districts would be served thereby, the publication may be in two or more newspapers of the district, provided in such event the total cost of such publication shall not exceed seventy-five cents per folio of the matter published. (23, c. 143, § 2; amended '25, c. 48, § 2)

Explanatory note—For section 3 see § 2802-7, herein. For Laws 1915, c. 496, see § 2797, herein.

2802-7. Same—Division of districts into precincts—At least thirty days before first submitting any proposition to be voted upon by ballot, otherwise than at the general biennial election, the trustees of school board of any such school district shall, by resolution in writing, divide the district into precincts, for the purpose of voting upon bond issues and all other matters so required or desired to be submitted for vote by ballot; and may thereafter from time to time change the boundaries of such precincts, consolidate two or more or establish new ones, as the convenience of the voters shall require; provided, so far as practicable, the precinct boundaries shall follow the lines of general election precincts in the district, and no change of boundaries shall be made within thirty days prior to any election. Such resolution shall describe the precincts, giving the boundaries thereof, fix a polling place in each at some school building or other place deemed most convenient to the voters, and shall be filed in the office of the clerk of the district. A copy thereof shall be filed in the office of the county auditor, and like copies shall be posted at the polling places in each district affected, at least ten days before the next school election held thereafter. (23, c. 143, § 3)

2802-8. Same—Notice of special elections—Notices of such special election shall be given by publication and by posting in each precinct substantially in the manner now provided by law for notices of meetings of common school districts, but need not specifically designate the polling places otherwise designated, as hereinbefore provided, in each precinct. (23, c. 143, § 4)

2802-9. Same—Officers for special elections—At least ten days before any special election the school board shall by resolution filed with the clerk thereof appoint from the resident electors a moderator or judge of election and two clerks for each precinct. The clerk of said school board shall immediately notify in writing each person so appointed of his appointment, and such persons, if present at the hour set for opening of the polls, shall qualify, open the polls and conduct such elections substantially in the same manner as elections for county officers; provided, unless otherwise designated by the voters at any such election or at an annual school meeting, the school board may fix the hours for opening and closing the polls in any such precinct elections, but the polls shall in each case be open for at least one hour. If any of the appointed officers are absent or fail to act at the hour set for opening the polls, the electors present may choose any elector then present to fill the vacancy, who shall qualify and act. Upon the closing of the polls the election officers acting in each precinct shall forthwith count the votes and certify the result thereof to the clerk of the district, placing the certificate, poll list, ballots and all other records of the election in an envelope, securely sealed, and shall mail or deliver the same forthwith to the clerk of the district. The ballots shall be separately enclosed and sealed, within the envelopes, shall be preserved for one year, and shall not be opened or examined except in case of a contest or by the order of a court of record. The school board shall canvass said votes and returns and declare and record the result thereof, and take such further proceedings as are required or authorized thereby. (23, c. 143, § 5)

2802-10. Same—Elections to change number of trustees—On petition of at least ten per cent of the number of voters at the last preceding general election, the trustees shall within sixty days cause to be submitted at a general or special election, but not oftener than once in four years, the proposition "shall the number of trustees be increased to five?" If so required, there shall also be submitted at the same time the proposition, "Shall such change take effect at once?" If said first proposition carries, the trustees shall, within forty days, then meeting, act with their clerk and with the county auditor, divide the district into three groups of precincts, to be known and numbered as subdivisions, of as compact shape and as nearly equal population as may be, which may be changed from time to time, but not oftener than quadrennially. Each village shall be placed as an entirety in one subdivision, unless reasonable equality of population of subdivisions would thereby be prevented. The terms of the trustees last elected shall not be shortened, but each shall be treated as the member for the subdivision of his residence; or, if two or more reside in the same subdivision, they shall determine by lot or as hereinafter provided which shall be the subdivision trustee, and which shall be trustee or trustees at large. At the next ensuing primary and general elections, vacancies shall be filled, if any, and there shall be chosen trustees at large or for subdivisions to succeed those whose terms are about to expire, and also two additional trustees, at large or for subdivisions, so that there will be a trustee for each subdivision and two trustees at large. The designation of new trustees, as aforesaid, and the fixing of terms of two years for the additional trustees first elected, shall be such that thereafter one trustee at large and not over two subdivision trustees shall be elected at each biennial election, aside from filling vacancies; and, when necessary to this end, the additional trustees receiving the larger vote shall hold for the longer term. Provided, if the voters have determined that said change shall take effect at once, said two additional trustees first chosen shall be elected at a special election to be called and held within ninety days after the creation of said subdivisions, and the candidates shall be nominated under Sections 371 to 374 inclusive, General Statutes 1913, and elected for terms ending on the first Monday in January following the next general election—or one ending then and one two years thereafter—so as to put in operation the plan aforesaid. In all cases the nomination and election of each trustee, whether at large or from a subdivision, shall be open to participation by all the voters of the district. Each subdivision trustee shall during his term reside in the subdivision for which he is elected. Upon a five member board's being duly constituted, the district shall be known as a "general school district," the offices of the chairman, clerk and
such election shall be held. The necessary stationary
and ballots for each of said election precincts shall be
furnished by said school board, and the polls from such
precincts shall be made to the
school board of said district and shall be canvassed by
said board and the result of said election declared and
certified to by them within two days after the holding
of the election, their canvass and certificate in refer-
ence thereto being final unless corrected by a court of
competent jurisdiction in the manner provided by law
for the correction of an election of this character. (23, c.
66, § 3)

2802-15. Same.—Conduct of elections.—The annual
election or meeting in such independent school district
shall be held at the time specified in the general stat-
tutes of this state for the holding of annual school
meetings and in accordance therewith. All balloting
upon the election of officers or upon any questions to
be submitted to the electors of the district shall take
place at the election precincts hereinbefore designated
by the board, and such balloting shall commence at
the hour of seven P. M. and be continued, and the polls
shall not be closed until the hour of eight P. M. there-
after, unless a different hour has been fixed, at the
preceding annual meeting. The polls at all school
meetings shall be held open at least one hour, and
may be held open for such longer time as has been fixed
at the preceding annual meeting. All other business
to be transacted at any general or special meeting of
the voters of such school district which shall not re-
quire a vote by ballot shall be transacted commencing
at the said hour of eight P. M. upon the closing of
the polls as aforesaid, at such central voting place as
may be designated by the school board, and specified
in the notice of school meeting. (23, c. 66, § 4)

2803. School board.—When common school district
boards shall exercise same right as independent school
district boards—The school board in a common district
containing ten or more townships shall have and exer-
cise all powers, and be subject to the same laws and
regulations as school boards in independent districts.
(13 c. 465 § 1) [2725]
155-304. 158-319.

2804. School board of common and independent
districts—The care, management and control of com-
mon and independent districts shall be vested in a
board of trustees, to be known as the school board,
whose term of office shall be three years and until
their successors qualify. (1312) [2781]
Cited (115-125, 125-317).

2805. School board of common districts—The school
board of each common school district shall consist of
a chairman, a treasurer and a clerk. At the first meet-
ing of each school district embracing or containing
less than ten townships, the chairman shall be elected
to hold office until August 1 following the next annual
meeting; the treasurer until one year from such date,
and the clerk until two years from such date. At the
first meeting in each common school district embracing
or containing ten or more townships, the chairman
shall be elected to hold office until August 1 following
the next biennial general state election, and the trea-
urer until one year from such date, and the clerk until
two years from such date. Said trustees so elected
in districts embracing or containing ten or more town-
ships shall be paid such salary or compensation as the
electors or legal voters of such district at the annual
meeting thereof shall fix or determine, and the elec-
tors or legal voters of such district at the annual
meeting thereof shall have power and are hereby authorized, by a majority vote, to fix and determine and authorize the payment of salaries or compensation to said trustees. The vote upon the payment of such salaries or compensation shall be by ballot. (R. L. § 1313; amended '09 c. 187 § 2) [2732]

Cited (110-473, 124-279).

The office of treasurer of a school district and the office of county commissioner, in view of the duties of each relative to schools are incompatible. 157-263, 166-467.

2806. School board of independent districts—The school board of each independent school district shall consist of six members. At the first meeting of the district, six directors shall be elected, two to hold until August 1 following the next annual meeting, and two to hold until the expiration of one year, and two until the expiration of two years, from said August 1; the time which each director shall hold being designated on the ballot. (1314) [2793]


The majority of the board constitutes a quorum, and the act of the majority of the quorum is the act of the board. 160-233, 199-911.

When five members are present, two members vote for, and two members vote against a motion, the chairman, by declaring the motion carried, casts his vote in the affirmative, though he did not previously formally declare a vote. 180-253, 193-451.

2807. Boards in independent districts—Meeting and organization—Officers—Superintendent—Within ten days after the election of the first school board in independent districts, and annually thereafter on the first Saturday in August, or as soon thereafter as practicable, the board shall meet and organize by choosing a chairman, a clerk, and treasurer, who shall hold their offices for one year, and until their successors are elected and qualified. They may also elect a superintendent for such a term of service as the board may determine not to exceed a term of one year. He shall be ex-officio a member of the board, but not entitled to vote therein. (1315) [2734] (Amended '25, c. 124)

A superintendent may be employed only during the pleasure of the board. 160-233, 199-911.

A taxpayer cannot maintain an action to prevent such school district from making a contract of employment with a certain person as superintendent. 169-213, 199-911.

2808. Election of superintendent in special districts—That the superintendent of schools of every special district in this state in which it is provided that said superintendent shall be elected by the board of education of said special district may be elected at any time, notwithstanding any provision in the charter or special act under which such special district was created which requires the election of such superintendent to be had at the first meeting after the annual election of members of said board of education. (‘05 c. 251 § 1) [2735]

2809. To what districts applicable—This act shall apply to all school districts created under a special law of the state of Minnesota. (‘05 c. 251 § 2) [2736]

2810. Clerk in special districts—The board of education in any special school district in the state of Minnesota, at its annual meeting for organization, may, at its option, appoint as its clerk or secretary a person not a member of such board, and may make provision for his compensation in accordance with existing law. (‘09 c. 277 § 1) [2741]

2810-1. Nomination by petition of school directors in cities of second class—Candidates for director of the school board in cities of the second class may be nominated by petition or certificate of voters whether there is a vacancy in the nominations for such office or not. (‘23, c. 88, § 1)

2811. Vacancies—A vacancy in any school board or board of education elected by the people, shall be filled by the board at any legal meeting thereof until such vacancy can be filled by election at the next annual meeting, in school districts containing less than ten townships, and at the next general biennial state election in school districts embracing or containing ten or more townships. Such appointment shall be evidenced by a resolution entered in the minutes. All appointments and elections to fill vacancies shall be for the unexpired term. (R. L. § 1316; amended '09 c. 187 § 3) [2742]

2812. Special election to fill vacancy—If the board shall fail for ten days to fill any vacancy, a special meeting may be called for that purpose by ten days' posted notice signed by three qualified voters, freeholders or householders of the district, setting forth the object of the meeting. Officers elected at such meeting shall hold for the unexpired term, but no such meeting shall be held within thirty days before the annual election or annual meeting in districts containing less than ten townships nor within thirty days before the general biennial state election in districts embracing or containing ten or more townships. (R. L. § 1317; amended '09 c. 187 § 4) [2743]

2813. Acceptance of office—All persons elected or appointed district officers shall, within ten days after notice of such election or appointment, file with the clerk or secretary of the district his acceptance of the office and his official oath, or be deemed to have refused to serve, but such filing may be made at any time before action to fill the vacancy has been taken. (1318) [2744]

83-194. 86-430.

2814. Quorum—A majority of the school board shall constitute a quorum, but no contract shall be made or authorized except at a meeting of the board of which all members have had legal notice. (1319) [2746]

2815. Powers and duties of school board—The school board shall have the general charge of the business of the district, and of the school houses and the interests of the schools thereof, and shall:

1. When authorized by the voters at a regular meeting or a special meeting called for that purpose, may acquire necessary sites for school houses, or enlargements or additions to existing school house sites, by lease, purchase or condemnation under the right of eminent domain; erect, lease or purchase necessary school houses, or additions thereto; and sell or exchange such school houses or sites and execute deeds of conveyance thereof. Provided, however, that in any common school district in counties, of this state, now or hereafter having a population of not less than 28,500 nor more than 28,500 inhabitants, including joint school districts in such counties and counties adjoining such school districts, having an area of four sections or more, an assessed valuation of not less than $100,000, and wherein now or hereafter may, reside not less than twenty children of school age wherein there is no school house, upon petition to the school board of any such district signed by legal voters of such dis-
rectric who are parents of children of school age, residing in such district, which children constitute not less than five per cent of all the children of school age in such district, asking for the erection of a school house therein, it shall thereupon become the duty of the school board of such district within a reasonable time after the filing of such petition with the school district clerk, to secure a suitable school site and cause to be erected and maintained thereon and to issue the warrants for the purchase of the site or to purchase the same another party; and such school site to be located within one-half mile of the geographical center of the district, or as near thereto as practicable considering the nature of the ground and the location of the public roads; provided, however, that this act shall not be construed to make it the duty of or to empower any school board to increase its net indebtedness beyond the limit fixed by law. It shall be the duty of the school board to purchase, sell and exchange school apparatus, furniture, stoves and other appendages for school purposes.

2. Purchase, sell and exchange school apparatus, furniture, stoves and other appendages for school purposes.

3. Provide proper outhouses for the schools, plant shade trees and shrubbery, and otherwise improve school sites, procure insurance on school property, and make proper ordinary repairs thereon.

4. When necessary, lease rooms for school purposes.

5. Provide necessary supplies and materials for such schools, except that he shall be entitled to have the full benefit of said tuition fees. Provided, however, that nothing in this act shall be construed as to authorize any person who may receive any of the benefits or privileges of this act, to vote at any school district meeting of the school district within which he may receive such benefits or privileges, but of which he is not a member.

6. Establish and organize, alter and discontinue, such grades of schools as they may deem expedient.

7. Authorize the use of any school house in the district for divine worship. Sunday schools, public meetings, elections and other similar purposes as are in their judgment, will not interfere with its use for school purposes, but before permitting such use, the board may require the bond of some responsible party, conditioned for the proper use of such school house, the payment of all taxes levied thereon, such bond to be held in escrow until and unless such use is discontinued, and if such bond is not held in escrow, the same to be void, and if such bond is held in escrow, the same to become void if such use is discontinued.

8. Further powers and duties of school board—

The board may also:

1. Provide for the admission to the schools of the district, of non-resident pupils, and those above school age, and fix the rates of tuition for such pupils. Provided, in case a person has real property in, and pays taxes thereon, in a common or an independent school district other than the one in which he resides, then such person shall be admitted to all the benefits of said school the same as residents therein, upon conforming to such reasonable terms for tuition as the board of education of such school district may have established for non-residents, except that he shall be entitled to have the amount of school taxes which he pays to the support of said district applied in payment of said tuition fees. Provided, further, that nothing in this act shall be so construed as to authorize any person who may receive any of the benefits or privileges of this act, to vote at any school district meeting of the school district within which he may receive such benefits or privileges, but of which he is not a member.

2. Establish and organize, alter and discontinue, such grades of schools as they may deem expedient.

3. Authorize the use of any school house in the district for divine worship. Sunday schools, public meetings, elections and other similar purposes as are in their judgment, will not interfere with its use for school purposes, but before permitting such use, the board may require the bond of some responsible party, conditioned for the proper use of such school house, the payment of all taxes levied thereon, such bond to be held in escrow until and unless such use is discontinued, and if such bond is not held in escrow, the same to be void, and if such bond is held in escrow, the same to become void if such use is discontinued.

4. Provide for the transportation to and from school, at the expense of the district, of pupils residing more than one-half mile from the school house, for the whole or such part of the school year as they may deem expedient, and subject to such rules and regulations as they may adopt; and they shall require from every person employed for that purpose, a reasonable bond for the faithful discharge of his duties, as prescribed by the board.
5. Make rules and regulations respecting the protection of the property of the district, and prescribe penalties for a breach thereof, to be recovered for the use and benefit of the district, in such manner as, in the judgment of the district, will not interfere with their use for school purposes. (27, c. 370, § 1)

2816-1. School boards may become members of Minnesota School Board Association—The school board of any school district of this state by a two-thirds vote may become a member of the Minnesota School Board Association and by a similar vote appoint one of its members to attend the annual meeting thereof, but the amount of the annual membership dues in such association and the actual and necessary expense incurred in attending such meeting shall be paid as other expenses of the district are paid. (25, c. 98)

2816-2. School houses or buildings used for election purposes—That the governing body of any school district, however organized, is hereby empowered to authorize the use of any school house or building in and of any school district for the holding of primary elections, registrations and all acts in connection therewith, in such manner as, in its judgment, will not interfere with their use for school purposes. (27, c. 370, § 1)

2816-3. Same—Regulations and conditions for use—The said governing body may impose such reasonable regulations and conditions upon such use as to it may seem meet and proper. (27, c. 370, § 2)

2817. Extension of powers of school boards as to activities of teachers and pupils—In addition to the powers now or hereafter conferred by law upon the school board of any school district in this state, such school board may and upon vote of the district shall take charge of and control all school and quasi school activities of the teachers and children of the public schools in that district held in the school buildings or school grounds or under the supervision or direction of the school board, and to that end adopt rules and regulations for the conduct of athletic, oratorical, musical, dramatic and other contests and entertainments in which the schools of such district or any class or pupils therein may participate. All moneys received on account of such entertainments and contests shall be turned over to the school board district treasurer, who shall keep the same in a separate fund to be known as the "entertainment fund," and disbursed for the conduct of such activities connected with such entertainments or contests, or otherwise by the school board upon properly allowed itemized claims. Any donations to the school district for specific objects and purposes and other than for the primary purposes of the district, shall be placed in the fund hereinbefore referred to and in like manner disbursed; the request of the donor or donors thereof being complied with in regard to the purpose of such disbursements, if the school board shall consider that the interest of the district will be promoted thereby. (17 c. 112 § 1)

2818. Consent of school board to be secured for all entertainments and contests—No such school or quasi school entertainment or contest in any district in which the school board shall act under the provisions of this chapter shall be participated in by the teachers or pupils in the public schools of such district, nor shall the school name or any allied name be used in connection therewith, except by consent and direction of the school board. (17 c. 112 § 2)

2819. School board to purchase sites without vote of people—To have right of eminent domain—In any municipal corporation or school district in this state the governing body or school board shall have the right, power and authority to purchase sites for school buildings without authorization by the voters at a regular or special meeting called for that purpose, such governing body or school board shall have the right, power and authority to condemn lands under the right of eminent domain for site and grounds for public school buildings, and such power and authority shall be exercised under and pursuant to the terms and provisions of chapter 41, General Statutes of Minnesota for the year 1913 and acts amendatory thereof: Provided, however, that any such corporation or school district shall have the right, upon the filing of the award of commissioners appointed for that purpose, such corporation or school district shall have the right, upon the filing of the award of commissioners appointed for that purpose, and upon giving the notice therein required of the filing of such award, to enter upon and appropriate the lands so condemned, without the giving of any bond, but in case of such entry and appropriation, such corporation or school district shall be bound absolutely to pay all damages awarded, either by said commissioners or by the court upon appeal therefrom, together with all costs and expenses adjudged against it therein, within the time apportioned in said chapter 41. In case any such corporation or school district shall appeal from the award of commissioners appointed pursuant to any such condemnation proceedings, such corporation or school district shall appeal from the award of commissioners appointed pursuant to any such condemnation proceedings, such corporation or school district shall not be required to give any appeal bond therein. (21, c. 266 § 1)

Explanatory note—See C. G. S. 1913, c. 41, see §§ 6537 to 6621, herein.

2819-1. Condemnation by school districts of tracts dedicated as public squares in town plats—that any school district is hereby authorized and empowered to acquire, for school purposes, under the right of eminent domain, any tract of land dedicated, attempted to be dedicated, or designated as a public square in any town plat of land within, or partly within, such school district and not within the limits of any incorporated village, borough or city. (25, c. 286)

Procedure and damages. 212-8.

2819-2. Condemnation of public easements in alleys by school districts in fourth class cities—that any School District of which the greater portion lies within the corporate limits of a city of the fourth class may with the consent of the governing body of said city acquire by condemnation the public easement in any public alley which the school board of such district deems it necessary to use for school purposes. (27, c. 35)
2820. To acquire sites for agricultural schools—That the board of education or other governing body of any school district in the state of Minnesota, in which instruction in agriculture is afforded, be and hereby is authorized and empowered to purchase or otherwise acquire by condemnation proceedings as provided for acquiring school house sites in the name and in behalf of such school district, a suitable tract of land either within the limits of such school district, to be used for the purpose of instruction, experimentation and demonstration in agriculture. (13 c. 258 § 1) [2748]

2821. To what districts applicable—The provisions of this act shall apply as well to districts organized under special acts as under the general laws, notwithstanding any provisions or restrictions in the laws under which the same are organized. (13 c. 258 § 2) [2749]

2822. Instruction in adjoining district—Discontinuance of schools—The school board of any district, when it deems it advisable, may provide for the instruction of its pupils in an adjoining district, and in such case shall determine the limits of such districts or of any grades or departments in said schools, and provide for the free transportation of the pupils of its own district to the school in an adjoining or nearby district. The teachers shall keep the registers separately for the pupils from such district discontinuing its schools, and shall return the registers and maps in separate books to the clerk of such district, and to the county superintendent, of the number and names of pupils, with their attendance, and such district shall retain its organization and shall be entitled to public money, including the special state aid granted to ungraded elementary schools, under such rules as may be fixed by the commissioner of education, except that state apportionment for non-resident pupils enrolled in the high school department shall go to the districts in which the high school is located. Such aid shall be paid from the appropriation made for common schools. (11 c. 167; amended '21 c. 467 § 15) [2750]

2823. Children may attend school in adjoining district in certain cases—The child or children of any person living in the district within the limits of any incorporated city or village of this state, and residing more than two miles by the nearest traveled road from the school house in the district where such child or children reside, are hereby authorized to attend school at a school or school house in an adjoining district nearer to such residence than the said school house in the said district where such child or children reside, upon such reasonable terms as shall be fixed by the school board of such adjoining district, upon application of the parents or guardian of such child or children. In case such parent or guardian is not satisfied or cannot comply with the terms and conditions fixed and determined by the school board of such adjoining district, and shall apply to the state superintendent of public instruction. That pupil or pupils that pupil public instruction shall give such notice of such application to the clerk of the school board of such adjoining district as shall be determined by such superintendent of public instruction, and shall, after such notice, decide such application and fix such terms and conditions for the attendance of such child or children in such adjoining district as shall be just and reasonable, and thereupon such child or children may attend such school in such adjoining district upon compliance with the terms fixed by such superintendent of public instruction, the same in other respects as if resident in the district where such school house is situated. Provided, that nothing herein contained shall be construed as repealing, amending or modifying the provisions of section 1221, Revised Laws of 1905, as amended by chapter 445 of the General Laws of Minnesota, 1907. (11 c. 342 § 1) [2751]

Explanatory note—For R. L. '95, § 1221; Laws 1907, c. 445, see § 2816, herein.

2823-1. Instruction of pupils in other districts—that the board of any school district, however organized, may by unanimous vote provide for the instruction of any resident pupil in another school district when inadequate room, distance to school, unfavorable road conditions, or other facts or conditions make attendance in his own district unreasonably difficult or impractical, in which case such district shall pay to the district so attended the tuition agreed upon, or charged; provided, however, that such pupils shall continue to be a pupil of the district of his residence in the apportionment of the current school fund and the payment of state aid. (27, c. 34)

2823-2. Pupils attending high schools in adjoining states—that any person under twenty-one years of age residing in any school district of this state not maintaining a high school, who has successfully completed the eighth grade, may with the consent of a majority of the school board of his residence district, expressed at a meeting thereof, attend any high school in an adjoining state willing to admit him, which high school is nearer to his place of residence than any duly established high school in Minnesota, the distances being measured by the usual traveled routes. (27 c. 135 § 1)

2823-3. Same—Tuition charges—that any tuition charged by the district so attended shall be paid by the school district in which such person resides; provided, however, that such tuition shall not be more than such district charges nonresident pupils residing in such state if any such tuition is charged, and if no tuition is charged for non-resident pupils of said state, then such tuition shall not exceed the sum of ten dollars ($10.00) per month. Provided further, that the person so attending high school in another state shall continue to be treated as a pupil of the district of his residence in apportionment of the current school fund and the payment of state aid. (27, c. 135, § 2)

2824. Additional powers of boards in independent districts—the school board of any independent district may also:
1. Establish and maintain one or more kindergartens for the instruction of children above four and under six years of age.
2. Receive, for the benefit of the district, bequests, donations, or gifts for any proper purpose, and apply the same to the purpose designated.
3. Remove for proper cause any member or officer of the board, and fill the vacancy; but such removal must be by a concurrent vote of at least four members, at a meeting of whose time, place, and object he has been duly notified, with the reasons of such proposed removal, and after an opportunity to be heard in his own defense. (1323) [2752]

Subd. 1 1 § 2752 repealed 1932 c. 475 § 6
A superintendent of an independent school district is a member ex officio of the board, but is not included in the word "member" as used in subdivision 4. 1932 c. 699 § 111

2824.1. Designation of original or change of existing sites for school houses in independent districts and erection of buildings in certain counties—that any independent school district in any county now or here-
after having a population of not less than 400,000 inhabitants may, at the annual meeting or at any special meeting or election called for that purpose, have power to designate an original site or change an existing site by the designation of a new site for a school house, and provide for building or otherwise placing a school house thereon, when due and proper notice has been given of such proposed action, by a majority vote of those present and voting at such meeting or election. (25 c. 43)

Unconstitutional as special legislation. 162-413, 204449.

§ 2825. Special duties of boards in common school districts—The school board of every common school district shall submit to the annual school meeting an estimate of the expenses of the district for the coming year for a five-months school, and for such further time as it may be decided by the meeting to hold school, and for such other specified purposes as the board may deem proper, and, if such meeting shall fail to vote a sufficient tax to maintain a school for such time, the board shall levy such tax; but no such school board shall expend any money or incur any liability for any purpose beyond the sum appropriated by vote of the district for such purpose, or levied by the board pursuant to this section, or on hand and applicable therefor. When the district has decided by vote at any legal meeting to open more than one school, the board shall provide for opening such school or schools, and assign to each a proper number of pupils. (1234) [2756] 51-257, 17-273; 79-234, 236, 194-841; 121-376, 141-834; 122-354, 142-225.

§ 2826. Special duties of boards in independent districts—In addition to the duties hereinbefore imposed, the school board of each independent school district shall:
1. Make, and, when deemed advisable, change or repeal, rules relating to the organization and management of such board and the duties of its officers.
2. Provide by levy of tax necessary funds for the conduct of schools, the payment of indebtedness, and all proper expenses of the district. (1225) [2757] 71-253, 259, 79-270; 77-254, 51-841; 192-93.

§ 2827. Public evening schools for adults—The school board of any school district or of unorganized territory may establish and maintain public evening schools as a branch of the public schools, and such evening schools when so maintained shall be available to all persons over sixteen years of age who are unable to attend the full-time school of such district; and such evening schools and the general conduct thereof shall be under the direction and control of the State Board of Education. (17 c. 356 § 1, amended "21 c. 350 § 1)

§ 2828. Investigations by the State Board of Education—The State Board of Education is hereby authorized and directed to make such investigations as may be necessary to advance the purposes of this act and to carry out the provisions thereof. (17 c. 356 § 2, amended "21 c. 350 § 2)

§ 2829. Payment of salaries—One-half the salaries of all teachers who teach in evening schools shall be paid from state funds or state and federal funds combined in so far as such funds are made available. Such payment shall be made upon verified statements of account presented to the State Commissioner of Education by the clerks of the respective school districts or by the county superintendent of schools. (17 c. 356 § 3, amended "21 c. 350 § 3)

§ 2830. Apportionment of state school funds—Attendance at evening schools maintained under the rules established by the State Board of Education shall entitle such district maintaining the same to its pro rata apportionment of state school funds for all pupils not over twenty-one years of age on the same attendance basis as that provided for day schools, counting each evening session of two or more hours as the equivalent of one day. (21 c. 350 § 4)

§ 2831. Peace officers in common and consolidated districts—Members of school boards in common or consolidated school districts shall be peace officers, and may suppress disorder and make arrests for any disorderly conduct, or breach of peace, in any school house or on any school grounds, in their respective districts, and may command the assistance of all persons. (13 c. 476 § 1) [2758]

§ 2832. Duties of clerk—The clerk shall keep in books provided for that purpose a record of all meetings of the district and the board. He shall, within three months of the term, cause a record to be made of all trustees elected at any legal meeting to hold school, or on any school board or as officers of any district of their election, and, on or before August 10 in each year, make and transmit to the county superintendent a certified report, showing:
1. The condition and value of school property.
2. The receipts and disbursements in detail, and such other financial matters as may be called for by the county superintendent.
3. The annual arrangement of terms of school, and the grading, if any, thereof.
4. The names and postoffice addresses of all trustees and other officers.
5. Such other information as may be called for by the state superintendent.

He shall enter in his record book copies of all his reports and of the teachers' term reports, as they appear in the registers, and of the proceedings of any meeting as furnished him by the clerk pro tem, and shall keep an itemized account of all the expenses of the district; and in common districts he shall report to the county superintendent the time of commencement of each term at least two weeks in advance. He shall furnish to the county auditor or auditors of the proper county or counties, on or before October 10 of each year, an attested copy of his record, showing the amount of money voted by the district or the board for school purposes; shall draw and sign all orders on the treasurer for the payment of money for bills allowed by the board for salaries of officers or for teachers' wages, to be countersigned by the chairman. Such orders shall state the consideration, payee, and fund, and the clerk shall take a receipt therefor. Teachers' wages shall have preference in the order in which they become due, and no money applicable for teachers' wages from the current school fund shall be used for any other purpose, nor shall teachers' wages be paid from any fund except that raised or apportioned for that purpose. (1236) [2759] 125-356, 148-397.

To certify tax levy to auditor (25-466, 471, 78-110). To draw orders on treasurer (21-232, 174-860). 2833. Duties of treasurer—The treasurer shall receive and be responsible for all moneys of the district, and shall disburse the same on orders signed by the clerk and countersigned by the chairman, or other vouchers authorized by law. Each order shall state the fund on which it is drawn, the name of the payee, and the nature of the claim for which such order is issued. He shall keep an account of each fund, and of all receipts and disbursements, showing the source of such receipts and the nature and purpose of such disbursements, and within three days preceding the annual meeting shall file with the clerk a detailed finan-
2834. Treasurers' bonds—New or additional bonds—

Every school district treasurer shall give bond to the state in a sum equal to twice the amount of money that will probably be in his hands at any time during any one year of his term, the school board to fix the specific amount of said bond, and said bond to be approved by the board and filed with the clerk, conditioned for the faithful discharge of his official duties. Provided, however, that if said bond so furnished by the treasurer be that of a surety company authorized to do business in Minnesota then the amount of such bond shall be equal to the amount of money that will probably be in his hands at any time during any one year of his term, the specific amount of such bond to be fixed by the board. The school board may at any time by a majority vote require the treasurer to give a new or an additional bond, and upon his failure to furnish same within a reasonable time after notice, the board shall declare the office of treasurer vacant. Any bond hereunder, before approval by the school board, shall be approved as to its form by the public examiner, and in case the amount of bond shall be equal to the estimated sum to be deposited, to be approved by the board and filed in the office of the county auditor of the county wherein said school district may be situated, and thereupon may require the treasurer to deposit all or any part of the school district's money in such bank or banks, provided that such designation may be made in an amount not exceeding $1,500 in common school districts and not exceeding $5,000 in independent school or consolidated districts without the execution of any bond. Such designation shall be in writing and shall set forth all the terms and conditions upon which the deposits are made, be signed by the chairman and clerk or president and clerk as the case may be, and filed with the clerk. That thereupon such bank or banks shall become a legal depository or depositories for school district moneys, and thereafter the school district treasurer shall deposit such school district moneys therein as he shall be required from time to time to deposit by such school district officers. ('07, c. 133, § 1; amended '09, c. 332, § 1; '27, c. 118) [2763] 

2837. Exemption of treasurer—The school district treasurer and the sureties on his bond shall be exempt from liability to the school district by reason of the loss of any funds of such school district deposited in any such bank or banks from the failure, bankruptcy or other acts of such bank or banks to the extent and amount of such funds in such bank or banks at the time of such failure or bankruptcy. ('09 c. 332 § 2) [2764] 

2838. Interest on deposits—All interest on money deposited, as hereinbefore provided shall be computed on monthly balances, and become the property of said school district. ('09 c. 332 § 3) [2765] 

2839. Compensation—No additional compensation or fees shall be paid any of the school district officers by reason of any of the provisions of this act. ('09 c. 332 § 4) [2766] 

2840. Duties of chairman—Compensation—The chairman, when present, shall preside at all meetings of the board and of the district, except when a moderator has been chosen; shall countersign all orders upon the treasurer for claims allowed by the board, shall represent the district in all actions; and shall perform all the duties usually incumbent on such officer. 

In case of absence, inability or refusal of the clerk to draw orders for the payment of money authorized by a vote of the majority of the board to be paid, the orders may be drawn by the chairman, and paid by the treasurer, a statement thereof, with a copy of such orders, being delivered to the clerk by the treasurer, or the office of the clerk may be declared vacant by the chairman and treasurer, and filled by appointment. 

The chairman may receive as compensation such amount as may be determined at the regular school meeting of the district, and the same shall not exceed six dollars in any one year. (R. L. § 1380, amended '07 c. 445 § 3; '11 c. 240 § 1) [2767] 

2841. Duties of superintendent—The superintendent in independent or special districts shall visit the schools of the district, and exercise a general super-
vision over them, and report their condition to the board, with proper recommendations, when he deems it advisable, or when requested by the board. He shall superintend the grading of the schools and examinations for promotion, and shall perform such other duties as the board shall prescribe. He shall make, either directly to the state superintendent, or through the county superintendent, such reports as shall be required. (1331) [2768]

2842. Compensation of clerks of common districts—The clerk of each common district shall be paid at the rate of two per cent of the cash disbursements for the year, upon making his annual report to the superintendent as required by law accurately and in proper time; such compensation shall not exceed six dollars in any one year, unless a greater compensation has been voted at a meeting of the district upon a notice stating that action would be had at such meeting respecting such increase of compensation; provided that in no case shall the compensation of the clerk as hereinafter exceed fifty dollars ($50.00) for any one year. Such payment shall be made by the treasurer upon a certificate of the superintendent that such clerk is entitled thereto. (R. L. § 1332, amended '13 c. 409 § 1) [2769]

2843. Compensation of clerks of common districts—The treasurer of such district may receive as compensation such an amount as shall be determined at the regular school meeting of the district, not exceeding, however, twenty-five dollars per annum, which shall be allowed only after his annual report shall have been approved by the board. (R. L. § 1333, amended '13 c. 409 § 1) [2770]

2844. Compensation of officers of independent districts—The clerk, treasurer, and superintendent of independent districts shall receive such compensation as may be fixed by the board. No officer or member of any school board shall receive pay as such, except as provided in this chapter. (1334) [2771]

2845. Interest on certain school orders—That each and all school orders for the payment of money issued by any school district of the state of Minnesota, between the first day of March, 1906, and the 25th day of April, 1907, for a legally incurred debt, and which were duly presented to the treasurer of such school district for payment, and payment thereon refused for lack of funds, shall bear interest at the rate of six percent per annum from and after the date of such presentation and refusal, and such interest is hereby declared to be valid and subsisting indebtedness of each such school district issuing the same. The officers of each such district are hereby authorized to pay such interest, upon the presentation of such orders. Provided, that the terms of this act shall not apply to any pending litigation. (09 c. 308 § 1) [2772]

2846. Contracts in common and independent districts—No contract for work or labor, or for the purchase of furniture, fixtures, or other property, for the construction or repair of school houses, the estimated cost or value of which shall exceed five hundred dollars ($500.00), shall be made by the school board of any common or independent school district without first advertising for bids or proposals in some newspaper of the city or village located nearest to the school district in which such contracts are proposed to be let, or some newspaper published in the county seat in such county. Such notice shall state the time and place of awarding the contract, and contain a brief description of the work to be performed, materials to be furnished or building to be constructed or repaired. (13 c. 244 § 1) [2773]

The rule of law applicable to a case where a school district contracts for an improvement, which it has power to make, but the contract is void because not made after competitive bidding as required by law, is that the contract is void because not made after competitive bidding as required by law, and such contract is void as to its invalid parts. (1 c. 244 § 2) [2774]

2847. How let, etc.—Every such contract shall be awarded to the lowest responsible bidder, shall be duly executed in writing, and the person to whom the same is awarded shall give a sufficient bond to the board for the faithful performance, and otherwise conditioned as required by sections 4535, 4536, 4537 and 4558. Revised Laws, 1905, as amended. If no satisfactory bid is received, the board may readvertise. Every contract made without compliance with the provisions of this act shall be void; provided, that in case of the destruction of buildings or injury thereto, where the public interests would suffer by delay, contracts for repairs may be made without advertising for bids. (13 c. 244 § 2) [2775]

Explanatory note—For R. L. '05, §§ 4535 to 4538, see §§ 4570, 4572 to 4574, herein.

2848. Opinion of attorney general—If any difference of opinion arises between school officers, or any doubt as to the proper construction of any part of this chapter, or as to their powers or duties, the state superintendent, at the request of any such officer, shall submit such question to the attorney general, who shall give his written opinion thereon. (1334) [2776] [2795]

2849. Hours for opening and closing polls in certain independent school districts—In all independent school districts in this state containing a population of fifty thousand inhabitants or over, to be based upon the census last preceding the election, and in which independent school districts elections are held exclusively for school purposes, and separate from, and at different dates from city and state elections, the polls at such school elections shall be opened at six o'clock a.m. on the day of such election, and shall remain open for purposes of voting until seven o'clock p.m. on said day. (07 c. 278 § 1) [437]

2850. County board of education for unorganized territory created—The power of providing for the education of children of school age residing in any unorganized territory within the state of Minnesota shall be vested in the county board of education for unorganized territory of the county where such unorganized territory is situated. (21 c. 328 § 1)

2851. Members—The board of county commissioners, the county superintendent of schools, and the county treasurer shall, ex-officio, compose the county board of education for unorganized territory in each county within the state. (21 c. 328 § 2)

2852. Officers—Clerical help—The chairman of the county board of commissioners shall be the chairman of the county board of education; the county treasurer shall be treasurer of said board; the county superintendent of schools shall be the clerk of said board of education. The county board of education may also
employ such clerical and stenographic and supervisory help as may be needed who shall perform such other services as the board may direct. (21 c. 328 § 3)

Compensation of officers of school boards—For their services performed under the provisions of this act, the chairman of said board of education shall be paid three dollars ($3.00) per day for the time actually employed by him as such chairman and ten cents (10c) per mile for distance actually traveled by him in performance of his said duties not exceeding the total sum of four hundred dollars ($400.00) in any one year. In such mileage and per diem, the treasurer of said board shall be paid one per cent (1%) and the clerk one per cent (1%) of the cash disbursements for the year, but the compensation to be paid to the treasurer and clerk in counties having less than fifty-five schools in its unorganized territory shall not exceed for each officer in any one year the total sum of eight hundred ($800.00) dollars, but only after all reports, accounts of indebtedness, and receivables have been made in conformity thereto; provided, that this section shall not apply to counties having a population of more than 200,000.

('21 c. 328 § 4; amended '23 c. 12, § 1; '25, c. 220)

Meetings—The county board of education for unorganized territory shall meet once each month at the county seat at a time to be fixed by the board, for the purpose of transacting the business of said board, consider petitions, reports from teachers, audit and pay bills, etc. The board may also hold special meetings as may be deemed necessary. (21 c. 328 § 5)

Duties of clerk—It shall be the duty of the county superintendent as clerk of the county board of education to make reports similar to those made by the clerk of organized districts.

('21 c. 328 § 6)

Tax levy—The said board of education shall, annually, on the third Saturday of July, make a levy on all property situated in unorganized territory of the county for the purpose of providing schools, teachers, transportation of pupils, board of pupils, textbooks, supplies, apparatus, school supplies, etc., for the education of children residing within such territory. This tax levy shall be known as the special unorganized school levy and it shall be spread on the tax lists by the county auditor. (21 c. 328 § 7)

Shall furnish school facilities—It shall be the duty of the said board to furnish school facilities to every child of school age residing in any part of said unorganized territory, either by building school houses, leasing school room, transporting said children to the nearest school, boarding said children within convenient distance from a school at the expense of said board, or otherwise, and to provide necessary supplies, text and library books. (21 c. 328 § 8)

Powers and duties same as independent school districts—When not otherwise provided in this act the powers and duties of said board of education of unorganized territory shall be the same as those of school boards and annual meetings of independent school districts. (21 c. 328 § 9)

Organization of school districts—When, in the opinion of the said board, it shall appear that any territory enjoying the privileges of unorganized territory should be organized into a common or an independent school district, the said board shall notify the county board, which shall cause notice of hearing thereon to be given and otherwise proceed as provided by law for organization of common or independent school districts. (21 c. 328 § 10)

New Counties—Procedure—Apportionment—Whenever a new county or counties have been or may hereafter be created and organized out of territory embraced within the boundaries of one or more organized counties and in which there is unorganized school territory, acting under the provisions of this act and lying partly within the old and new counties, or wholly within the new county, the county boards of education of the old and new counties shall meet upon the request of the county superintendent of either county at such time and place as shall be designated in said request, which said request shall be served upon each member of each county board of education of the counties affected at least five days before the time of such meeting and make a division of all the moneys, funds and credits belonging to such unorganized school territory as the same existed prior to the division of the county or counties, and in making such division, the said board shall take into consideration the indebtedness of said unorganized school territory and shall make such division as they deem just and equitable, and all such moneys, funds, credits, and property shall be divided and apportioned to the respective unorganized territories in proportion to assessed valuation of taxable property in such unorganized territory, respectively, in such old and new county, at the last assessment thereof. (21 c. 328 § 11)

Failure to apportion—Procedure—in cases provided by section 11 and in cases the county boards of education of the old and new counties shall fail to meet pursuant to the notice provided in the act, the county superintendents of the old and new county or counties and the state superintendent of public instruction, or his deputy, shall constitute a board of apportionment, and upon the written application of the county board of education of either county affected shall make a division of all the moneys, funds, credits and property as provided in section 11 of this act, which apportionment shall be in writing and verified by the state superintendent of public instruction, or such deputy, and by at least one of the county superintendents of the counties affected, and filed in the office of the secretary of state, and shall be final and conclusive. Within five days after the filing of said apportionment the secretary of state if apportionment is made as provided in this section, or the superintendent of schools of each county if such apportionment is made as provided by section 11 of this act, shall transmit to the treasurers of the counties affected by said apportionment a certified copy of such apportionment and application, if any. (21 c. 328 § 12)

County boards of education to carry out terms of agreement—The county boards of education and the county officials of the old and new counties shall forthwith after such division and apportionment proceed
to fulfill and carry out the terms thereof, determined as herein provided. (21 c. 328 § 15)

2863. Dissolution of school districts—Petition or resolution—Effect—Any common or independent school district in any county may be dissolved, annulled and discontinued by the county board of commissioners and its school shall be cared for in accordance with the laws governing unorganized territory. A petition requesting the taking of such action shall be presented to said county board of commissioners and shall contain a correct description of the territory included in said district, the number of persons residing therein, the total assessed valuation of all property within said district, and requests that such district be dissolved, annulled and discontinued. Such petition shall be signed by a majority of the freeholders qualified to vote for school officers in said district and before being presented to the county board it shall be approved by the county superintendent of schools if such petition meets with his approval. Provided, however, that in case of majority of the freeholders in any common school district are not citizens and not qualified to vote and in case the number of children of school age residing in the district becomes fewer than ten, said school district may be automatically dissolved by resolution of the County Board and shall become a part of the Unorganized Territory of the county; and the assets and liabilities of such district shall be assumed by the County Board of Education for Unorganized Territory in the same manner as now provided for by law in the dissolution of school districts. (21 c. 328, § 14; amended ’25, c. 222, § 1)

2864. Notices—Hearing—Upon the presentation of such petition approved as aforesaid, the county board shall designate a time for hearing the same and notice thereof shall be given in the manner provided by law for notice in the case of the formation of the school district. (21 c. 328 § 15)

2865. Hearing—Procedure—Appeal—At such hearing the board shall act in a manner similar to the action provided by law for the formation of districts, and any person aggrieved may appeal in like manner. (21 c. 328 § 16)

2865a. Old districts dissolved—Disposition of property—If said petition is granted by the county board, then said school district shall from that time cease to exist and all of the territory thereof and the schools previously conducted by it shall then come under the jurisdiction of the county board of education of said county, and shall thereafter be managed by said county board of education in the same manner as if said district had never been organized. And it shall be the duty of the officers of said vacated school district to forthwith deliver to the county auditor of said county all of the books and records of said school district, and to the county treasurer all of the money and school funds in its possession, and said county treasurer shall forthwith credit all such moneys and school funds to the account of the county board of education of such county. The county treasurer shall hereafter credit to the account of said county board of education all moneys and school funds thereof collected from any previous tax levy made by said school district, except such moneys and school funds as are derived from taxes levied for the purpose of paying the bonds or interest on the bonds of any such school district. (21 c. 328 § 17)

2866. Debts and obligations of discontinued and vacated districts to remain charge upon territory—Debts and obligations to remain charge on territory. All incurred and outstanding obligations of any district so discontinued and vacated shall be and remain a charge upon the property and funds of said district to the same effect as if said district had not been discontinued, and the county auditor shall each year levy against all of the taxable property within the limits of said former school district a sufficient levy, not to exceed the maximum provided by law, for the cancellation and liquidation of such outstanding indebtedness, such levy to be made year after year until said entire indebtedness is cancelled and extinguished. And the amount so levied by the county board of education upon all taxable property in unorganized territory shall be levied upon the property within the limits of said former school district in addition to the amount so levied by said auditor and in the same proportion that it is levied upon the taxable property in said county outside of organized school districts; provided, that in any county of this state now or hereafter having an assessed valuation of more than $300,000,000, exclusive of money and credits and an area of over 5,000 square miles, the county board of education by unanimous vote, with the written opinion of the county attorney, that such claim is a legal outstanding obligation of the territory formerly included in any dissolved school district, may audit, allow and pay any and all outstanding obligations of any dissolved school district within its territory except outstanding bonded indebtedness of such dissolved school district out of the funds of said county board of education, in the same manner as though said indebtedness had been originally incurred by said county board of education. (21 c. 328, § 18; amended ’25, c. 287, § 1)

2865-1. Outstanding obligations of dissolved districts—That whenever any organized school district has herefore been dissolved and the territory thereof has become unorganized territory and subject to the laws governing unorganized territory and such district has outstanding any unpaid bonds duly issued at the time of its dissolution and the entire proceeds of such bond issue has been paid over to the treasurer of the county board of education of said county, the bonds shall be considered an outstanding obligation of the unorganized territory of the county, including the territory of said dissolved district, and the county board of education is authorized to provide funds for the payment of the interest and principal thereof by a tax levy upon all taxable property of such unorganized territory in the manner and form as provided by law for levying taxes for general school purposes of such unorganized territory. (’27, c. 21)

2867. Bonds may be sold—Interest rate—The board of education of any unorganized territory in the state is hereby authorized and fully empowered by unanimous vote of such board to issue and sell bonds of such unorganized territory for the purpose of providing school sites and school buildings, for paying any judgment lawfully rendered against them or for refunding outstanding bonds or floating indebtedness, in such amounts and at such periods as the board may decide; provided that said bonds to be payable in such amounts and at such times, not exceeding twenty years, as the board may determine, with interest thereon not to exceed six per centum (6%) per annum, which bonds shall be signed by the chairman and the treasurer of said board and countersigned by the clerk thereof; provided that the total bonded indebtedness of such unorganized terri-
2865. Tax levy for bonds and interest—Every county board of education for unorganized territory issuing bonds under the authority of this act is hereby required annually to levy taxes upon all the taxable property in such unorganized territory sufficient to pay the interest on such bonds and to provide a sinking fund for the payment of the principal of such bonds at maturity. (21 c. 328 § 20)

2866. Laws repealed—All laws and parts of laws inconsistent with the provisions of this act are hereby repealed. The following laws and parts of laws are hereby expressly repealed, to-wit: Chapter 76, Laws 1907, Chapter 309, Laws 1909, Chapter 500, Laws 1909, Chapter 103, Laws 1911, Chapter 82, Laws 1913, Chapter 255, Laws 1919, Chapter 314, Laws 1919, Sections 2776 to 2794, inclusive, General Statutes, 1913. (21 c. 328 § 21)

2870. Application—This act shall not apply to any county or counties not having a county board of education as provided in this act. (21 c. 328 § 22)

2870-1. Vacancies in boards of education—Should a vacancy occur in said board of education, or should any member thereof refuse or be incapacitated to serve upon said board, the board of county commissioners shall fill such vacancy by appointment and such appointee shall serve until the first Monday in January following the next general election thereafter. (21 c. 328 § 23; amended '23 c. 321)

2872. General control of schools—The teacher shall have the general control and government of the school. When more than one teacher is employed in any district, one of the teachers may be designated by the board as principal, and shall have the general control and supervision of the schools of the district, subject to the general supervisory control of the board and other officers. (1336) [2795]

2872-1. Conduct of schools on certain holidays—The governing body of any school district may, by their discretion, contract with any of the teachers thereof for the conduct of schools, and may conduct schools on either, or any, of the following holidays: Lincoln's and Washington's birthdays, and Election day; provided that on Washington's birthday and Lincoln's birthday at least one hour of the school program be devoted to a patriotic observance of the day. (27 c. 239, § 1)

2873. Instruction in public schools—The books used and the instruction given in public schools shall be in the English language, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English words; and in high and graded schools other languages may be taught, when made part of a regular or optional course of study. Instruction may also be given in such languages in common schools, not to exceed one hour in each day, by unanimous vote of the trustees. (1338) [2797]

2874. Secret fraternities and societies prohibited—That from and after the passage of this act it shall be unlawful for any pupil, registered as such, and attending any public high school, district, primary or graded school, which is partially or wholly maintained by public funds, to join, become a member of, or to solicit any other pupil of any such school to join, or become a member of any secret fraternity or society wholly or partially formed from the membership of pupils attending any such schools or to take part in the organization or formation of any such fraternity or society, except such societies or associations as are sanctioned by the directors of such schools. (07 c. 149 § 1) [2802]

Section 5 repeals inconsistent acts, etc.

2875. Power of directors—Rules—The directors of all such schools shall enforce the provisions of section 1 of this act, and shall have full power and authority to make, adopt and modify all rules and regulations which in their judgment and discretion may be necessary for the proper governing of such schools and enforcing all the provisions of section 1 of this act. (07 c. 149 § 2) [2803]

2876. Power to suspend or dismiss, etc.—The directors of such schools shall have full power and authority, pursuant to the adoption of such rules and regulations made and adopted by them, to suspend, or dismiss any pupil or pupils of such schools therefrom, or to prevent them, or any of them, from graduating or becoming a member of any secret fraternity or society, except such societies or associations as are sanctioned by the directors of such schools. (07 c. 149 § 3) [2804]

2877. "Rushing" or soliciting—Penalty—It is hereby made a misdemeanor for any person, not a pupil of such schools to be upon the school grounds, or to enter any school building for the purpose of "rushing" or soliciting, while there any pupil or pupils of such schools to join any fraternity, society, or association organized outside of said schools. All municipal courts and justice courts in this state shall have jurisdiction of all offenses committed under this section, and all persons found guilty of such offenses shall be fined not less than two dollars nor more than ten dollars, to be paid to the city or village treasurer, when such schools are situated inside of the corporate limits of any city or village, and to the county treasurer, when situated outside of the corporate limits of any such city or village, or upon failure to pay such fine, to be imprisoned for not more than ten days. (07 c. 149 § 4) [2805]

2878. Minnesota day—There shall be designated annually by proclamation by the superintendent of public instruction of this state, by and with the consent of the governor, a day between October first and
May first to be designated and known as “Minnesota Day.” (11 c. 81 § 1) [2806]

2879. How observed—On that day all the public schools of this state shall give special attention to exercises devoted to matters of interest appertaining to the state of Minnesota and its geography, history, industries and resources. (11 c. 81 § 2)

2880. Patriotic exercises—That in all of the common, graded and high schools of this state it shall be the duty of the superintendent or teachers in charge of such schools to teach and require the teaching therein, on at least one day out of each week, of subjects and exercises tending and calculated to encourage and inculcate a spirit of patriotism in the pupils and students. Such exercises shall consist of the singing of patriotic songs, readings from American history and from the biographies of American statesmen and patriots and such other patriotic exercises as the superintendent or teachers of such schools may determine.

The time to be spent thereon on each of said days shall not exceed one-half hour. (17 c. 108 § 1)

2881. Declaration of Independence and Constitution—In the eighth grade and in the high school grades of all public schools, and in the corresponding grades in all other schools within the State of Minnesota and in the schools of the state and municipal institutions there shall be given regular courses of instruction in the Declaration of Independence and the Constitution of the United States, to an extent to be determined by the State Commissioner of Education.

(23 c. 291 § 1)

2882. United States flag—There shall be displayed at every public school in Minnesota, when in session, an appropriate United States flag. Such display shall be upon the school grounds or outside the school building, upon a proper staff, on every legal holiday, occurring while the school is in session and at such other times as the respective boards of such school districts may direct and within the principal room of such school building at all other times while the same is in session. (17 c. 313 § 1)

2883. School boards to provide flags and staffs—It shall be the duty of every school board and board of education to provide such flag for each of the school buildings of their respective districts, together with a suitable staff for the display thereof outside of such school buildings and proper arrangement for the display thereof within such buildings; except that the safe-keeping of such flag while not in use, as by this act directed, at all times. (17 c. 313 § 2)

COUNTY SCHOOLS OF AGRICULTURE AND DOMESTIC ECONOMY

2884. Appropriation and tax levy—Submission to voters—The board of county commissioners of any county is hereby authorized to appropriate money for the organization, equipment and maintenance of a county school of agriculture and domestic economy, and to levy and assess on the tax roll a sufficient sum to carry into effect the several provisions of this act, but not exceeding the sum of twenty thousand dollars in any one year. The county commissioners of two or more counties may unite in establishing such a school, and may appropriate money for its organization, equipment and maintenance. Provided, that this act shall not apply to any county in this state unless the authority thereof shall be granted to such board of county commissioners by a vote of the electors of such county, which question shall be submitted to such electors at the general or special election, to be held in such county. When submitted at a special election, such special election shall be called and held in the manner provided by law for calling and holding special county elections. The board of county commissioners may, of their own motion, submit such question to the electors of their county; and if submitted the same when ever a petition is filed with such board, signed by legal voters of such county equal in number to fifteen per cent of the votes cast in such county at the last preceding general election held in such county. The votes cast at any such election shall be counted and canvassed in the manner provided by law for counting and canvassing votes cast at general elections in such county. (05 c. 314 § 1) [2808]

2885. County school board, how constituted—Vacancies—Oath—Bond—Organization—Compensation—A board to be known as the county school board is hereby created, which shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such school, except as otherwise provided by law. Vacancies occurring in the board from whatever cause, except in the case of the county superintendent, shall be filled by appointment made by the board of county commissioners at their next regular or special meeting. Each person appointed or created a member of the county school board shall within ten days after the notice of such appointment take an oath, that he will support the constitution of the United States and the constitution of Minnesota, and honestly, faithfully and impartially to discharge his duties as a member of said board, to the best of his ability, which oath shall be filed in the office of the county auditor. He shall also, within the same time, file a bond in such sum as may be fixed by the board of county commissioners, which bond shall be filed in the office of the county auditor. Within fifteen days after the appointment of said school board, the members thereof shall meet and organize by electing one of their number as president. The county superintendent of schools shall be ex-officio secretary of such a school, the provisions of section 2 of this act shall apply to the organization of the county school board, and to filling vacancies therein, provided that the county superintendent of the county in which the school is located shall be a member of the board and ex officio its secretary, and two members shall also be elected from each county by the board of county commissioners thereof. But no member of the board of county commissioners shall be eligible. (05 c. 314 § 3) [2810]

2886. Counties uniting—Board, how organized—Whenever two or more counties unite in establishing such a school, the provisions of section 2 of this act shall apply to the organization of the county school board, and to filling vacancies therein, provided that the county superintendent of the county in which the school is located shall be a member of the board and ex officio its secretary, and two members shall also be elected from each county by the board of county commissioners thereof. But no member of the board of county commissioners shall be eligible. (05 c. 314 § 3) [2810]

2887. Apportionment of expenses between counties—Tax levy—Whenever two or more counties unite in establishing and maintaining such a school, the county school board provided for in such cases shall determine the amount of money necessary for the equipment and maintenance of the school for the second
year, and annually each year thereafter; they shall apportion the amount to be raised by taxation among the counties in proportion to the assessed valuation of each county, as last fixed by the state board of assessment, and shall report to the county auditor of each county the apportionment so made on or before the regular July meeting in each year. The amount so apportioned to each county shall be levied in the county tax for the ensuing year for the support of the school. ('05 c. 314 § 4) [2811]

2888. Moneys, how expended—Duty of treasurer—The county treasurer shall be ex-officio treasurer of said board; and all moneys appropriated and expended under the provisions of this act shall be expended by the county school board, and shall be paid by the county treasurer on orders issued by said school board and all moneys received as gifts or otherwise by said school board shall be paid to the county treasurer for the fund of the county school board. ('05 c. 314 § 5) [2812]

2889. Instruction—In all county schools of agriculture and domestic economy organized under the provisions of this act, instruction shall be given in the principles of domestic economy, and such other subjects as may be prescribed. ('05 c. 314 § 6) [2813]

2890. Land for experiment, etc.—Each of such schools shall have connected with it a tract of land suitable for purposes of experiment and demonstration, and not less than ten acres in area; but any donation of land or equipment shall be turned over to said school board for the benefit of such school, and shall thereafter be the property of the county in which such school is located or in case two or more counties have contributed in establishing such schools and maintaining the same then in that case it shall belong to such counties jointly. ('05 c. 314 § 7) [2814]

2891. Admission of pupils—The schools organized under the provisions of this act shall be free to inhabitants of the county or counties contributing to their support, who shall be qualified to pursue the course of study prescribed, provided they shall have at least the qualifications required for completion of the course of study for common schools. Whenever students of advanced age desire admission to the school during the winter months in sufficient number to warrant the organization of special classes for their instruction, such classes shall be organized and continued for such time as their attendance may make necessary. ('05 c. 314 § 8) [2815]

2892. Duties of state superintendent—The state superintendent shall give such information and assistance and establish such requirements as may seem necessary for the proper organization and maintenance of such schools. With the advice of the dean of the college of agriculture of the state university, he shall prescribe the course of study to be pursued, and determine the qualifications required of teachers employed in such schools. He shall have the general supervision of all schools established under this act; shall from time to time inspect the same, make such recommendations relating to their management as he may deem necessary, and make such report thereon as shall give full information concerning their number, character and efficiency. ('05 c. 314 § 9) [2816]

2893. State aid—Approved list—Annual report of secretary—Whenever any county or counties have either severally or jointly decided to establish, equip and maintain a school as prescribed by this act, and have levied money for that purpose and have appointed a county school board, such school board or boards shall give notice of that fact to the state superintendent, and the first two school boards giving such notice shall have the first chance of obtaining such school state aid, as herein provided, but on condition that, any school established under the provisions of this act, whose courses of study and qualifications of whose teachers have been approved by the state superintendent and the dean of the college of agriculture may, upon application, be placed upon an approved list of county schools of agriculture and domestic economy. A school once entered upon such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of the state superintendent; provided, that he shall not place upon said list more than two schools. On the first day of July in each year, the secretary of each county school board maintaining a school on the approved list, shall file with the state auditor, and such county shall thereupon be entitled to such an amount of state aid as may be prescribed by law or which may be hereafter appropriated. ('05 c. 314 § 10) [2817]

SCHOOLS FOR DEFECTIVE CHILDREN

2894. Special classes for deaf children in public schools—Upon application of any special, independent or common school district, complying with the provisions of this act, made to the state superintendent of education, he may grant permission to such districts to establish and maintain within its limits one or more schools for the instruction of deaf children who are residents of the state. Any school district which shall maintain one or more such schools, shall through its clerk or secretary report to the state superintendent of education annually, or oftener if he so direct, such facts relative to such school or schools as he may require.

The course and methods of instruction must comply with such requirements as may be outlined by the state superintendent of education. All schools for deaf children established under this act shall be conducted by the combined system which includes the oral, the aural, the manual and every method known to this profession; and the course and methods of instruction shall be so arranged as shall be equivalent in efficiency to the course and methods of instruction established and employed in the state school of the deaf at Faribault, Minnesota. The state superintendent of education may designate any member of his staff as an inspector to visit and note the progress of the school provided for in this act.

Permission to establish such special classes may be granted to districts which have an actual attendance of not less than five deaf children, over four and not exceeding the maximum school age who may come under the provisions of this act.
Blind children, defective speech children and mentally subnormal children are not to be admitted to the same class with deaf children but must each have separate classes and separate teachers.

There shall be paid out of the current school fund in the state treasury annually in the month of July, to the treasurer of the school district board, of the board of education, in the school district maintaining such school or schools under the charge of one or more teachers, whose appointment and qualifications shall be approved by the state superintendent of education, the sum of two hundred and fifty ($250) dollars for each deaf child instructed in such school having an annual session of at least nine months during the year preceding the first day of July.

It shall be the duty of the treasurer of the school district or of the board of education receiving the aid provided for in this section, to render annually to the state superintendent of education an itemized statement of all expenditures of said school or schools. Any surplus at the end of the year shall be reserved as a special fund for the education of the deaf children of that district and can be used for no other purpose. ('15 c. 194 § 1; amended '19 c. 218; '28 c. 228)

2895. Special classes for blind children established in certain schools—Upon application made to the state commissioner of education by any special independent or common school district, complying with the provisions of this act, said commissioner may grant permission to such district to establish and maintain within its limits one or more classes for the instruction of blind children who are residents of the state.

Any school district which shall maintain one or more such classes shall, through its clerk or secretary, report to the state commissioner of education annually, or oftener if he so direct, such facts relative to such class or classes as he may require.

The courses, methods of instruction and supervision, the conditions under which teachers are employed and the equipment must comply with such requirements as may be prescribed by the state commissioner of education. Teachers in such classes shall be appointed as are other public school teachers. They shall possess the usual qualifications required of teachers in the public schools, and in addition thereto such special training as the board of education or state commissioner may require.

Permission to establish such special classes shall be granted to aforesaid districts which have an actual attendance of not less than five blind children of school age, who may come under the provisions of this act; provided, however, that whenever the parents or guardians of eight blind children of school age in any one district shall petition the school board in writing for the establishment of such class and shall actually enroll said children in the school of the district, it shall be mandatory upon such district to establish such special class, subject to approval by the commissioner of education as required herein, and provided, further, that nothing in this act shall be construed as preventing parents of any such children from sending their children to state school for blind, if they so elect.

For the purpose of this act, any person of sound mind and the best means of defective sight, cannot profitably or safely be educated in the public school as other children, shall be considered blind, and, after the establishment of such classes by any school district, the compulsory school laws of this state shall be deemed to apply to such children under the age of sixteen years.

There shall be paid out of the current school fund in the state treasury annually in the month of July, to the treasurer of the school district board or the board of education, in the school district maintaining such class or classes, the sum of three hundred ($300) dollars for necessary school expense or remuneration of each blind child instructed in such class or classes, having an annual session of at least nine months during the year preceding the first day of July, providing such child has been in attendance the full nine months or a proportionate amount for such time as they have attended.

It shall be the duty of the treasurer of the school district or the board of education receiving aid provided for in this section, to render annually to the state commissioner of education, an itemized statement of all expenditures of said class or classes. Any surplus at the end of the year not expended for salaries of special teachers, special instruction, special readers, special supervision, special equipment, special material and transportation of pupils of such class or classes, shall be reserved as a special fund for the education of blind children of that district and can be used for no other purpose. ('15 c. 194 § 2; amended '19 c. 129; '21 c. 365; '23 c. 409)

2896. Schools for defective speech children—Section one (1) of this act shall, so far as applicable, provide for and apply to schools for defective speech children, except that these schools shall be under the control of the commissioner of education and that there shall be paid out of the special state aid fund annually in the month of July to the treasurer of the school district maintaining a school or schools for defective speech children under the charge of one or more teachers whose appointment and qualifications shall be approved by the commissioner of education such sum as such district may be entitled to for the instruction of defective speech children under provisions of the state aid law. ('15 c. 194 § 3; amended '21 c. 467 § 17)

2897. Education of mental subnormal children—Section one (1) of this act shall, so far as applicable, provide for and apply to schools for mental subnormal children, except that these schools shall be under the control of the state superintendent of education and that there shall be paid out of the current school fund in the state treasury annually in the month of July to the treasurer of the school district maintaining a school or schools for mental subnormal children under the charge of one or more teachers whose appointment and qualifications shall be approved by the state superintendent of education, the sum of one hundred ($100.00) dollars for each mental subnormal child instructed in such school or schools having an annual session of at least nine months during the year next preceding the first day of July. ('15 c. 194 § 4)

2898. Permission to establish such special classes as may come under the provisions of sections 3 and 4 of this act, may be granted to districts which have an actual attendance of not less than five children of school age. ('15 c. 194 § 5; amended '19 c. 129)

2899. Schools for crippled children—Upon application made to the commissioner of education by any school district, complying with the provisions of this act, said commissioner may grant permission to such district to establish and maintain within its limits one or more classes for the instruction of crippled children who are residents of the state, providing there shall be not less than five crippled children of school age in each class.

The courses, method of instruction and supervision, the conditions under which teachers and helpers are
employed, and the equipment, must comply with such
requirements as may be prescribed by the commis-
sioner of education. Teachers in such classes shall
be appointed as are other public school teachers, and shall
possess the usual qualifications required of teachers in
public schools, and in addition thereto, such special
training as the commissioner of education may require.
Nurses appointed to such schools shall be registered
nurses, and shall be subject only to such additional
examination as the commissioner of education may
require, and their appointments shall be on the same
basis as public school teachers.

For the purposes of this act, any child of school age,
other than one of defective hearing, speech or sight,
and who is of normal mind but is deformed in body or
limb and who cannot profitably or safely be educated
in the regular classes as other children, shall be considered
crippled and required to attend such classes,
unless excused because of infectious disease or other
conditions making attendance undesirable.

Any school district maintaining one or more such
classes, shall, through its superintendent, report to the
commissioner of education annually, or oftener if he so
desires, such facts relative to such class or classes as
he may require, and such superintendent shall render
annually to the commissioner of education an item-
ized statement of all expenditures of said class or classes.

There shall be paid out of the current school fund
in the state treasury, annually at the same time as
other state school aid is paid, to the treasurer of the
school district board, or of the board of education, in
the school district maintaining such class or classes the
sum of $200 for necessary school expenses, including
salaries for teachers and nurses, transportation,
special supplies and equipment, on account of each
crippled child instructed in such class or classes having
an annual session of at least nine months during
the year preceding the first day of July, provided such
child has been in attendance the full nine months or
such proportionate part of $200 as shall correspond to
the actual time of attendance of each pupil. ('21 c.
141 § 1)

TEACHERS—EXAMINATIONS AND CERTIFICATES

Qualified teachers—A qualified teacher is one
holding a certificate or license to teach, as hereinafter
provided, in the school or grade for which he is em-
ployed. Contracts for teaching can only be made
with qualified teachers. Contracts made with persons
before obtaining such certificates or licenses shall only
be valid from the time of obtaining the proper certifi-
cate or license. (1345) [2820]
12-448. 357; 27-432, 84-146; 90-111, 95-481.

Certificate to be filed—No person shall be ac-
counted a qualified teacher in any common school dist-
trict within the meaning of the school law, until such
person has filed for record with the county superin-
tendent of schools of the county where such person
intends to teach, a certificate or diploma or certified
copy of either authorizing such person to teach school in
such county. ('05 c. 137 § 1) [2830]

Certification by county superintendents—Re-
cords—County superintendents of schools shall re-
cord in their office in a book provided by the board of
county commissioners for such purpose, all material
facts concerning teachers' certificates and diplomas
presented for that purpose and shall certify to the
holder of such certificate or diploma that such record
has been made. ('05, c. 137, § 2) [2831]

Hiring of teachers—Contracts—School boards
shall hire teachers at meetings called for that purpose.
No teacher related by blood or marriage, within the
fourth degree, computed by the civil law, to a trustee
shall be employed, except by a unanimous vote of the
full board. The employment shall be by written con-
tract, signed by the teacher, and in common districts,
by at least two of the trustees; in special and inde-
dependent districts, by the chairman and clerk. Such
contract shall specify the time of employment and the
wages per month. Provided, nothing herein shall be
construed as preventing a teacher from recovering the
value of his or her services from any school district,
where such services were heretofore rendered by such
teacher pursuant to oral agreement with the govern-
ment by the county superintendents of schools. (1344) [2832]
(Amended '27, c. 161).

Keeping of registers—Every teacher shall keep
a register, furnished by the clerk, showing the
daily attendance of each pupil, and such other matters
as may be required by the board. He shall also keep
such record of all examinations and other reports as
may be required by the board. The register shall show
the names and ages of all pupils, the names and num-
ber of days' attendance of all pupils between the ages
of five and eight years, between eight and fifteen
years, and between fifteen and twenty-one years, and
the names of all paying tuition. In common districts
the teacher shall make such register in form appro-
priate to the clerk within ten days after the close of the first
term of the school year. (1346) [2833]

Teachers' reports—Such teacher shall, within
the same time, make his report to the county super-
intendent upon blanks furnished by the superintendent
through the clerk, giving the names in full of all pu-
pils enrolled, with the number of days' attendance of each, checking with a cross (X) the names of all under
five, over twenty-one, or paying tuition, and the names
so checked shall not be counted for apportionment.
Within like time after the close of each succeeding
term, he shall make a further report, showing in like
manner all additional enrollments during such term,
the number of days that each pupil has attended in
such term, and such other matters as may be called
for in the blanks. The superintendent shall receipt for
such reports. No order shall be issued for the pay-
ment of the wages of any teacher while he is in de-
fault in making such reports or in returning his regis-
ter. In joint districts a report shall be made to the superin-
tendent of each county, showing the county in
which each pupil resides. The teachers and principals
in the districts shall make such reports as may be
required by law or the rules of the board, under like
penalty. (R. L. § 1346; amended '13 c. 198 § 1) [2834]

Instruction in morals, etc.—The teachers in all
public schools shall give instruction in morals, in
physiology and hygiene, and in the effects of narcotics
and stimulants. (1347) [2835]

Teachers' examinations—The county superin-
tendent shall hold at least two examinations a year
in convenient places in his county, upon such notice as
may be prescribed by the state superintendent. The
time of such examinations shall be fixed by the state
superintendent, and shall be uniform throughout the
state, and shall determine the educational qualifications of applicants for teachers' certificates. The school board of any district in which any such examination is appointed shall allow the free use of any school house or school rooms for that purpose, upon ten days' notice of selection from the county superintendent. (1348) [2836]

2908. Conduct of examinations—Such examinations shall be public, and shall be conducted by the county superintendent, or by persons appointed by him, strictly according to the regulations prescribed by the state superintendent. An affidavit may be required of persons conducting such examinations that they have been conducted fairly and according to such regulations. Teachers taking part therein may discontinue their schools for not to exceed two days in each year without loss of time. (1349) [2837]

2909. Branches of examination—All applicants for certificates shall be examined in the following branches: Reading, spelling, writing, arithmetic, grammar, United States history, composition, geography, physiology, civil government and practical hygiene. Applicants for a first grade certificate shall also be examined in elementary algebra, plane geometry, physical geography and physics; but the state superintendent may, in his regulations, designate other branches that may be taken in lieu of physical geography, physics and plane geometry, at the option of the applicant. Applicants for any grade may, at their option, be examined in music, drawing, and such languages as may be prescribed by the state superintendent. Applicants for special certificates shall be examined in all the branches required for second grade certificates, and such other branches as they wish to be specially authorized to teach. (1350) [2838]

2910. Marking on examination—The written answers for the scholastic examination shall be read and marked under the direction of the state superintendent. Markings for the professional requirements shall be given by the county superintendent, who shall also be the judge of the skill in teaching and moral character of applicants. (1351) [2839]

2911. High and normal school certificates may be accepted when—Certificates from state high or normal schools, showing a standing of not less than seventy-five per cent, may be received by the state superintendent, under such conditions as he may prescribe, in place of such examination. (1352) [2840]

2912. State examination—[Repealed.] This section is repealed by Laws 1927, c. 160, § 2. See § 2921-2, herein.

2913. Same—[Repealed.] This section is repealed by Laws 1927, c. 160, § 2. See § 2921-2, herein.

2914. Certificate and diploma in place of examination—[Repealed.] This section is repealed by Laws 1927, c. 160, § 2. See § 2915-1, herein.

2915. Expenses of examinations, etc.—The local expenses of such examinations shall be paid by the county in which they are held; the expense incurred by the state superintendent under the provisions of this chapter, not to exceed twenty-five hundred dollars per year, shall be paid out of the fund for conducting teachers' institutes. (1356) [2844]

2916. Teachers' certificates—There shall be five grades of regular teachers' certificates: Third grade, second grade, first grade, second grade professional, and first grade professional. No certificate shall be granted except on satisfactory proof of professional ability and moral character. Provided, that the state superintendent of public instruction may in his discretion issue certificates of qualification without examination to persons who have taught in public schools of this state for five or more years, upon their filing with said superintendent of public instruction a written application approved by the board of education or school trustees, together with the city superintendent or county superintendent, under which said applicant shall have taught the greater part of five years preceding the date of application. (1357) [2845]

2917. Second grade certificates—Second grade certificates shall be given to persons otherwise qualified, not less than eighteen years of age, and of at least five months' successful experience in teaching. Such certificates shall be signed by the state and county superintendents, and shall be valid for two years in the county designated, and in any other county upon endorsement by the county superintendent thereof. (1359) [2846]

2918. First grade certificates—First grade certificates shall be given to persons otherwise qualified, and of at least eight months' successful experience in teaching. Such certificate shall be signed by the state and county superintendents, and shall be valid for five years in any county of the state, upon presentation thereof to the county superintendent of such county. (1360) [2847]

2919. Certificates of graduation from university—Certificates of graduation from the university issued to graduates of the college of education and to those graduates from its college of science, literature and art, (or its college of agriculture) who have taken specified courses in the college of education, shall be valid as first grade professional certificates for two years from their date, and at the expiration of two years of actual, successful teaching, such certificates, endorsed by the president of the university and the state superintendent, shall have the force of permanent first grade professional certificates. (R. L. § 1361; amended '09 c. 455 § 1) [2848]

2920. Diplomas from normal schools, etc.—Diplomas issued to graduates of the state normal schools (or of the teachers' course in the department of agriculture of the state university) shall be second grade certificates for two years from their date, and at the expiration of two years of actual, successful teaching, such diplomas, endorsed by the president of the school granting them, and the state superintendent, shall have the force of first grade certificates for life. ('09 c. 455 § 2) [2849]

2921. Elementary diplomas—Elementary diplomas granted by a state normal school upon the completion of such portion of the course of study as may be prescribed therefor by the normal school board, shall be valid as first grade certificates for the period of three years from their date, and shall not be renewable; except that any holder of such an elementary diploma may have the force and effect thereof, as such first grade certificate, extended for a further period of three years, by the completion of an additional one year of work in a Minnesota state normal school, and the certificate of endorsement thereon by the president of such school and the state superintendent; provided, that the provisions of this section shall not apply to persons now holding Minnesota elementary school diplomas to any student heretofore enrolled in a Minnesota state normal school who shall be graduated prior to September 1, 1911. ('09 c. 455 § 3) [2850]
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2922. Same—Certificates from normal schools in certain cases—The holders of certificates from the state normal schools, showing the completion of two years of prescribed work in such schools, shall be entitled to have such certificates endorsed by the superintendent of public instruction and thereby given the full force and effect of a second grade certificate. ('09 c. 455 § 4) [2851]

2923. Renewal and validity of certificates—First and second grade certificates may be renewed as prescribed by the state superintendent, and shall be valid in all grades below the high school unless the school board of any district, by formal action, decide otherwise, and except as otherwise expressly provided in this chapter. (1302) [2852]

2924. Limited second grade certificates—Limited second grade certificates, good for one year, may be given by the county superintendent to persons without experience, not less than seventeen years of age, who have passed the required examination. (1363) [2853]

2925. Appeals—Any person to whom a certificate is refused may, within ten days from the receipt of notice of refusal, appeal to the state superintendent, and, when such refusal is for failure to pass the scholastic examination, he may on appeal have his papers reviewed and marked by the instructors in the corresponding branches of the state university, and such review and marking shall be final. (1364) [2854]

2926. Suspension of certificate—Appeal—Powers and duties of state superintendent—Any county superintendent of schools may, for any of the causes mentioned in section 2 hereof, upon his own authority, or upon written complaint of any school board of his county, and after serving notice on the teacher of the grounds of complaint, and after an opportunity for the teacher to make defense, suspend such teacher's authority to teach in any public school in the county. The teacher whose certificate is thus suspended may appeal to the state superintendent within ten days after receipt of notice of the suspension of the certificate. The state superintendent shall either confirm, modify or reverse such suspension, and may order that the suspension shall apply against teaching in any public school in the state, or may revoke the certificate, and his action shall be final. In case the county superintendent refuses to suspend a teacher's certificate upon complaint of the school board employing such teacher, the board may appeal in like time and manner, and upon such appeal the state superintendent may annul the teacher's authority to teach, by a suspension or revocation of such teacher's certificate, after serving notice on the teacher of the grounds of complaint, and after opportunity for the teacher to make defense, and his action in the premises shall be final.

The county superintendent shall file with the clerk of the school board and the state superintendent a statement of the suspension of any teacher's certificate, with his reasons for such action, and deliver a copy of such statement to such teacher, whose authority to teach in such county shall cease in ten days from the service of such statement on said teacher, unless an appeal is taken, as herein provided. ('11 c. 96 § 1) [2855]

2927. Causes for revocation or suspension—The following shall be considered as causes for the revocation or suspension of a teacher's certificate:

(a) Immoral character or conduct unbecoming a teacher.

(b) Failure, without justifiable excuse, to teach for the term of his contract, without first securing the written release of the school board.

(c) Inefficiency in teaching or in the management of a school.

(d) Affliction with active tuberculosis or some communicable disease shall be considered as cause for the suspension of certificate, while the holder thereof is suffering from such disability. ('06 c. 56 § 2) [2856]

2928. Professional certificates—[Repealed.]

This section is repealed by Laws 1927, c. 100, § 3. See § 2931-3, herein.

2929. Second grade professional certificates—[Repealed.]

This section is repealed by Laws 1927, c. 100, § 3. See § 2931-3, herein.

2930. First grade professional certificates—[Repealed.]

This section is repealed by Laws 1927, c. 100, § 3. See § 2931-3, herein.

2931. Professional permits—[Repealed.]

This section is repealed by Laws 1927, c. 100, § 3. See § 2931-3, herein.

2931-1. First grade professional certificates—Issue on diploma—A first grade professional certificate may be issued on the diploma of an accredited college of education or on a diploma of a liberal arts college or university together with evidence of such professional training as may be prescribed by the state board of education under the provisions of Section 2935, General Statutes 1923. Such certificates shall be valid in elementary schools or in high schools as designated on such certificates. (27, c. 160, § 1)

2931-2. Same—Duration of—Permanent teachers of high character and successful experience may be granted first grade professional certificates upon qualifications prescribed in Section 1 of this act. Such certificates shall remain in force as long as the holder is engaged in educational pursuits, but shall be void after he shall cease for five years so to do unless it be renewed by endorsement of the state commissioner of education. (27, c. 160, § 2)

2931-3. Laws repealed—Sections, 2912, 2913, 2914, 2928, 2929, 2930 and 2931, General Statutes 1923, are hereby repealed. (27, c. 160, § 3)

2932. Fees for certificates, etc.—Every candidate at each examination for a teacher's certificate or for the renewal or extension of such certificate shall pay a fee of 50 cents before such examination is entered upon or certificate issued. The fee for a permanent professional certificate shall be $5.00.

The state superintendent shall at the end of each month pay to the state auditor the full amount of all such examination fees paid or remitted to him, together with a report showing the amount of fees collected for each class and kind of certificate. The state auditor shall credit all such fees to the teachers' institute fund, except those paid for the endorsement of diplomas issued by Minnesota normal schools, which
shall be credited in the proper amount to the support fund of the normal school by which the diploma so endorsed as a certificate has been issued. ('13 c. 557 § 1) [2861]

2933. Special certificates—The state superintendent may issue a special certificate to (1) a graduate of a standard and approved college or state normal school; (2) to one otherwise qualified who has completed such course of study and training as the said superintendent may require, authorizing the holder to teach music, drawing, home economics, manual or industrial arts, agriculture, commercial subjects, or to serve as teachers of kindergartens, primary grades, and physical training and to act as school librarians. ('13 c. 557, § 2; amended '23, c. 141) [2862]

2934. Certificates from other states—The state superintendent may accept or endorse certificates from other states, on such conditions as he may prescribe. ('13 c. 557 § 3) [2863]

2935. Candidates for certificates—Requirements—From and after August 1, 1915, all candidates for teachers' certificates by examination, renewal or endorsement of credentials, except those who have taught successfully for at least eighteen months in the public schools prior to such date, or those receiving a second or limited certificate, must have completed such a course of professional training for teaching not exceeding thirty-six weeks, as may be prescribed by the state superintendent.

Training courses in the state university, in state normal schools, in state high schools, or in private schools fully and fairly the equivalent of those given in state schools and approved by the said superintendent shall be accepted as meeting the requirements for teachers training under this section. ('13 c. 557 § 4) [2864]

TEACHERS—EMPLOYMENT IN FIRST CLASS CITIES.

2935-1. Teacher defined—The term "teacher" shall include every person regularly employed, as a principal, to give instructions in a classroom, or to superintend or supervise classroom instruction, or as placement teacher and visiting teacher. ('27, c. 36, § 1, effective July 1, 1927)

Explanatory note—Section 15 of Laws 1927, c. 36 repeals all inconsistent acts and parts of acts.

2935-2. School board, commissioner defined—The term "school board" shall include a majority in membership of any and all boards or official bodies having the care, management or control over public schools; and the term "commissioner" shall include any and all instances where a single official has the care, management or control over public schools. ('27, c. 36, § 2, effective July 1, 1927)

2935-3. Demote defined—The word "demote" shall mean to reduce in rank or to transfer to a lower branch of the service or to a position carrying a lower salary or compensation. ('27, c. 36, § 3, effective July 1, 1927)

2935-4. Probationary period—Discharge or demotion—All teachers in the public schools in cities of the first class in the State during the first three years of consecutive employment shall be deemed to be in a probationary period of employment during which period any annual contract with any teacher may, or may not be, renewed as the school board or commissioner shall see fit. The school board or commissioner may during such probationary period discharge or demote a teacher for any of the causes as specified in Section 6. A written statement of the cause of such discharge or demotion shall be given to the teacher by the school board or commissioner at least 30 days before such removal or demotion shall become effective, and the teacher so notified shall have no right of appeal therefrom. ('27, c. 36, § 4, effective July 1, 1927)

2935-5. Period of service after probationary period—Discharge or demotion—After the completion of such probationary period, without discharge, such teachers as are thereupon re-employed shall continue in service and hold their respective position during good behavior and efficient and competent service and shall not be discharged or demoted except for one or more of the causes as specified in Section 6, and after a hearing as specified and provided in Section 7. ('27, c. 36, § 5, effective July 1, 1927)

Explanatory note—See §§ 6 and 7, for §§ 2935-6, 2935-7, herein.

2935-6. Grounds for discharge or demotion.—Causes for the discharge or demotion of a teacher either during or after the probationary period shall be:

(a) Immoral character, conduct unbecoming a teacher or insubordination.

(b) Failure without justifiable cause to teach without first securing the written release of the school board or commissioner having the care, management or control of the school in which the teacher is employed.

(c) Inefficiency in teaching or in the management of a school.

(d) Affliction with active tuberculosis or other communicable disease shall be considered as cause for removal or suspension while the teacher is suffering from such disability.

(e) On account of discontinuance of position or lack of pupils. ('27, c. 36, § 6, effective July 1, 1927)

2935-7. Hearing of charges against teacher.—The charge or charges against a teacher shall be in writing and signed by the person making the same, and then filed with the secretary or clerk of the school board or commissioner having charge of the school in which the teacher is employed. Such school board or commissioner before discharging or demoting a teacher shall then accord the teacher against whom such charge or charges have been filed a full hearing and shall give to said teacher at least ten days' notice in writing of the time and place of such hearing; such notice may be served personally or sent by registered mail addressed to such teacher at his or her last known post-office address; provided that if said charge be made by any person not in connection with said school system said charge may be disregarded by such school board or commissioner. Upon such hearing being held such school board or commissioner shall hear all evidence that may be adduced in support of the charge or charges and for the teacher's defense thereto. Either party shall have the right to have a written record of the hearing at the expense of the board and to have witnesses subpoenaed and all witnesses so subpoenaed shall be examined under oath. Any member of the
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sota, or in any educational, correctional, or charitable
tendent or librarian employed in any educational or
include any teacher, supervisor, principal, superin-
in which they are employed at the time this act be-
period of service rendered by teachers in the districts
receive first consideration for other positions in the dis-
discontinuance of position or lack of pupils shall re-
teacher whose services are terminated on account of
compensation. ('27, c. 36, § 12, effective July 1, 1927)
1927)

1927)

If the final decision is favorable to the
or his discretion determine the teacher's salary or
charges against a teacher the school board or commis-
from the records. ('27, c. 36, § 11, effective
July 1, 1927)
2935-11. Charges expunged from records — In all
cases where the final decision is in the favor of the
teacher the charge or charges shall be physically ex-
expunged from the records. ('27, c. 36, § 11, effective
July 1, 1927)

2935-12. Suspension of teacher pending hearing on
charges—Salary—Upon the filing of a charge or
charges against a teacher the school board or commis-
seems to be for the best interest of the school.
vided, that no teacher shall be discharged for either of
the causes specified in Paragraph “c” of Section 6,
except during the school year, and then only upon a
charge or charges filed at least four months before
the close of the school sessions of such school year.
('27, c. 36, § 10, effective July 1, 1927)

2935-10. Decision on hearing—Such hearing must
be concluded and a decision in writing, stating the
grounds on which it is based, rendered within 25 days
after the giving of such notice. Where the hearing is
before a school board the teacher may be discharged
or demoted upon the affirmative vote of a majority of
the members of said school board. If the charge or
charges, or any of such, are found to be true the
school board or commissioner conducting the hearing
shall discharge, demote or suspend the teacher, as
seems to be best interest of the school. Pro-
vided, that no teacher shall be discharged for either of
the causes specified in Paragraph “c” of Section 6,
except during the school year, and then only upon a
charge or charges filed at least four months before
the close of the school sessions of such school year.
('27, c. 36, § 10, effective July 1, 1927)

2935-9. Hearings private or public — All hearings
before said school board or commissioner shall be pri-
ivate or may be public at the decision of the teacher
against whom such charge or charges have been filed.
('27, c. 36, § 9, effective July 1, 1927)

2935-8. Representation by counsel—Examination of
witnesses—Each party appearing before said school
board or commissioner shall have the right to be repre-
sented by counsel, and such counsel may examine and
cross-examine witnesses and present arguments. ('27,
c. 36, § 8, effective July 1, 1927)

2935-7. Teachers' insurance and retirement fund
charges and assessed interest, and provided that the
purpose of better compensating the teachers in the public
schools and making the occupation of “teacher” in this
state more attractive to qualified persons, there is
hereby established for the state a fund to be known as
the "Teachers' Insurance and Retirement Fund," for
the benefit of teachers who have served not less than
more than twenty (20) years except as hereinafter provided.
 Said fund shall be secured from the following sources:
1st. From assessments on the members of the fund
association according to the following schedule:
For the first 5 years of teaching service, $5.00 per
year;
For the second 5 years, $10.00 per year;
For the next 10 years, $20.00 per year;
For the next 5 years, $30.00 per year;
provided that when the annual regular salary as
teacher of any member of the fund association shall
have reached $1,500 or more said member shall be as-

sessed upon a percentage basis as follows: One and
one-half (1 1/2%) per centum per annum, but not more
than twenty (20) dollars per year for the first ten
years of service as a teacher; and two (2) per centum
per annum, but not more than forty (40) dollars per
year, for each successive year of service as teacher;
provided, that in no case shall the annual assessments
based on a percentage rate be less for any year than
the flat rate assessments for a single year of the cor-
responding period, said assessment period to cover not
more than twenty-five (25) years in all, after which
all assessments shall cease.
2nd. From all money and property received as do-
nations, gifts, legacies, devises, bequests or otherwise,
for the benefit of said Teachers' Insurance and Retire-
ment Fund.
3rd. From all interest arising from investments of
the money belonging to said fund.

4th. From a tax of one-twentieth (1-20) of one
mill which is hereby levied annually on all taxable,
property located in that part of the state subject to
the provisions of this act, after the valuation of said
property has been equalized by the state; said tax to
be collected by the same officials and at the same time
and in the same manner as other taxes in said state,
and in the same manner as other taxes in said state,
all moneys received from the tax hereby levied to be
paid into and become a part of the said Teachers' In-
surance and Retirement Fund.
The assessments upon the members of the fund
association hereinafter referred to shall be paid in as
many equal monthly payments as there are months in
the school year for which the teachers' salaries are
paid, and such assessments shall be deducted by the
several boards of education or managing bodies from
the salaries of teachers as hereinafter provided.
Credit on period of service may be allowed to ap-
licants for membership for periods of employment
prior to the taking effect of this law; but in such case
the applicant must pay arrearages at the above rates
for the period of service so allowed under rules to be adopted by the board of trustees,
hereinafter referred to, and the rules adopted by said
board shall be uniform in their operation as to all
Persons affected. In case any teacher has retired for any cause before he or she has paid in fees a sum equal to the full amount of fees required for the annuity applied for and to which such teacher is entitled by period of service, there shall be deducted from the first year's annuity to such teacher such sum as will make the total amount paid by said teacher equal to the full amount of said fees. (15 c. 199 § 2)

2938. Board of education to deduct assessments from monthly salaries and forward to proper authorities, state treasurer to credit all receipts to above fund—It is hereby made the duty of each board of education or other managing body required by law to draw the warrants or orders for payment of salaries of teachers to deduct and withhold from each month's salary due to such teacher the amount which such teacher is required to pay into said insurance and retirement fund as herein specified, and at the time of such deduction a statement showing the amount of such deductions shall be furnished to such teacher.

Such board of education or other managing body shall, between the first and fifteenth of July of each year, forward to the treasurer of the county in which such school district is situated a statement, verified by the secretary or clerk thereof, showing the amount of money so retained from each teacher in accordance with the provisions of this act, and with said statement shall transmit the entire amount so retained to the treasurer of said county; and in case any school district is situated in more than one county, such report and remittance shall be sent to the senior county. Said board of education or other managing body shall also, on or before the fifteenth day of July of each year, transmit to the county superintendent a statement shall transmit the entire amount so retained to the treasurer of said county; and in case any school district is situated in more than one county, such report and remittance shall be sent to the senior county. Said board of education or other managing body shall also, on or before the fifteenth day of July of each year, transmit to the county superintendent a statement showing the total amount withheld from the salaries of all teachers in said district during the preceding year for the purpose of deducting and remitting the same at the proper times to the state treasurer as required by law, and an oath, signed by the treasurer of each county, showing the total amount withheld from the salaries of all teachers in said district during the preceding year for the purpose of deducting and remitting the same at the proper times to the state treasurer for the payment out of said fund of any annuity to which any teacher is entitled in pursuance of the provisions of this act, must be made by said board of education or other managing body, and shall be forwarded to the state treasurer as required by law.

The state treasurer shall credit all receipts to above fund received under the provisions of this act to the State Teachers' Insurance and Retirement Fund and shall be empowered to perform the duties of said board.

Provided, however, that the state treasurer, the several county treasurers and the treasurers of the various school districts shall be officially liable for the receipt, handling and disbursement of all moneys coming into their hands belonging to the said State Teachers' Insurance and Retirement Fund and the securities on the official bonds of each of said treasurers shall be liable for such money the same as for all other moneys belonging to the school funds of this state. (15 c. 199 § 3)

2939. Composition of board of trustees having management of the fund, organization and investments—The management of the fund shall be vested in a board of five (5) trustees, which shall be known as the "Board of Trustees of the Teachers' Insurance and Retirement Fund." Said board shall be composed of the following persons: The state superintendent of education, the state auditor, the attorney general and two (2) members of the fund association, who shall be elected by the members of the fund association at the time and place of the annual meeting of the Minnesota Educational Association, and shall serve for the term of two years beginning on the first day of January next succeeding their election, except in the case of the first elective members, who shall assume office immediately after their election and serve one for one year and one for two years from the first Monday of January next succeeding their election and until their successors are elected. Vacancies in the elective membership of the board shall be filled by appointment by said board of trustees, the appointee to serve until the next meeting of the fund association, when the members of said fund association shall elect a trustee or trustees to serve for the unexpired term or terms. No person shall be appointed by the board of trustees or elected by the members of the fund association as a member of the board of trustees who is not a member of the fund association at the time of the appointment or election.

In the interval between the passage of this act and the time when the first elective members of the board of trustees shall assume office, as hereinafter provided, the superintendent of education, the state auditor and the attorney general shall constitute a temporary board of trustees of the Teachers' Insurance and Retirement Fund and shall be empowered to perform the duties of said board.

Said board of trustees shall have power to frame by-laws for its own government, not inconsistent with the laws of the state, and to modify them at pleasure; to elect one of its own members as president of the board and to provide and enforce all rules and regulations necessary to carry into effect the provisions of this act; to elect a secretary, who shall serve during the pleasure of the board, and to fix the salary and prescribe the duties of the office of secretary; to authorize the issuance of warrants by the state auditor on the state treasurer for the payment out of said fund of all annuities or benefits payable under the provisions of this act, of the salary of the secretary, and other necessary expenses.

All applications for annuities or benefits under this act must be made to said board. In passing upon said applications, said board may summon witnesses and, in the case of applications founded on accidental injuries, require any applicant to submit to a medical examination at his or her own expense, and, in the case of all applicants, may conduct any reasonable investigation to determine the justice of any claim submitted. It may sue or be sued in the name of the board.
trustees of the Teachers' Insurance and Retirement Fund, and, in all actions brought by or against it, said board shall be represented by the attorney general. Said board shall constitute a part of the state government, and all actions brought against it by any person claiming to be a beneficiary of said Teachers' Insurance and Retirement Fund it shall not claim immunity from suit.

It shall be the duty of said board to invest as much of the funds in its hands as shall not be needed for current purposes. Such investments shall be made in the same class of securities as those in which the school funds of the state are required to be invested, and all securities taken upon such investments shall be deposited with the state treasurer; but in case of necessity such securities may be sold in order to raise money for current purposes. No such sale shall be made except by the unanimous vote of said board, such vote to be entered upon the records of its proceedings. All interest obtained from such investments shall be placed in the general fund, to be used for current purposes. A suitable office in the capitol, with suitable furniture and necessary office supplies, shall be provided by the proper state officer for the use of said board of trustees. ('15 c. 199 § 4)

Board as agency of state government; investment of fund, by state board of investment. See § 53-47, herein.

2940. Annual meeting on second Saturday in September and compensation of members of board—The board of trustees shall meet annually at the office of the secretary, in the State Capitol, on the second Saturday in September at an hour to be fixed by the board, to transact the business which shall be held at any time, on the call of the president of said board or by any three members thereof. The state auditor, state superintendent of education and attorney general shall serve as members of said board without additional compensation, but the elective members of said board shall be entitled to compensation at the rate of five dollars per day and necessary expenses, while attending all meetings of said board, to be paid out of the insurance and retirement fund. ('15 c. 199 § 5)

2941. Commencement of fiscal year and report of trustees—The fiscal year of the insurance and retirement fund shall begin on the first day of August and shall end on the 31st day of July. The board of trustees shall present annually to the fund association at the annual meeting hereby provided for a report of the condition of said funds for the last preceding year, which shall include the receipts and expenditures on account of the fund, together with a list of the beneficiaries thereof and of the securities in which said fund is invested. A copy of said report shall be sent to the Governor, a copy shall be retained by the proper state officer for the use of said board, and a copy sent to the state superintendent of education, and a copy sent to each county superintendent, city superintendent, graded school principal, and the superintendent or president of each state educational institution. This report shall be published in the biennial report of the state superintendent of education. ('15 c. 199 § 6)

2942. State treasurer to be ex-officio treasurer of retirement fund—The treasurer of the state shall be ex-officio treasurer of the Teachers' Insurance and Retirement Fund, and his general bond to the state shall cover any liabilities for his acts as treasurer of said fund. He shall receive all moneys payable to said fund and pay out the same only on warrants issued by the state auditor upon vouchers signed by the president and a majority of the members of said board. Said treasurer shall give receipts for all moneys received by him for said fund, shall keep full and correct account of the financial transactions connected therewith, and shall make an annual report to the board of trustees at its annual meeting of the receipts and disbursements and other financial transactions connected with said fund. ('15 c. 199 § 7)

2943. Who may become members and conditions of membership—Any person employed as teacher, when this act takes effect, in any public school in this state or in any other educational institution included in this act, shall become a member of the fund association and to receive the benefits of this act, if application be made, in writing, to the board of trustees of the Teachers' Insurance and Retirement Fund on or before September 1st, 1917. At the time of making application to the board of trustees as herein provided, such teachers shall notify the local school board or managing body of the institution in which he or she is employed, in writing, of his or her election to come within the provisions of this act and shall authorize said board or managing body as a part of said notice to deduct or withhold on every pay day from his or her salary the amount which he or she would pay into the fund, as specified in Section Two.

Any person who shall accept employment in this state as a teacher, as hereinabove defined, after September 1, 1915, and who shall not have been employed in this state at the time this act takes effect shall by virtue of the acceptance of such employment become subject to all terms, provisions, and conditions of this act, and shall become a member of the fund association. ('15 c. 199 § 8)

2944. Annuity schedule—Payment of annuities—Any member of the Fund Association who shall have rendered twenty (20) years or more of service as a teacher in the public schools, one year of which, except any one of the last five years immediately preceding retirement, may have been a leave of absence for study, and at least fifteen years of which, including at least one of the last five years immediately preceding the term of retirement, have been spent in the public schools of this state and who ceases to be employed as a teacher for any reason shall be retired at his or her own request by the board of trustees and receive an annuity in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Annuity</th>
</tr>
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<tbody>
<tr>
<td>20</td>
<td>$500.00</td>
</tr>
<tr>
<td>21</td>
<td>$470.00</td>
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<tr>
<td>22</td>
<td>$410.00</td>
</tr>
<tr>
<td>23</td>
<td>$380.00</td>
</tr>
<tr>
<td>24</td>
<td>$350.00</td>
</tr>
<tr>
<td>25</td>
<td>$320.00</td>
</tr>
</tbody>
</table>

In computing the time of service of a teacher the length of the legal school year in the district or institution where such service was rendered shall constitute a year, provided such a year shall not be less than seven months. In a calendar year credit shall be allowed for only one year of service. If a teacher teaches for only a fractional part of any year, credit shall be given for such fractional part of a year as the term of service rendered shall bear to the legal school year of such district or institution, but in no case shall the legal year be less than seven months. Such annuities shall be paid quarterly.

Any teacher who shall become mentally or physically incapacitated after having served as teacher for fifteen (15) years, ten (10) of which shall have been in this state, shall be entitled to receive an annual benefit from the Insurance and Retirement Fund equal to as many twentieths of the full annuity for twenty (20) years...
years as the term of total service rendered by such teacher bears to twenty (20) years.

Any person retiring under the provisions of this section may return to the work of teaching in said public schools, but during said term of teaching the annuity or benefit paid to such person shall cease. Said annuity shall again be paid to such person upon his or her further retirement. (15 c. 199 § 9; amended '25, c. 404, § 2)

2945. Refunds of payments made by teachers—In the event that any member of the fund association ceases to be a teacher in the state and thereby terminates membership in the fund association before drawing an annuity, such member shall, if application be made in writing to the board of trustees, be entitled to the return of the fund without interest of such sum as shall equal one-half of all moneys paid into the fund by such teacher, provided further, that, in the event such teacher subsequently returns to teaching in Minnesota and thereby becomes a member of said association, such teacher shall be required to refund to said Insurance and Retirement Fund the annuity so created shall not be subject to assignment or seizure on legal process against any beneficiary. (15 c. 199 § 11)

2947. Board may reduce annuities—The board of trustees may ratably reduce the annuities provided in this act whenever, in the judgment of the board, the condition of the fund shall require such reduction. (15 c. 199 § 12)

2948. Annuities may be granted at once but no payment before Sept. 1, 1916—Annuities may be granted by the board of trustees at any time after the passage of this act, such annuities beginning at the date on which the grant is made, but no payments shall be made before September first, 1916. (15 c. 199 § 13)

2949. Teachers to elect two members of board at annual meeting—At the time and place of the meeting of the Minnesota Educational Association in 1915, those teachers who have qualified as members of the fund association by complying with the provisions of Section 8, of this act shall meet at the call of the state superintendent of education for the purpose of electing from said members of the fund association two members of the board of trustees of the Teachers' Insurance and Retirement Fund, as hereinbefore provided, and annually thereafter at the time and place of the annual meeting of the Minnesota Educational Association the board of trustees shall call a meeting of the members of the fund association for the purpose of electing one or more members, as may be required, of said board of trustees, and hearing the annual report of said board, and of transacting any other business that may properly come before said meeting. (15 c. 199 § 14)

2950. This act shall not apply to any city of the first class in this state. (15 c. 199 § 15)

2951. Director and secretary may be held by one person—That the position of director of the state teachers' employment bureau provided by section 2808, General Statutes 1913 [2957], and the position of secretary of the board of trustees of the teachers' insurance and retirement fund provided by section 4, chapter 199, Laws 1915, may be held by one and the same person. (19 c. 378 § 1)

Explanatory note—For Laws 1915, c. 199, § 4, see § 2953, hereinafter.

2952. Payment of salary—that the salary of the director of the state teachers' employment bureau and the secretary of the board of trustees of the teachers' insurance and retirement fund, when the two positions are held by one and the same person shall be paid one-half from the department of education maintenance appropriation and one-half from the teachers' insurance and retirement fund. (19 c. 378 § 2)

2953. Inconsistent acts repealed—all acts or parts of acts inconsistent herewith are hereby repealed. (19 c. 378 § 3)

STATE TEACHERS' EMPLOYMENT BUREAU.

2954. How maintained—There is hereby established a bureau for the purpose of securing employment for teachers in the public schools in this state, to be known as the state teachers' employment bureau, and to be maintained in connection with the department of public instruction, under the direction of the superintendent of public instruction, as hereinafter provided. (13 c. 523 § 1)

2955. Who may be enrolled—Fees—Any person having a certificate to teach in this state, or who has completed a course of study as required for the issuance of a certificate, or who may be found entitled to receive such certificate, and who is deemed to be a fit and capable person for teaching, shall be entitled to enroll with said state teachers' employment bureau upon complying with the regulations hereinafter referred to, and upon the payment of an annual fee of three (3) dollars, which fee shall entitle the person so enrolled, to the privileges and services of said bureau for the term of one year from the date of filing of enrollment and receipt of fee. (13 c. 523 § 2)

2956. Purpose of bureau—Information, etc.—It shall be the purpose of the state teachers' employment bureau to furnish information to boards, superintendents, principals, or other proper authorities of public schools, upon request, regarding teachers, and to furnish teachers enrolled with the bureau, information relative to vacancies in positions in public schools; but no person connected with the state teachers' employment bureau shall be held responsible for being understood to vouch for the fitness or success of any teacher who may secure a position in a public school through the said bureau, nor shall the acceptance of the enrollment and payment of the annual fee be construed as a guaranty for securing through the bureau employment to teach. (13 c. 523 § 3)

2957. Duties of superintendent of public instruction—Director and assistants, etc.—Bond—The superintendent of public instruction may appoint such clerical and other assistants as may be required to carry out the purposes of this act, but the expense therefor shall not exceed the moneys appropriated therefor. Said superintendent shall be charged with the general management and control of said teachers'
employment bureau, and shall make the necessary rules and regulations for conducting its affairs and for the obtaining of information as to the experience, qualification and character of persons seeking employment. He shall collect and receipt for all fees provided for in this act, and shall pay said fees to the state treasurer once in each month. He shall furnish to the state a surety bond in a sum to be fixed by the governor and state auditor, the cost thereof to be paid for from the funds appropriated for the bureau. (13 c. 523 § 4) [2868]

STATE BOARD OF EDUCATION.

Department of Education continued. See § 53-35, herein. 2958. State board of education—A state department of education is hereby created, which shall be maintained under the direction of a state board of education composed of five representative citizens of the state. The members of the state board of education shall be appointed by the governor, by and with the approval of the Senate, for a term of five years, and shall hold office until their successors are qualified. The first members of the said board shall be appointed as soon as practicable as follows: One for a term ending January 1, 1920; two for a term ending January 1, 1922, and two for a term ending January 1, 1924; all vacancies in the said board shall be filled for unexpired terms by appointments by the governor. The members of the said board shall receive as compensation for their services the sum of ten dollars ($10) per day for each day actually spent in the performance of their duties and in addition thereto they shall be reimbursed in manner according to law for all necessary expenses incurred in the performance of their duties as members of the board. The first president of the said board shall be the member whose term of the office shall first expire, and the president thereafter shall be chosen annually by the members of the board, but no member of the board shall serve as president longer than two years during a term in office. The first meeting of the said board shall be held at the State Capitol, at the call of the President, within thirty (30) days of the appointment of the members of the board; the said board shall hold an annual meeting at the State Capitol on the first Tuesday in the month of August, and in addition to the annual meeting the board shall hold quarterly meetings, and may hold special meetings, on such dates and at such places as the board shall designate. Provided: That no member of the board shall hold any other office elective or appointive under the state "except a notary public," or be employed in any state institution. (19 c. 334 § 1)

2959. Oath and contracts—Before entering upon the duties of his office each member of the state board of education shall take an oath of office which shall be filed with the secretary of state. All contracts made by the said board shall be in writing and shall be signed by its president and attested by its secretary. (19 c. 334 § 2)

2960. Organization and rules—The state board of education is authorized to make complete organization of the department of education, as created by this act, and to adopt all necessary rules, not in conflict with the provisions of law, for the conduct of its affairs; the said board shall have authority, also, to define the duties of appointees and employees to the end that the educational and business activities of the department of education shall be conducted under reason-
hereby vested in, and shall be exercised by the state board of education according to the provisions of this act. The said state board of education shall administer all interest in the maintenance of public schools, libraries and other public educational institutions, except such laws as may relate to the state university and to the state normal schools. In order that the provisions of this act may be carried out, the state high school board, the state library commission and the office of the state superintendent of education shall terminate July 31st, 1919. ('19 c. 334 § 6)

2964. Report of state board of education—On or before November 15 of each even numbered year, the state board of education shall make a report to the governor, which shall cover the biennial period ending July 31 preceding; the said report shall contain a copy of all rules of said board in force during the biennial period, the name and salary of each officer or employee in the department of education, a summary of the financial affairs of said department, and such other matters as it may seem advisable to include in such report, or as shall be required by the governor. ('19 c. 334 § 7)

2965. State aid to public schools and budget—The state board of education shall cause to be made under its direction studies of and investigations relating to the administration of funds appropriated by the legislature for public school aid; such studies and investigations shall be exhaustive and shall contain constructive suggestions and recommendations to the governor, and shall be transmitted by him to the legislature, the same to be considered and to be a part of the first biennial report of the state board of education, which shall be submitted to the governor as required by the provisions of section 7 of this act. The state board of education shall recommend to the governor and legislature such modification and unification of laws relating to the state system of education as shall make those laws more readily understood and more effective in execution; and the state board of education shall prepare a biennial education budget which shall be submitted to the governor and legislature, according to the provisions of law, such budget to contain a complete statement of finances pertaining to the maintenance of the department of education and to the distribution of state aid to public schools. ('19 c. 334 § 8)

2966. Conflict of powers—In case of any apparent conflict between powers, duties and functions conferred by law upon any educational officer, or person, or board, or commission named in section 6 of this act and those conferred by this act on the state board of education, it shall be conclusively presumed that such powers, duties and functions belong to the state board of education to be exercised by it under the law and rules of said board. ('19 c. 334 § 9)

Section 6 in § 2963, herein.

2967. Officers and employees to give bonds—The state board of education shall require all officers and employees under its control, who may be charged with any money or property belonging to the state, to give bond to the state in such sum and with such conditions as the said board by its rules may direct, and each bond shall be approved by the board. ('19 c. 334 § 10)

2968. State university and state normal schools—Nothing in this act contained shall be held to apply to the University of Minnesota, or to the state normal schools, or to the powers, functions and duties vested by law in the board of regents of said university, or in the state normal schools board. ('19 c. 334 § 11)

2969. Inconsistent acts—Any person officially connected with or employed by the department of education who shall be found inefficient or guilty of any acts inconsistent with the duties of his office shall be removed from office by the authority which appointed him. ('19 c. 334 § 12)

2970. Meetings of board prior to August 1, 1919—The state board of education is authorized to hold necessary meetings, prior to August 1, 1919, for the transaction of business in accordance with the provisions of this act, and any action taken by the said board at such preliminary meetings shall be legal. ('19 c. 334 § 13)

2971. When duties of appointees begin—The powers and duties of the appointees hereunder shall not begin until August 1st, 1919, except as hereinafore provided. ('19 c. 334 § 14)

2972. Acts repealed—All acts and parts of acts not consistent with this act are hereby repealed. ('19 c. 334 § 15)

COUNTY SUPERINTENDENTS

2973. Duties—In addition to their other duties, county superintendents shall visit and instruct each school in their counties at least once in each term, except those under the immediate charge of a city or district superintendent, and instruct its teachers; organize and conduct such teachers' institutes as they shall deem expedient; encourage teachers' associations; advise teachers and school boards in regard to the best methods of instruction, the most approved plans for building, improving, and ventilating school houses, or ornamenting school grounds, and of adapting them to the convenience and healthful exercise of the pupils; stimulate school officers to the prompt and proper discharge of their duties; receive and file all reports required to be made to them; and make a report to the state superintendent, containing an abstract of such reports, a written statement of the condition and prospects of the schools under their charge, and such other matters as they may deem proper, or as may be called for by the state superintendent. (1379) [2978]

2974. Meetings of district officers—The county superintendent may call meetings of the district officers of his county at such times and places as may be convenient, to remain in session for one day, for consultation and advice in regard to schools statistics, methods of organization of schools, and other matters relating to the educational interests of the public schools. (1380) [2979]

2975. Records—The county superintendent shall keep in books provided by the county a record of examinations of candidates to whom certificates are granted or refused, of the date of examination, the name, sex, and age of each candidate, the grade of certificate granted, and the grounds on which any certificate is refused, and a like record of all certificates of those teaching in his county, and of such other matters as may be prescribed by the state superintendent. (1381) [2860]
22-475, 215-414.

2976. Blanks—He shall forward to teachers and clerks all blanks and circulars furnished him for their use, and shall be guided generally by the rules prescribed by the state superintendent and the high school board. (1382) [2861]

2977. Report to state superintendent—He shall report to the state superintendent, on or before September 20 of each year, the number of different pupils
of school age enrolled in the schools of each district; taking care that no pupil is counted more than once, and that no one not entitled to apportionment is included. This report shall include tabulated extracts from the reports of the teachers and clerks, and such other matters as may be called for in the blanks. (1883) [2882]

2978. Report to auditor—He shall in like manner, on or before the last Wednesday in October, file with the county auditor an abstract of the number of pupils of school age enrolled in the schools of each district, and entitled to be counted for appropriation from the current school fund, and of months' school taught in each school during such school year. (1834) [2883]

2979. Failure to report—No warrant shall be drawn for the payment of the salary of the county superintendent for the month of October of any year unless such report to the auditor shall have been filed, and proof made of the filing of such superintendent's report to the state superintendent. (1835) [2884]

2980. Deputy superintendent—Any superintendent physically unable to visit his schools or conduct teachers' examinations in proper time may appoint a deputy superintendent for not more than sixty days in any year, to be paid by such county superintendent. (1836) [2885]

TOWN SUPERINTENDENTS

2981. Election—Term—Each organized town in school districts containing twenty or more townships shall elect at its annual town meeting a town superintendent. His term of office shall be for one year and until his successor qualifies. His compensation shall be fixed by the town meeting, and shall remain as so fixed until changed by a subsequent meeting, and shall be paid out of the town funds. (1888) [2886]

2982. Duties—The town superintendent shall advise the school board in regard to the location, erection, and repair of school buildings, the improvement of school sites, the employment of teachers, the furnishing of school supplies, and all other matters relating to the schools in the town. He shall look after truants, visit the schools, attend meetings of school officers called by the county superintendent, report from time to time to the school board the condition of schools in his town, with such suggestions in regard to their improvement as he may deem proper, and, when authorized by the school board, make contracts for fuel and other necessary supplies for the schools in his town, and for ordinary repairs for the school houses. (1839) [2887]

VOCATIONAL EDUCATION

2983. State board for vocational education—There is hereby established, under the direction and control of the state board for vocational education, a division for the training and instruction of persons whose capacity to earn a living has in any way been destroyed or impaired through industrial accident or otherwise; provided, that at the time when the accident or disability was incurred they were residents or citizens of the state of Minnesota. The said board shall in its regular reports to the legislature describe in detail the work of the division and may from time to time issue bulletins containing information relative thereto. (19 c. 365 § 1)

Historical note—The high school board was designated as the state board of vocational education by § 3042, infra. The high school board was abolished, and its powers transferred to the state board on education by § 2963, supra. 166-139, 207-202.

2984. Appointment and salaries of employees—The employees of the said division shall be appointed and their salaries determined by the said board. The division shall be furnished with suitable quarters in the state capitol, and the board may expend for salaries and other necessary expenses of such division such amounts as shall be appropriated by the legislature. (19 c. 365 § 2)

2985. Plan of co-operation to be formulated—The state board for vocational education and the department of labor and industries, or any agency which may succeed it in the administration or supervision of the Workmen's Compensation Act, shall formulate a plan of co-operation with reference to the work of said division. Such plan shall be effective only when approved by the governor of the state. (19 c. 365 § 3) 166-139, 207-202.

2986. To aid incapacitated persons, and to co-operate with U. S. government—The said division shall aid persons who are incapacitated as described in section one in obtaining such education, training and employment as will tend to restore their capacity to earn a livelihood. The division may co-operate with the United States government, and as a part of such co-operation may extend the benefits of this act to any civil employee of the United States disabled while in the performance of his duty, without regard to the residence of citizenship of such employee, if in the judgment of the board the benefits offered by the federal government are sufficient to compensate for the cost. The division may of its own accord, establish or maintain, or in co-operation with local boards of education, assist in establishing or maintaining, such courses as it may deem expedient, and otherwise may act in such manner as it may deem necessary to accomplish the purposes of this act. (19 c. 365 § 4) 166-139, 207-202.

2987. Reports to be available to certain state employees—The employees of the division of re-education and placement of disabled persons created by Chapter 365, Laws 1919, shall have the right to receive from the Railroad and Warehouse Commission under Section 4233, General Statutes 1913, the names and addresses of persons injured. No information obtained from such reports or in such reports shall be open to the public, nor shall any of the contents thereof be disclosed in any manner by any official or clerk or other employee of the state having access thereto, but the same may be used solely to enable the division to offer the benefits of re-education to the persons injured. (21 c. 430 § 1)

Historical note—For Laws 1915, c. 365, see supra §§ 2983 to 2986. For G. S. § 12, § 4233, see Infrn, § 1704.

2988. Disclosure prohibited—Any disclosure prohibited by Section 1 is hereby declared to be a misdemeanor and punishable as such. (21 c. 430 § 2)

HIGH SCHOOLS

2989. Composition—The state superintendent, the president of the state university, the president of the board of normal school directors, ex-officio, and the superintendent or principal of a high school, and one other person appointed by the governor and confirmed by the senate, shall constitute the high school board. They shall be entitled to their actual necessary expenses, but no compensation. (1390) [2888]

Explanatory note—High school board abolished and powers and duties transferred to State board of Education by § 2953, supra. G. S. §§ 2890 to 2892 (R. L. '05, §§ 1392 to 1394), omitted from G. S. '25, read as follows:

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2980. It shall keep a record of all its proceedings, and on or before September 1 it shall make a report to the state superintendent covering the previous year, and stating in detail:
1. All receipts and disbursements, with the source and nature thereof.
2. The number and number of schools of each grade receiving aid, and the number of pupils attending each class therein.
3. To such report it may add such recommendations as it may deem best.

2981. It shall appoint a high school and a graded school inspector, and such assistant inspectors and examiners as may be necessary, and x the compensation; but no person receiving a salary from a state institution shall receive any compensation under this section, and the pay of examiners shall not exceed three dollars per day, or fifty cents per hour.

2982. The high school inspector or an assistant shall visit and examine each high school at least once in each year, and carefully inspect its instruction and discipline, and immediately make a written report thereof. The graded school inspector and his assistants shall perform like duties in respect of graded schools. 166-133, 297-202.

2990. Duties—Private schools—The board shall establish rules, relating to examinations, reports, acceptances of schools, and courses of study, and other proceedings in connection with high and graded schools applying for special state aid, and shall prescribe and enforce the maintenance of an optional English or business course, as equivalent to the preparatory collegiate course; but the school board of any district may substitute any proper studies in place of any studies embraced in such course. Provided, that the policies of the state high school board examinations shall be extended, under the supervision of the board to the private schools and academies in this state which make application therefor, and the courses of study and requirements for graduation of which correspond in general to that of state high schools, and which said private schools and academies so desiring such privilege shall submit to the same rules and inspection with respect to these examinations as may be provided for state high schools. (R. L. § 1391; amended '09 c. 188 § 1) [2889]

2991. High school board examinations—Conduct of by county superintendents—Places for holding—Assistant—Upon written application the high school board shall empower any county superintendent to conduct the high school board examinations in the schools of his county other than high and graded. For this purpose he shall hold the same relation to the board as the principal or superintendent of schools under its supervision.

He may designate the points at which such examinations are to be held. He may also appoint assistants for guarding the papers of such examinations and such assistants shall be paid by the county at the rate of three dollars per day, but the number of assistants shall not exceed one for each twenty schools or major fraction thereof in the county, nor shall the amount of money expended for this purpose exceed one hundred dollars in any one year. Provided, that the county superintendent of schools of the county in which the aforesaid examinations are so given may extend the privileges of such examination to any school in his said county in which there is maintained the standards of length of term and course of study prescribed for the public schools of like grade in such county. (19, c. 278, § 1; amended '25, c. 233)

2992. Certain sections G. S. 1913 repealed—Sections 2893 and 2894, General Statutes 1913, are hereby repealed. (19 c. 278 § 2)

2992-1. Junior college departments in independent or special school districts—The school board of any independent or special school district, when authorized by a two-thirds vote of the electors voting thereon so to do, provided the action of the electors shall have been at a meeting preceded by notice stating that such proposition is to be there acted upon may establish and maintain a department of junior college work, to consist of not more than two years' work beyond a four-year-high school course. (25, c. 103, § 1; amended '27, c. 44, § 1)

2992-2. Same—Departments legalized—Where a junior college has been heretofore established and is now being maintained in any independent or special school district the same is hereby legalized and made effective as fully as if established under and pursuant to the provisions hereof. (25, c. 103, § 2)

2992-3. Same—Supervision by State Department of Education—The state department of education shall have the same supervision, control and powers over a junior college when established hereunder as it now has over other departments of the public school system. (25, c. 103, § 3)

2992-4. Same—Tuition—The school board on or before August 15 in each year, shall determine and fix the rate of tuition, if any, required to be paid by pupils attending such department, which tuition shall be paid by all pupils attending whether residents or not of the districts maintaining such department. (25, c. 103, § 4, added by '27, c. 44, § 2)

2992-5. Establishment in cities of first class—Term of work—Tuition fees—In any school district in this state, whose limits are co-extensive with the limits of any city of fifty thousand inhabitants or more, the school board may by majority vote of all its members, or when authorized so to do by a majority vote of the electors of any such school district voting on the proposition, establish, maintain or discontinue a Junior College, to consist of not more than two years of college work beyond a four-year high school course, and may charge such tuition fees for instruction in such Junior College, as shall be fixed by any such school board. (27, c. 268, § 1)

Lessor note—Section 3 of Laws 1927, c. 268 repeals all inconsistent acts and parts of acts.

2992-6. Control, etc., by State Department of Education—Use of existing buildings, etc.—The State Department of Education shall have the same supervision, control and powers over any such Junior College, when established hereunder, as it now has over other departments of the public school system of this state.

Any such school board shall have authority to make use of any existing school buildings, or school equipment, or may provide any necessary building or equipment, for the establishment and maintenance of any such Junior College. (27, c. 268, § 2)

SCHOOL FUNDS 2993

2993. Commissioner of education to apportion current school fund—The commissioner of education shall apportion the available current school fund among the counties on the first Monday of March and of October in each year, in proportion to the number of scholars of school age entitled to apportionment therein. No scholar shall be counted more than once in any county, which shall be in the district in which his parents or guardians reside, if such scholar has attended school and is entitled to apportionment therein. But no dis-
district shall be entitled to any portion of said fund that has not had at least six months of school term within the year, conducted pursuant to the provisions of this chapter, nor shall any district be entitled to any part of said fund for any pupil who has not attended school at least forty days within such year. (R. L. '05 § 1397; G. S. '13 § 2896; amended '21 c. 461 § 10)

Upon re-receiving any part of the money received from liquor deposit in any bank at the time such bank is closed, or which now has, or may hereafter have, any moneys on fund, upon the same basis provided for the state apportionments, the state auditor shall forthwith transmit to the county treasurer his semi-annual settlement with each county named in the report. The state treasurer shall apply such amount within forty days of such report, and if such amount due from such fund for any pupil who has not attended school for one month, shall receive its share in the semi-annual apportionment, and, if the amount due from such fund for any pupil who has not had at least six months of school term within the year, conducted pursuant to the provisions of this chapter, nor shall any district be entitled to any part of said fund for any pupil who has not attended school at least forty days within such year. (R. L. '05 § 1398; G. S. '13 § 2897; amended '19 c. 412 § 1)

2996. Apportionment to schools in new districts—Any district which for the first year after its organization has made provision for a four-months school term, and has maintained a legal school for one month, shall receive its share in the first succeeding apportionment, in proportion to its actual enrollment. Such enrollment shall be reported as in other cases, and the number of pupils so returned shall be included by the state superintendent and the county auditor in their apportionment. (1400) [2987]

2997. Report of county apportionment, etc.—The county auditor, on the first Wednesday after such apportionment, shall report to the state superintendent the amount apportioned to each district, the sources from which such moneys were received, the aggregate number of pupils in the county, and the number of districts sharing in the apportionment. He shall also, immediately after the qualification of the county superintendent, report to the state superintendent his name and postoffice address. (1401) [2898]

2997-1. School district warrants where school funds deposited in closed banks—That any school district which now has, or may hereafter have, any moneys on deposit in any bank at the time such bank is closed, or hereafter closes, for the purpose of liquidation, may issue its general warrants in payment of any obligation and in the amount that the moneys so on deposit could have been applied thereto if available, notwithstanding there may not at the time of the issuance thereof be any funds on hand for the payment thereof, or any taxes previously levied and then in process of collection the proceeds of which will be available for the payment of such warrants. Such warrants, when issued, may be presented to the treasurer and marked "Not paid for lack of funds" and shall thereafter draw interest at the rate of six per cent until paid. (28, c. 74)

2998. Excluding or expelling pupils—Any member of any public school board or board of education of any district, who, without sufficient cause, or on account of race, color, nationality, or social position, shall vote for, or, being present, shall fail to vote against, the exclusion, expulsion, or suspension from school privileges of any person entitled to admission to the schools of such district, shall forfeit the party aggrieved fifty dollars for each such offense, to be recovered in a civil action. (1402) [2900]

2999. Improper classification—No district shall classify its pupils with reference to race, color, social position, or nationality, nor separate its pupils into different schools or departments upon any of such grounds. Any district so classifying or separating any of its pupils, or denying school privileges to any of its pupils upon any such ground, shall forfeit its share in any apportionment period in which such classification, separation, or exclusion shall occur or continue. The state superintendent, upon notice to the offending district, and upon proof of the violation of the provisions of this section, shall withhold in the semi-annual apportionment the share of such district, and the county auditor shall thereupon exclude such district from his apportionment for such period. (1403) [2901]

3000. Refusing to serve on school board—Any person accepting an election or appointment upon any school board, and refusing or neglecting to qualify or to serve, or to perform any of the duties of such office, shall forfeit for each offense the sum of ten dollars, to be collected in an action before a Justice of the Peace, to be prosecuted in the name of the district by its director or other proper officer, or by any freeholder thereof. (1404) [2902]

3001. Failure of clerk to report—Any clerk of a school district who fails to make any report required of him by law shall forfeit not less than five dollars, nor more than fifty dollars, for the use of the district. (1405) [2903]

3002. Drawing illegal order—Any school district clerk who shall illegally draw an order upon the treasurer, any chairman or other officer who shall attest such order, and any school district treasurer who shall knowingly pay the same, shall each forfeit to the district twice the amount of such order, to be collected in an action brought in the name of the district by any freeholder thereof. (1406) [2904]

3003. Neglecting to keep or deliver records—Any school district clerk who shall neglect to keep the books and records of his office in the manner prescribed by law, or shall wilfully refuse to deliver such books and records to his successor in office, shall forfeit to the use of the district the sum of ten dollars for each offense. (1407) [2905]
3004. Failure of auditor to report—Any county auditor who shall fail to make to the state superintendent of public instruction any report of apportionment required by law shall forfeit, for the benefit of the school fund of the county, the sum of fifty dollars. (1408) [2906]

3005. Failure of county superintendent to report—Any county superintendent who shall fail to report to the county auditor the abstract of district clerks' and teachers' reports required by law, or to make his statistical report to the state superintendent, shall forfeit to the school fund of the county for each such omission fifty dollars, to be deducted from his salary by the county board. (1409) [2907]

3006. Dealing in school supplies—No teacher, nor any state, county, town, city, or district school officer, shall be interested directly or indirectly in the sale, proceeds, or profits of any book, apparatus, or furniture used or to be used in any school with which he is connected. Any person violating any of the provisions of this section shall forfeit not less than fifty dollars, nor more than two hundred dollars, for each such offense. But this section shall not apply to a teacher who may have an interest in the sale of any book of which he himself is the author. (1410) [2908]

3007. Duty of officers to report violations of law—Every officer to whom reports are required by this chapter to be made, and for the failure to make which a penalty or fine or forfeiture is provided, shall give immediate written notice of such failure to the delinquent and to the proper county attorney. Such county attorney shall thereupon institute proper proceedings to collect such penalty, fine, or forfeiture. Upon complaint of the county superintendent, or whenever it comes to his knowledge that any school officer has violated any provision of this chapter, for which an attorney shall institute like proceedings. (1411) [2911]

3008. Basement rooms for graded schools in certain cities—It shall be unlawful for any school board of any public school in any city having a population of twenty thousand or more inhabitants, to maintain or allow any basement room to be used for grade school purposes, except such rooms used exclusively for the purpose of teaching domestic science, manual training or physical culture; provided, however, that two basement rooms, during the year 1910, and one basement room, during the years 1911-1912, may be used in any one building. ('09 c. 52 § 1) [2012]

3009. Basement room defined—For the purpose of this act a basement room shall mean any room, the floor of which is below the surface of the surrounding ground on all sides of said room. ('09 c. 52 § 2) [2012]

3010. Penalty—Any such school director of any public school violating section one of this act shall be guilty of a misdemeanor for each and every offense. ('09 c. 52 § 3) [2014]

SCHOOL TAXES.

Laws. 1921, c. 357, providing for county school tax levies in certain counties, the classification being based on area and assessed valuation, provided the proceeds of such levies to be distributed among the districts producing less than a stated per pupil revenue, is not unconstitutional as special legislation. 159-200. 184457.

3011. State school tax—There shall be levied annually upon the taxable property of the state a tax of one and twenty-three one-hundredths mills on the dollar, to be known as the state school tax, of which one mill on the dollar shall be added to the general school fund, which shall be known as the current school fund, and the remainder of such tax shall be added to the university fund. (1412) [2915]

160-382. 200475.

3012. County school tax—District tax—The county auditor shall extend upon the tax lists of the county, in the same manner as district school taxes are extended, a tax of one mill on the dollar of the taxable property in each district, to be known as the county school tax, and be credited to the school district in which the property taxed is situated. The tax levied by school districts shall be known as the district school tax. (1413) [2916]

Counties as taxing units. 160-382. 200475.

3013. Common school districts may levy 30 mill tax—In common districts such district school tax shall not exceed thirty mills on the dollar for the support of the schools of ten mills for the purchase of school sites and the erection and equipment of school houses; but in such districts in which such ten mill tax will not produce six hundred dollars, a greater tax may be levied for school purposes authorized by law at the same time the revised laws take effect. Provided, that in any common school district of this state in which there is now or shall thereafter be maintained a high school or a graded school, the district school tax for the support of schools may be not to exceed thirty mills on the dollar, nor six hundred dollars in amount. In common districts having less than ten voters the district school tax shall not exceed four hundred dollars. In independent districts no tax in excess of eight mills on the dollar shall be levied for the purpose of school sites and the erection of school houses. In special districts, such amounts may be levied as may be allowed by special law at the same time the revised laws take effect. Provided, that in any common school district of this state in which there is now or shall thereafter be maintained a high school or a graded school, the district school tax for the purpose of school sites and the erection, repair, furnishing and fitting of school buildings, payment of teachers' salaries, and the general maintenance of the schools.

First: An amount equal to six mills on each dollar of the taxable property of the district for the purchase of school sites and the erection, repair, furnishing and fitting of school buildings, payment of teachers' salaries, and the general maintenance of the schools.

Second: An amount equal to three-fourths of one mill on each dollar of the taxable property of the district, to be used only for the purposes of the repair, upkeep and maintenance of public school buildings and the equipment thereof:

Third: An amount equal to four-tenths of one mill on each dollar of the taxable property of the district for the support and maintenance of evening and summer schools for elementary and high school grades.

Fourth: An amount equal to one-tenth of one mill on each dollar of the taxable property of the district for additional salaries for janitors, engineers and firemen. An amount equal to one-half of one mill on each dollar of the taxable property of the district for the years 1917, 1918 and 1919, for the purpose of paying and discharging existing indebtedness arising from
the maintenance and operation of the schools of such district.

Fifth: An amount not exceeding one mill on each dollar of the taxable property of the district, to be used only for the purpose of paying that portion of the salary over $1,000 of any or all of the grade teachers or high school teachers of the district, or paying the portion of the assessed valuation of all real estate over $1,500 of any or all high school teachers of the district. The term "grade teachers" and "high school teachers," as last above used, shall not include any superintendent, assistant superintendent, principal, supervisor, or director, employed in any grade school or high school of the district. Provided, that the total levy in any such district, for the maintenance of the school, shall not exceed twelve and three-fourths (12½) mills on each dollar of the taxable property of the district, not including the state and county school tax. Provided, however, that the provisions of this act shall not apply to school districts within the limits of a city of the first class operating under a home-rule charter, which fixes the amounts which may be expended for school purposes. (R. L. '05 § 1415; amended '07 c. 308; '13 c. 270 § 1; '15 c. 265; '17 c. 372) [2918]

75—201, 81—912; 152—106, 188—169.

§ 3014-1. School districts in cities of second class—

Tax levy for general school fund—In the city of the Second Class in this State, constituting a single school district in which the Board of Education is given power to direct a levy of School taxes to be made, such Board of Education is hereby authorized to direct a levy of taxes for the general school fund of such district in an amount not exceeding thirty mills on the dollar of the assessed valuation of all taxable property in such city. ('23, c. 255, § 1)

3014-2. Same.—School building sinking fund—That such Board of Education is further authorized to direct a levy of School taxes to be made, such Board of Education is hereby authorized to direct a levy of taxes for the general school fund of such district in an amount not exceeding thirty mills on the dollar of the assessed valuation of all taxable property in such city. ('23, c. 255, § 1)

3014-3. Same.—Tax levy for school sinking fund—That such Board of Education is further authorized to direct a levy of taxes to be made, such Board of Education is hereby authorized to direct a levy of taxes for the general school fund of such district in an amount not exceeding ten mills on the dollar of the assessed valuation of all taxable property in such city. ('23, c. 255, § 1)

3014-4. Same.—School sinking fund to be used only for purposes designated—Said sinking fund shall be kept inviolate and no moneys shall be paid out of such sinking fund for any purposes other than herein designated and all moneys received by or for such school district belonging to said fund shall be immediately placed to the credit of said sinking fund. ('23, c. 255, § 1)

3014-5. Same.—Laws repealed—That Chapter 30, Laws 1919 and chapter 58, Laws 1921, and all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, but such repeal shall not affect or invalidate taxes heretofore levied or school building sinking funds heretofore accumulated pursuant to the provisions of said chapters or acts. ('23, c. 255, § 1)

§ 3015. Schools may provide libraries—Maintenance

—Every school district may provide library facilities as part of its school equipment, according to the standards of the State Board of Education. ('21 c. 397 § 1)

3016. School board to vote funds—The school board of any school district may vote sufficient funds for the maintenance of the school library, appoint a librarian, and make rules for the use and management of the library. ('21 c. 397 § 2)

3017. Cities and villages may maintain libraries—In cities and villages of less than two thousand people, not levying a tax for public library purposes, the school board may maintain a public library for the use of all residents of the district, and provide ample and suitable rooms for its use in the school building. ('21 c. 397 § 3)

3018. State department of education to furnish list of books—The State Department of Education shall from time to time prepare and amend a list of books suitable for school libraries, including dictionaries and other books of reference, histories and works of biography, literature, political economy, agriculture, travel and science. ('21 c. 397 § 4)

3019. State to pay one-half—Upon receiving from any district a certified statement, approved by the county superintendent showing the purchase of books specified and included in the list prepared under the foregoing section, the appointment of a librarian for each library and the making of proper provisions for the care thereof, and for the free circulation of books suitable for circulation, the State Commissioner of Education shall furnish such district a requisition on the state auditor for one-half the purchase price, within the limitations of section 7 of the Laws of 1921, relating to State Aid to Public Schools. ('21 c. 397 § 5)

3020. School and village libraries may combine—Any school board may contract with the board of any approved county, city or village library to become a branch of said public library and to receive therefrom library books suited to the needs of the pupils in the school and for the community, according to the standards established in the rules of the State Board of Education. In the event of such contract between the school board and the public library board, such school board may place in the public library such books belonging to the school library as may be more useful in the public library for students and the community, and such school board shall annually pay to such library board the library book fund and the state library aid to which such school district is entitled. All books purchased by such public library from funds provided by the school district or state school library aid shall be selected from the state list for school libraries.

In the event of the making of such contract, a librarian shall be employed who meets the standards of the State Board of Education and the school board and library board may jointly employ such librarian who may spend her time partly in the school and partly in the library. ('21 c. 397 § 6)

3021. Laws repealed—Sections 2949 and 2950 of the General Statutes of Minnesota, 1913, and section 10, chapter 296 of the Laws of 1915 and all other acts or portions of acts inconsistent herewith are hereby repealed. ('21 c. 397 § 7)

STATE AID.

3022. State aid to schools—For the purpose of aid to public schools, there shall be established the following funds:
•poses of this act all public schools shall be classified

Laws 1927, c. 323 authorizes and directs the state auditor to issue and sell state certificates of indebtedness for the payment of deficiencies in state aid to schools, and provides for a tax levy for the payment thereof. And see Laws 1927, c. 442, § 6 for appropriation.

3023. Districts must have schools seven months to be entitled to apportionment—The endowment fund shall be distributed semi-annually by the state board of education to school districts whose schools have been in session at least seven months, in proportion to the number of scholars of school age who have attended school at least forty days during the preceding year. (21 c. 467 § 2, amended '23 c. 322 § 1)

3024. Distribution of the current school fund—The current school fund shall be distributed on the same basis and at the same time as the endowment fund except such part as the state auditor on the recommendation of the state board of education shall set aside from the current school fund each year for distribution with the special state aid fund. (21 c. 467 § 3)

3025. Distribution of special state aid fund—The state board of education shall distribute the special state aid fund, and any other sums which may be appropriated by the state for distribution with the special state aid fund, in such manner and upon such conditions as will enable school districts to perform efficiently the services required by law, and to further the educational interests of the state. To this end the said board shall have the power to fix the requirements for receiving and sharing in the state aid provided that in no case shall teachers salaries be made a requirement for such aid. Public schools of any district receiving or seeking to receive special state aid shall at all times be open to the inspection of the state board of education, or its duly authorized agents, and the accounts of any such district shall be open to inspection by the public examiner upon request of said state board of education. (21 c. 467 § 4)

3026. Classification and definitions—For the purposes of this act all public schools shall be classified under the following heads:

Classification. (1) Graded Elementary Schools, (2) Ungraded Elementary Schools, (3) Four Year High Schools, (4) High School Departments, (5) Junior High Schools, (6) Senior High Schools and (7) Consolidated Schools.

Definitions. (1) A graded elementary school shall be a school giving instruction in at least the first six years of the elementary course and employing at least four teachers, one of whom shall be designated as principal.

(2) An ungraded elementary school shall be a school giving instruction in the elementary course and employing one or more teachers, but not having the rank of a graded elementary school.

(3) A four-year high school shall be a school giving one or more four-year courses beyond the eight-year elementary course. It shall be located in a school district which maintains a graded elementary school, or within a district having a population of not less than 800 people according to the last Federal census, and which shall employ a superintendent, a high school principal and one or more high school teachers.

(4) A high school department shall be a school giving instruction in high school subjects beyond the eight-year elementary course. Such school shall be located in a school district which maintains a graded elementary school and which employs one or more fully qualified high school teachers to give instruction in such high school subject. The principal may be one of the high school teachers if fully qualified to teach high school subjects.

(5) A junior high school shall be a school having a separate organization and employing a principal and two or more teachers giving instruction in the seventh, eighth and ninth years of the twelve-year public school course. It shall be located in a school district which also maintains a six-year elementary course.

(6) A senior high school shall be a school having a separate organization and employing a principal and two or more high school teachers giving instruction in the tenth, eleventh and twelfth years of the twelve-year public school course. It shall be located in a school district which also maintains a graded elementary school of six years and a junior high school and which employs a superintendent for the entire system of public schools in such school district.

(7) A consolidated school shall be any school located in a school district organized by law as a consolidated school district. Such consolidated schools shall also be classified under one of the six preceding headings of this section. (21, c. 467, § 5; amended '29, c. 292; amended as to subd. 4 by Laws 1925, c. 413)

3027. Purposes of special state aid fund—State aid from the special state aid fund and also any other moneys set apart for use with the special state aid fund shall be for the following named purposes:

(1) To assist in providing equal educational opportunities for all the school children of the state.

(2) To assist in establishing certain generally accepted minimum standards for all the public schools of the state.

(3) To assist school districts whose tax levies for maintenance are exceptionally high.

(4) To stimulate educational progress by grants of state aid for superior efficiency and high standards and for desirable educational undertakings not yet generally established.

(5) To provide for the maintenance of teacher training departments in high schools. (21 c. 467 § 6)

3028. State aid for equalizing educational opportunities—(1) For transportation of pupils in consolidated school districts, the state shall reimburse such districts at rates to be determined by the state board of education, provided that no consolidated school district shall receive annually more than four thousand dollars ($4,000) for the transportation and board of pupils for each consolidated school in such district. Provided further that state aid for transportation shall not be withheld from any consolidated district by reason of the requirements of Section 10 of Chapter 28 of the Laws of 1915.

(2) For school buildings in consolidated school districts, the state shall pay forty (40) per cent of the cost of construction of each such building, but not to exceed six thousand dollars ($6,000) to any such school district for each such school building, and such aid shall be paid for the construction of such buildings in any consolidated school district located in any county which now has or may hereafter have a population of not less than 36,000 nor more than 50,000 and an assessed valuation of not less than $28,000,000.00 nor more than $30,000,000.00, the contract for the construction of which was let during the year 1920 and the
construction of which was finally completed during the year 1921, but the amount of such aid so paid shall, together with any aid heretofore paid for such building, in no case exceed the sum of $6,000.00.

(3) All the provisions of this act relating to state aid to counties shall be equally applicable to the unorganized territory of any county and also to all school districts of ten or more townships.

(4) For the tuition of non-resident high school pupils, the state shall pay to the school district furnishing such high school instruction at the rate of seven dollars ($7.00) per school month, or major fraction thereof, for each such non-resident pupil, for not to exceed ten (10) months in any school year, provided, (1) that high school instruction shall mean instruction for pupils who have completed the eight years of the elementary course; (2) that such tuition shall be paid by the state only in so far as any pupil's residence district does not give high school instruction, but this provision shall not apply to non-resident high school pupils residing in unorganized territory; and (3) that the state apportionment for any such non-resident pupil, pupils shall be paid to the school district in which such non-resident pupils attend a high school. Provided that in all cases where such non-resident pupil is a resident of a state aided rural district, the amount provided by the provisions of this act shall be paid by the Disbursing Board be deducted from the aid otherwise going to such rural district in all cases where such aid goes to rural schools does not exceed the amount for the same purpose.

(5) Any school district may receive aid for the purchase of library books on the basis of twenty dollars ($20.00) for each teacher employed with a maximum of forty dollars ($40) for each school building in the district, provided the district appropriates a like amount for the same purpose.

(6) For assisting in providing for the school attendance of isolated pupils.

The state board of education, at its discretion and when such rules as it may adopt, may assist school districts or the County Board of Education for unorganized territory in any county in providing for the transportation or board of such children of school age residing beyond reasonable walking distance from the nearest public school. To this end, the state board may grant to such school districts not to exceed fifty dollars ($50) annually for each pupil transported or boarded. ('21 c. 467 § 7, amended '23 c. 306 § 1)

3029. State aid to assist in establishing minimum standards—(1) For each graded elementary school of eight school years with a school year of at least nine months, the state shall pay a school district Five Hundred ($500) annually.

(2) For each graded elementary school of six school years with a school year of at least nine months, the state shall pay a school district Four Hundred Dollars ($400) annually.

(3) For each ungraded elementary school with a school year of at least eight months, the state shall pay a school district One Hundred Fifty Dollars ($150.00) for each first grade teacher employed and one hundred dollars ($100.00) for each second grade teacher employed; for a school year of at least seven months, the state shall pay three-quarters of the aid provided for each school with a school year of eight months; provided that the total of such aid for an ungraded elementary school shall in no case exceed three hundred ($300.00),

(4) For each four-year high school with a school year of at least nine months, the state shall pay a school district Nine Hundred Dollars ($900) annually.

(5) For each high school department with a school year of at least nine months, the state shall pay a school district annually Two Hundred Dollars ($200) for one (1) high school teacher; Four Hundred Dollars ($400) for two (2) high school teachers and Six Hundred Dollars ($600) for three (3) or more high school teachers.

(6) For each junior high school with a school year of at least nine months, the state shall pay a school district Four Hundred Dollars ($400) annually.

(7) For each senior high school with a school year of at least nine months, the state shall pay a school district six hundred dollars ($600) annually. ('21 c. 467, § 8; amended '23 c. 302, § 1; amended as to sub. 1 to 6 by '25 c. 412)

3030. Additional state aid to certain schools—School districts which receive aid under the provisions of this section will be limited to those whose tax levy for maintenance only exceeds twenty (20) mills. To any school district in which a tax levy of twenty (20) mills does not yield the equivalent of forty dollars ($40) for each pupil who has attended the public school of such district at least forty (40) days during the school year, the state shall pay as supplemental aid an amount which, together with the proceeds of a twenty (20) mill tax will give each such school district the equivalent of forty dollars ($40) for each such pupil.

In school districts maintaining only ungraded elementary schools, if a twenty (20) mill tax levy does not raise the equivalent of six hundred dollars ($600) for each teacher employed as herein provided, but such state aid shall in no case exceed the equivalent of two hundred dollars ($200) for each such teacher employed, but shall be in addition to all other state aid, including supplemental aid as otherwise provided in this section. Provided, in unorganized territory and in common school districts of ten or more townships, each full or fractional township shall be treated as a unit equivalent to a school district for each of the purposes of this act. ('21 c. 467 § 9; amended '23 c. 320 § 1)

3031. State aid for special classes in public schools—(1) For established undertakings, state aid shall be granted to school districts on the basis of the number of special teachers employed, tuition in classes and type of work done, and all under such rules as may be established by the State Board of Education.

In school districts maintaining junior and senior high schools, such state aid shall be granted for either a junior or senior high school, but not for both.

(a) For agriculture state aid to any school district for each school within the district maintaining such work shall not exceed eight hundred dollars.

(b) For general industrial training state aid to any school district for each school within the district maintaining such work shall not exceed five hundred dollars.

(c) For home training state aid to any school district for each school within the district maintaining such work shall not exceed five hundred dollars.

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(d) For commercial training state aid to any school district for each school within the district maintaining such work shall not exceed five hundred dollars.

(e) For special classes for defectives. Under such rules as the State Board of Education may establish, the state shall pay annually to any school district for the education of defective children the following amounts:

(a) For deaf children, two hundred fifty dollars ($250) for each such child, who is enrolled in a day school and who is a resident of a district maintaining such school, and four hundred dollars ($400) for each child who is a non-resident of the district maintaining such school and whose resident district does not maintain such school, the additional one hundred and fifty dollars ($150) to be paid for board and room of such non-resident child.

(b) For blind children, three hundred dollars for each such child.

(c) For subnormal children, one hundred dollars for each such child.

(d) For children with defective speech, not to exceed fifteen hundred dollars for each teacher engaged exclusively in this work.

(e) For crippled children, two hundred fifty dollars for each such child.

(2) For educational work not yet generally established.

(a) For stimulating progress and achievement in ungraded elementary schools, the State Board of Education shall adopt standards for a superior ungraded school. Such standards shall be based upon the length of the school term, qualification of teachers, regular school attendance, and a curriculum adapted to present day needs, including health work. School districts meeting those standards shall receive, in addition to all other state aid, not to exceed one hundred twenty-five dollars for each such school maintained.

(b) For evening schools for persons over sixteen years of age and not in attendance upon regular day schools, the state shall pay to any school district maintaining such schools in accordance with requirements established by the State Board of Education, one-half the salaries of all teachers who teach in such evening schools; and districts maintaining such evening schools shall also be entitled to state apportionment for all pupils of school age upon the same basis as that provided by law for day school pupils. (21 c. 467 § 10, amended '23 c. 381 § 1; '23 c. 382 § 1)

3034. Payment of state aid—The special state aid fund and all other sums made available by the legislature as special state aid to schools shall be paid in the following manner:

On or before the first day of October in each year, it shall be the duty of the county auditor to draw his warrant upon the state treasurer in favor of the county treasurer for the amount shown by each certificate to be due to the several schools therein enumerated. The state auditor shall transmit such warrants to the county auditor together with a copy of the certificate prepared by the commissioner of education.

Upon receipt of the certificates, the county auditor shall credit the several school districts with the amounts stated in said certificates, then charging the county treasurer with the aggregate amount so received, and forthwith deliver to the county treasurer the said warrant or warrants. The funds so credited to the several school districts shall be paid to the treasurers thereof in the same manner now provided by law for the payment of school funds to school district treasurers. (21 c. 467 § 13)

3035. Unused money to be apportioned—Any unused available moneys from the special state aid fund shall be included with the endowment fund for distribution to state apportionment. (21 c. 467 § 14)

3036. Laws repealed—Sections 2798, 2799, 2800, 2801, 2947 and 2948 of the General Statutes of 1913; Chapter 226, Laws 1918; Chapter 551, Laws 1919 and Chapter 223, Laws 1915, together with all amendments to any of said laws, and all other acts or portions of acts inconsistent herewith are hereby repealed; provided, however, that associations already established under Sections 6, 7, 8, 9, 10, 11, 12 and 13, Chapter 239, Laws 1915 shall be continued and shall receive state aid as provided in Section 15, Chapter 239, Laws 1915, at the discretion of the State Board of Education, or until terminated as provided by Chapter 354, Laws 1917. (21 c. 467 § 22)

Explanatory note—Laws '15, c. 239, § 17 repealed Laws '05, c. 247; Laws '11, c. 42; Laws '11, c. 31, as amended by '13, c. 93; Laws '13, c. 305, the same being O. B. '13, §§ 2818 to 2828. Laws '19, c. 523, § 4 repealed Laws '15, c. 239, § 12, par. c. and § 14.

3036-1. Additional state aid for certain schools—Amount—Whenever the properties of any school district in this state is made up, to the extent of at least 20 per cent in value, of property which is exempt from local taxation because taxes thereon are paid into the state treasury under the provisions of the gross earnings tax law, then such district shall be entitled to receive from the state treasury, in addition to all other state aid, not to exceed five dollars per non-resident child. Such allotment would be produced by computing a tax of one-third of the current local rate for school purposes upon the valuation of the property in such district so exempt from local taxation, but in no case shall any state high school, high school department or graded elementary school receive in excess of the amount that would be produced by a 14 mill levy upon the full and true value of all railroad property exempt from local taxes in this act wherein state aid is made available for county use, the county board is hereby authorized to make appointments of persons for county service and to appropriate county funds for the purpose of maintaining such county educational work. (21 c. 467 § 12)
such district, nor shall any common school district maintaining one only ungraded elementary school of not less than two nor more than four rooms receive in excess of the amount that would be produced by a 7 mill levy upon the full and true value of all railroad property exempt from local taxes in such district, provided, however, that in all such districts where the valuation of property so exempt from local taxation is four million dollars ($4,000,000.00) or more, then the amount which such district shall receive under the provisions of this act shall be ascertained by computing a tax at one-sixth of the current local rate instead of two or more than four rooms.

Provided, further that no district shall be entitled to aid under this act unless it has a current local school tax levy, for maintenance alone, of at least 35 mills and maintains succeeding levies of at least 40 mills for the same purpose, except common school districts maintaining one only ungraded elementary school of not less than two nor more than four rooms, having a current local school levy of at least 20 mill tax for maintenance alone. (21, c. 271, § 1; amended 27, c. 338, § 1)

3036-2. Same—Application for—Any school district desiring to take advantage of the provisions of this act shall apply in writing therefor to the State Board of Education and such application shall contain among others the following facts:

(a) The valuation of property in said district not subject to local taxation because the same is subject to taxation under the gross earnings law. Railroad valuations shall cover all railroad properties located in such district except rolling stock, main tracks, and all fills or bridges. (b) The value of all property within the district subject to local taxation.

(c) The rate of tax levy in mills for school purposes for the current and the next preceding year. (d) The value of school property in the district including buildings and equipment. (e) The present indebtedness of the district and whether bonded or otherwise. (f) The number of pupils attending school at the date of the application and the total enrollment for the preceding year. (g) The total amount spent for school purposes the last preceding year and an estimate of the expenses for the current year.

The information called for in paragraph (a) shall be ascertained and certified, upon the request of the State Board of Education by the Railroad and Warehouse Commission, and the information called for in paragraphs (b) and (c) shall be certified by the County Auditor of the county or counties in which such school district is located. (21, c. 271, § 2)

3036-3. Same—State Board of Education to determine amounts—The State Board of Education shall immediately consider said matter and determine whether or not said school district is entitled to aid under the provisions of this act and if it finds that said district is so entitled it shall determine the amount to which it is entitled within the limitations of this act and shall cause the same to be certified to the State Auditor, who shall at times and in the manner of making payment of state aid, issue his warrant to the State Treasurer for the amount so certified by said Board and in favor of said school district. (21, c. 271, § 3)

3036-4. Supplemental aid to certain school districts whose taxable property includes municipal property, taxes on which have not been paid or are contested—That whenever it shall be made to appear to the State Board of Education by any school district applying for supplemental aid under Section 9, Chapter 467, Laws 1921, as now or hereafter amended, that there has been included in the taxable property of such district property owned by a municipality, and such municipality has failed to pay the tax levied upon said property or against said municipality by reason of such ownership, or any part thereof, before it becomes subject to a penalty under the law, and such municipality has evinced an intention to contest the question of whether such property is subject to taxation, and the assessed valuation of such property exceeds one-fifth of the total assessed valuation of such district, the board shall deduct from the total assessed valuation of the district so much thereof as shall be represented by the assessed valuation of such property, for the purpose of ascertaining whether the tax levy of such district for maintenance only exceeds 20 mills and for the purpose of determining the amount which a 20-mill tax levy will yield, and shall compute, determine and distribute such aid upon such basis. (27, c. 243, § 1) Explanatory note—For Laws 1921, c. 467, § 3 see § 3036, herein.

3036-5. Same—Refund to state on payment of taxes by municipality—If the said tax shall be paid by said municipality after any such aid has been paid under the provisions of Section 1 hereof, the district shall upon receipt of such proceeds refund to the state therefrom the amount of the aid so received under the provisions of said Section 1. (27, c. 243, § 2)

3036-6. Special state aid—Amounts payable—From and after the passage of this act there shall be distributed and paid to the various school districts of the state entitled to receive special state aid under the provisions of any existing law or laws, each year, except as otherwise provided in Section 2 hereof, 90 per centum of the amounts which they would be respectively entitled to receive as special state aid under such law or laws, to be determined and paid as therein provided, which amounts shall be received in full payment and discharge of all obligation of the state to pay special state aid for such year. (27, c. 396, § 1)

3036-7. Same—For teacher training in high schools and tuition of non-resident high school pupils—State aid for teacher training in high schools and state aid for the tuition of non-resident high school pupils shall be distributed and paid in the amounts now provided in Chapter 467, Laws 1921. (27, c. 396, § 2) Explanatory note—For Laws 1921, c. 467 see §§ 3022 to 3036, herein.

3036-8. Same—Deficiency in appropriation—Transfers from current school fund—If the amount appropriated for the payment of said special state aids shall be insufficient in any year to pay the same as herein provided in full, the state auditor shall transfer from the Current School Fund an amount sufficient, together with the amount so appropriated for said year, to pay said special state aids as herein provided in full.
STATE ACCEPTANCE FEDERAL AID.

3037. Promotion of vocational education—There shall be appropriated biennially a sum of not less than the amount to which the state of Minnesota is entitled under sections 3 and 4 of an act of congress of the United States, approved February 23, 1917, relating to the promotion of vocational education and for appropriations to the states for instruction in agriculture, trades, home economics and industrial subjects, and for the training of teachers of vocational subjects. (19 c. 414 § 1)

See Mason's code, Title 20, §§ 12, 14.

3038. Appointment of officials and assistants—The high school board shall have authority to appoint such officials or assistants as may be necessary to administer the provisions of such act. Provided, however, that not more than $500,000 shall be so transferred from the Current School Fund in any one year. (27 c. 396, § 30)

3039. Same—Further deficiency—Pro-rating—If the amount appropriated and the amount transferred, as provided in section 3 hereof, shall be insufficient in any year to pay said special state aids as herein provided in full, the same shall be equally prorated among the school districts entitled to receive such aids, and the pro rata amounts so received shall be accepted as payment in full of all obligation of the state to pay said aids for such year. (27 c. 396, § 4)

3040. Appointment of officials and assistants—The high school board shall have authority to appoint such officials or assistants as may be necessary to administer the federal act and chapter 491, Session Laws of Minnesota for 1917, to fix the salaries of such persons appointed, and to make expenditures from the state funds appropriated under the provisions of this act for the salaries and necessary expenses of such officials and assistants, or to use a portion of such funds in matching federal funds available for the same purpose. (19 c. 414 § 3, amended '21 c. 467 § 21)

3041. Certain provisions of an act for promotion of vocational education, etc., by congress, etc., accepted—The provisions of the act of congress of the United States entitled an act to provide for the promotion of vocational education; to provide for co-operation with the states in the promotion of such education in agriculture and the trades and industries; to provide for co-operation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures, and approved February 23, 1917, be and the same are hereby accepted, and the benefits of all funds appropriated under the provisions of such act be hereby accepted as provided in such act. (17 c. 401 § 1)

Explanatory note—For act of congress Feb. 23, 1917, c. 114, see Mason's U. S. code, Title 20, §§ 11 to 28.

3042. High school board designated as state board called for in congressional act—The high school board is hereby designated the state board as provided in such act, and is charged with the duty and responsibility of co-operating with the federal board for vocational education in the administration of such act and is given all power necessary to such co-operation. The high school board is authorized to make such expenditures as it may deem necessary to carry out the provisions hereof from moneys available for the purposes of this act. In case a state board of education is created, such board shall have the powers and perform the duties with which the high school board is charged by the terms of this act. (17 c. 491 § 2)

3043. State treasurer appointed custodian of funds—The state treasurer is appointed custodian of all funds for vocational education, as provided in such act, and is charged with the duty and responsibility of receiving and providing for the proper custody and proper disbursement of moneys paid to the state from the appropriations made under the provisions of such act. (17 c. 491 § 3)

3044. What districts are to be entitled to federal moneys—Any school district maintaining a vocational school or department shall be entitled to Federal moneys under such act for the salaries of teachers of agricultural, industrial or home economics subjects by meeting the requirements fixed by the high school board and approved by the federal board for vocational education. Teacher training schools and departments shall be entitled to federal moneys for the preparation of teachers of agricultural, industrial or home economics subjects by meeting the requirements fixed by the high school board and approved by the federal board for vocational education. Teacher training schools and departments shall be entitled to federal moneys for the preparation of such education in agriculture and the trades and industries. (17 c. 491 § 4)

3045. How disbursements shall be made—All disbursements of federal and state moneys for the benefit of such teachers training schools or departments shall be made on the requisition of the high school board by the state treasurer or to the legally constituted authorities having custody of the moneys of such training schools or departments. All disbursements of federal and state moneys for the benefit of such vocational schools and departments shall be made on the requisition of the high school board by the state treasurer to the treasurer legally qualified to receive and disburse the funds for the school districts establishing and maintaining such schools and departments as hereinafter provided. (17 c. 491 § 5)

3046. State treasurer to make report of receipts and disbursements—The state treasurer as custodian for vocational education shall make to the legislature at each biennial session a report of the receipts and disbursements of moneys received by him under the provisions of such act and the high school board shall make to the legislature at each biennial session a report of its administration of such act and the expendi-
text of money allotted to the state under the provisions of such act. ('17 c. 491 § 6)

3047. Inconsistent acts repealed—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. ('17 c. 491 § 7)

TEXT BOOKS.

3048. Text books—License to sell—Conditions—Before any person, company, or corporation shall offer any school text book for adoption, sale, or exchange, in the state of Minnesota, said person, company, or corporation shall comply with the following conditions:

First. File a copy of such text book in the office of the state superintendent of public instruction, with a sworn statement of the usual list price, the lowest wholesale price, and the lowest exchange price, based on five-year adoption periods, at which said book is sold, or exchanged for an old book in the same subject of like grade and kind, but a different series, to any school board, school corporation or school text book commission anywhere in the United States.

Second. File with the state superintendent of public instruction a written agreement (1) to furnish said book or books to any school board in the state of Minnesota at the lowest price so filed, and to maintain said prices uniformly throughout the state.

(2) To reduce such prices automatically in Minnesota whenever reductions are made elsewhere in the United States, and guarantee that at no time shall any book so filed by said person, company or corporation be sold in Minnesota at a higher price than is received for such book elsewhere in the United States.

(3) That all text books offered for sale in Minnesota shall be equal in quality to those deposited in the office of the state superintendent of public instruction as regards paper, binding, print, illustrations, subject matter and all points that may affect the value of said text books.

Third. File with the state superintendent of public instruction a sworn statement of the usual list price, the lowest wholesale price, and the lowest exchange price, at which said book is sold, or exchanged for an old book in the same subject of like grade and kind, but a different series, to any school board, school corporation or school text book commission anywhere in the United States.

3049. Failure to conform to agreement—Forfeiture of bond—If in any case said person, company or corporation shall furnish to any school board in the state of Minnesota books inferior in any particular to the samples on file with the state superintendent, or charge a higher price than was filed with the state superintendent or than the same are sold elsewhere in the United States, then it shall be the duty of the county superintendent on written complaint filed with him by the school board of such district, or of the city superintendent of a district having a state high school, or of the principal of schools of a district having a state graded school to inform the state superintendent thereof and shall prepare an abridged or special edition of such book or books to any school board, school corporation or school text book commission in the state of Minnesota, said person, company or corporation shall be forfeited and the attorney general shall upon written request of the state superintendent proceed to collect the full amount of the bond of said person, company or corporation. ('11 c. 49 § 2) [2952]

Text books—List of books and prices—Duties of state printer and superintendent—Whenever the publisher shall prepare an abridged or special edition of any of his books listed with the state superintendent and shall supply such special edition elsewhere at a lower wholesale price than the wholesale price scheduled with the state superintendent, the publisher must from time to time furnish such special edition at the price at which it is furnished elsewhere, so long as it is supplied at the said lower price anywhere outside of Minnesota; and it shall be understood that the bond given by the publisher shall cover this provision as to special edition. In case an action is brought upon such bond, the state, if successful, shall recover the full amount of the bond, which amount shall be paid into the state school fund. (§ 2953, G. S. 1913.) ('11 c. 43 § 3, amended '21 c. 256 § 1) [2953]

3051. Free text books—Contract—The school board of any school district shall, when directed by a vote of the district, or when the board deems it advisable, provide for the free use of school text books by the pupils of their school or schools, or provide for the payment of money by the district, the number of such text books to be purchased or provided at the discretion of the board, the number of such text books to be purchased or provided at the discretion of the board, the number of such text books to be purchased or provided at the discretion of the board.

3052. Question how submitted—Whenever five or more legal voters of any common school district shall petition the board of education of such district to provide plain text books, they shall be furnished at the discretion of the board, the number of such text books to be purchased or provided at the discretion of the board.

3053. Indigent pupils—The school boards of each school district shall have authority to purchase all necessary books for indigent pupils and pay for the same out of the funds of the district. ('11 c. 49 § 5) [2956]

3054. Combination to control prices—Duty of attorney general—If at any time any publisher shall enter into any understanding, agreement or combination to control the prices or to restrict competition in the adoption or sale of school books, then the attorney general shall institute and prosecute legal proceedings for the forfeiture of the bond of said publisher and for the revocation of his license to sell school books in this state, and each and every contract made by said publisher under this article shall thereupon become null and void at the option of the other parties thereto. ('11 c. 49 § 7) [2967]

3055. Failure to place samples on file—Penalty—Any publisher who shall sell or offer for sale to adopt any of the text books of any kind without first placing samples of the same on file with prices and obtaining a license therefor from the state superintendent of public instruction, shall be guilty of a gross misdemeanor, and, upon conviction, shall be fined not less than five hundred dollars and not more than two thousand dollars. ('11 c. 49 § 8) [2958]

3056. State officials to be disinterested—Penalty for violation—If the state superintendent of public instruction, his assistant or any employees connected with
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his office or any member of any school board who shall accept or receive any money, gift or any property, or favor whatsoever, from any person, firm or corporation offering for sale any text books, or any agent thereof, or from any person in any way interested in the sale of text books, shall, upon conviction, be punished by a fine not exceeding five hundred ($500) dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. ('11 c. 43 § 9) [2960]

3057. Teachers, county and city officials to be distinguished—Any teacher in the public schools of Minnesota, or any county or city superintendent of schools, or any member of any school board or board of education, or any person or persons connected with the public school system of Minnesota in any capacity, who shall in any way be interested in the profits, proceeds or sale of any school text books used in the schools of Minnesota under his charge, or with which he is connected in any official capacity, shall be liable to a fine of not less than fifty ($50) dollars, nor more than two hundred ($200) dollars, provided that this shall not apply to any teacher or other person or persons employed by the county or city to which the teacher is designated shall give notice thereof to the county superintendent; provided, that such use shall not interfere with the sessions of school. ('25, c. 110, § 3)

3063-4. Same—School houses used—The school board in any district in which an institute is designated to be held shall allow the free use of any school house or school room for that purpose, upon ten days' notice of selection from the county superintendent; provided, that such use shall not interfere with the sessions of school. ('25, c. 110, § 4)

3063-5. Same—Expenses—The county board of any county for which an institution is appointed shall allow bills for the personal expenses of the county superintendent in holding institutes, when held elsewhere than at the county seat, but not to exceed the sum of fifty dollars ($50.00) in any one year. The board may also appropriate out of the county revenue fund a reasonable sum as an expense of the institute to be expended under the direction of the county superintendent, who shall file with the county auditor within a month an itemized statement of the disbursements thereof. ('25, c. 110, § 5)

3063-9. Same—Laws repealed—Sections 1020, 2962, 2963, 2964, 2965 and 2966, General Statutes 1913, are hereby repealed. ('25, c. 110, § 6)

Explanatory note—For sections repealed by this section see §§ 963, 3059 to 3063, herein.

3064. State Teachers Colleges—The six educational institutions in this state heretofore designated as state normal schools, shall hereafter be designated as state teachers colleges as follows: the "Winona State Teachers College," the "Mankato State Teachers College," the "Stillwater State Teachers College," the "Catholic State Teachers College," the "Winona State Teachers College," the "Mankato State Teachers College," the "Duluth State Teachers College," the "Moorhead State Teachers College," the "Bemidji State Teachers College," respectively. ('21 c. 260 § 1)

11 c. 55, authorizes conveyance of real estate. '13 c. 362, establishes school at Bemidji.

Laws 1927, c. 442. § 5 reads (in part) as follows: "Provided that no money appropriated in this section shall be paid to any state teachers' college which now or heretofore, during said college's existence, maintains a two-year course of study substantially the equivalent of the course of study given in the first two years of a college course, commonly known as the junior college course, unless such college charges a yearly tuition fee of not less than six hundred ($300) to students taking such course. The proceeds of such tuition, when collected, shall be devoted to the use and benefit of such state teachers' college.

3065. State Teachers College Board—The board heretofore in charge of the state normal schools and referred to in the statutes as the normal school board, and sometimes as the state normal school board, shall hereafter be designated as the state teachers college board, with the same powers and duties as hereafter, with the additions except as hereinafter provided. ('21 c. 260 § 2)

3066. Degrees—The state teachers college board shall have authority to award appropriate degrees to persons who complete the prescribed four-year curriculum of studies in the state teachers college. ('21 c. 260 § 3)

3067. Acts repealed—All acts and parts of acts not consistent with this act are hereby repealed. ('21 c. 260 § 4)

3068. Model schools—The normal school board may organize model schools in connection with each normal
school, for illustrating methods of teaching and school government only. (1437) [2968]

3069. Tuition—There shall be no charge for tuition or incidental expenses to students in normal schools who file with the president of the school board a declaration of intention to teach in the public schools of the state for not less than two years after leaving such school. The board shall fix rates of tuition for other students, and for pupils in the model schools. (1438) [2969]

3070. Normal school board—The educational management of the normal schools is vested in a board of eight directors, who, with the state superintendent, shall constitute the normal school board. Such directors shall be appointed by the governor, subject to confirmation by the Senate, for a term of four years. The governor shall in like manner fill for the unexpired term all vacancies in the board. There shall be one director resident in each county in which a normal school is located, and no two shall be residents of the same county. (1439) [2970]

3071. Annual meeting and officers—The annual meeting of the board shall be held on the first Tuesday in June. At such meeting it shall choose by ballot a president, whose term of office shall be for two years, and until his successor qualifies. In case of vacancy, the board shall appoint a director to fill the unexpired term of his predecessor until the next annual meeting, and until his successor qualifies. The state superintendent shall be secretary of the board. (1440) [2971]

3072. Duties of board—The board shall have the educational management, supervision and control of the normal schools, and of all property appertaining thereto. It shall appoint all presidents, ( ) teachers ( ) and other necessary employees therein, and fix their salaries. ( ) It shall prescribe courses of study, conditions of admission, prepare and confer diplomas, report graduates of the normal department, and adopt suitable rules and regulations for the schools. It shall, as a whole or by committee, visit and thoroughly inspect the grounds, buildings, modes of instruction, discipline and management of each school, at least once in each year. It shall report to the governor, ( ) on or before December 1 in every even numbered year, the condition, wants and prospects of each school, with recommendations for its improvement. (R. L. § 1441, amended '15 c. 436 § 1) [2972]

3073. Physical education in public schools—There shall be established and provided in all the public schools of this state, physical and health education, training and instruction of pupils of both sexes and every pupil attending any such school, in so far as he or she is physically fit and able to do so, shall take the course or courses therein provided by this act. Suitable modified courses shall be provided for students physically or mentally unable or unfit to take the course or courses prescribed for normal pupils. Provided that nothing in this act shall be held or construed to require any pupil to undergo a physical or medical examination or treatment if the parent or legal guardian of the person of such pupil shall in writing notify the teacher or principal or other person in charge of such pupil that he objects to such physical or medical examination or treatment. (23 c. 323 § 1) Rules of school board. 160-241, 296; 424.

3074. Training schools for teachers to provide courses—All colleges, schools and other educational institutions in this state giving teacher training shall provide a course or courses in physical and health education, training and instruction and every pupil attending any such college, school or educational institution in preparation for teaching service shall take such course or courses. (23 c. 323 § 2)

3075. Commissioner of education to supervise act—The Commissioner of Education shall supervise the administration of this act and shall prescribe the necessary course or courses in physical and health education, training and instruction, and make such rules and regulations, and prepare or cause to be prepared, published and distributed any such manual or manuals of instruction, or course or courses of study, or other matter as he may deem necessary or suitable to carry out the provisions thereof. (23 c. 323 § 3)

3076. State director—Salary—The State Board of Education shall appoint at a salary of not to exceed $3,000.00 per annum a state director of physical and health education and training, competent and qualified to, and who shall under the direction of the Commissioner of Education, administer, supervise and direct the program of physical and health education and training, provided for by this act. (23 c. 323 § 4)

3077. Report to state superintendent—The president of each normal school shall make an annual written report to the state superintendent on or before September 1, covering the term year ended December 31, setting forth its general statistics, enrolment in each department, average attendance, the number graduating within the year, the number of teachers, the departments of each, and the general condition of its buildings, library, and apparatus, the number and names of all students then engaged in teaching, and other students, and for pupils in the model schools. The report of the state director of physical and health education and training, who takes such report, shall constitute the report of the normal school to the state for the year. (23 c. 323 § 5)

3078. Compensation of board—The directors shall be reimbursed for their actual expenses while engaged in duty for the normal schools out of the current funds belonging to such schools. (1443) [2974]

3079. Summer sessions at normal schools—That there shall be held at each of the state normal schools in this state a summer session of twelve weeks each, under the direction of the state normal board. These summer sessions shall be a part of and in all respects be the same as the session now provided for by law. The provisions for attendance at these summer sessions shall be the same as those now in force and the arrangements of the terms in the school year shall be such as to most fully serve the welfare of rural schools. Provided, that said normal board may, in its discretion and when the interests of the state may be best served thereby, direct that a shorter session than twelve weeks be held at any of said schools. (97 c. 164 § 1, amended '99 c. 112 § 1) [2975]

COMPULSORY EDUCATION.

3080. Children must attend school—When excused—Every child between eight and sixteen years of age shall attend a public school, or a private school, in each district maintaining the entire term of the public schools of the district in which the child resides are in session; provided, however, that no child shall be required to attend public school more than ten (10) months during any calendar year. In districts maintaining terms of unequal length in different public schools, this requirement shall be satisfied by attendance during the shorter term. A school, to satisfy the requirements of compulsory attendance, must be one in which all the common
branches are taught in the English language, from
textbooks written in the English language and taught
teachers qualified to teach in the English language.
A foreign language may be taught when such lan-
guage is an elective or a prescribed subject of the curri-
culum, but not to exceed one hour in each day.

Such child may be excused from attendance upon ap-
lication of his parent, guardian, or other person hav-
ing control of such child, to any member of the school
board, principal teacher, or city superintendent,
for the whole or any part of such period, by the school
board of the district in which the child resides, upon
his being in the opinion of such board, except for the
satisfaction of such board:
1. That such child's bodily or mental condition is
such as to prevent his attendance at school or applica-
tion to study for the period required; or
2. That such child has already completed the
studies ordinarily required in the eighth grade; or
3. That it is the wish of such parent, guardian or
other person having control of any child, that he at-
tend for a period or periods not exceeding in the aggregate
three hours in any week, a school for religious instruc-
tion, conducted and maintained by some church or
association of churches, or any Sunday school associ-
ation incorporated under the laws of this state, or any
auxiliary thereof, such school to be conducted and
maintained in a place other than a public school build-
ing, in whole or in part, at public expense; provided that
no child shall be excused under this section while attending upon instruction, accord-
ing to the ordinances of some church, under and purs-
uing to subdivision 4 of this act.
4. That there is no public school within reasonable
distance of his residence, or that conditions of weather
and travel make it impossible for the child to attend;
provided, first, that any child fourteen (14) years of age or over, whose help may be required in any per-
mitted occupation in or about the home of his parent
or guardian may be excused from attendance between
April 1st and November 1st in any year; but this proviso shall not apply to any cities of the first and
second class; provided, second, that nothing in this act
shall be construed to prevent a child from being absent from school on such days as said child attends
upon instruction according to the ordinances of some church.

The clerk or any authorized officer of the public
board shall issue and keep a record of such excues,
under such rules as the board may from time to time estab-
lish. (11 c. 356 § 1; amended '19 c. 320; '23 c.
786; '27 c. 2176) [2979]

This act supersedes R. L. §§ 1445-1449, which appeared
also as G. S. §§ 2975-2978.
Rules of school board. 165-351, 204-642.

3081. Duties of school board and teachers—It shall
be the duty of each school board, through its clerk or
other authorized agent or employee, to report the
names of children between six (6) and sixteen (16)
years of age, with the excuses, if any, granted in such
district, to the principal teacher thereof, within the first
week of school, and any subsequent excuses grant-
ed shall be forthwith reported in the same manner.
The principal teacher shall provide the teachers in the several schools under his supervision, with the neces-
sary information for the respective grades of school,
relative to the list of pupils with excuses granted.

On receipt of the list of such pupils of school age and
the excuses granted, the principal teacher in a com-
mon, semi-graded or consolidated rural school shall
report the names of children not excused, who are not
attending school, with the names and addresses of their
parents, to the county superintendent of schools with-
in five days after receiving the clerk's report. The
several teachers in a state graded and state high
school shall report to the principal or to the city superin-
tendent, in like manner. (11 c. 356 § 2) [2980]

3082. Children to be compelled to attend school—
The county superintendent of schools shall forthwith
notify the parent, guardian or person in charge to
send such child to school of whose unexcused absence
he has been informed, and upon their neglect or ref-
usal to comply with the notification, the county superin-
tendent shall, upon receipt of information of such
non-compliances, notify the county attorney of the facts
in each case. The principal of a graded school or the
superintendent of a district maintaining a high school,
or a city superintendent, shall proceed in like manner
as provided in this section respecting the county super-
intendent of schools. Notification by registered mail
shall be considered sufficient notice.

It shall be the duty of the principal, teacher or other
person in charge of any private school to make reports
at such times and containing such information as is
herein required, respecting public schools. Such re-
ports shall be made to the county superintendent of
schools in whose county such private school is located,
except where such private school is located in a city or
district maintaining a high school, or a graded or consoli-
dated school, such reports shall be made to the city superin-
tendent of schools or to the superintendent or prin-
cipal of the high or graded school.

The county superintendent, city superintendent, prin-
cipal of graded school or superintendent of a district
maintaining a high school, as the case may be, shall
make and file a criminal complaint against, or before
persons neglecting or refusing to comply with the
provisions of this act relating to the sending of a child
or children to school, in any court in said county hav-
ing jurisdiction of the trial of misdemeanors, and upon
making of such complaint a warrant shall be issued
and proceedings and trial be had as provided by law
in cases of misdemeanor. All prosecutions under this
chapter shall be conducted by the county attorney of
the county wherein the offense is committed. (11 c.
356 § 3; amended '21 c. 468; '23 c. 73) [2981]

3083. Failure to send children to school, etc.—Pen-
alty—Any person who shall refuse or fail to send or
keep in school any child or children of whom he has
legal charge or control, and who is required by law to
send such child, when notified so to do as hereinbefore
provided, and any person who induces or attempts to
induce any child unlawfully to absent himself from
school, shall be guilty of a misdemeanor, and shall be
punished by a fine of not to exceed fifty (50) dollars, or
by imprisonment, in the county jail for not more than
thirty (30) days. (11 c. 356 § 4) [2982]

Rules of school board. 165-361, 204-642.

3084. Failure of officers, teachers, etc.—Penalty—
Any school officer, truant officer, teacher of a public or
private school, graded school principal, city superin-
tendent or county superintendent of schools refusing,
willfully failing, or neglecting to perform any duty
imposed upon him by the provisions of this act shall
be guilty of a misdemeanor and punished as hereinafter
provided, and any person who induces or attempts to
induce any child unlawfully to absent himself from
school, shall be guilty of a misdemeanor, and shall be
punished by a fine of not to exceed fifty (50) dollars, or
by imprisonment in the county jail for not more than
thirty (30) days. (11 c. 356 § 5) [2983]

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3085. Duties and powers of commissioner of labor — The commissioner of labor and his assistants shall assist in the enforcement of the provisions of this act, and shall have authority to examine the excuses granted under this act, to make investigation into the causes for which excuses have been granted, and to revoke and cancel any that may be found to be granted without proper or sufficient cause. (11 c. 356 § 6) [2984]

3086. School census — A complete school census shall be taken in every school district, common, independent and special, between July 1 and October 1, of all children between six (6) and sixteen (16) years of age, which census shall show the name and date of birth of each person required to be enumerated, and the name and address of his parent, guardian or other person having charge. The school census shall be taken by the clerk or the school board, or by some other person or persons appointed by the school board. Such person or persons taking such census shall make two copies thereof, shall certify to the school board the correctness of the enumeration and the information contained. The clerk shall retain the original in his office, send one copy to the county superintendent, and one copy to the principal teacher, principal or city superintendent of the school district, before the first day of school of each school year, or as soon as said census has been taken. The compensation for taking said school census and making the extra copies thereof shall be three (3) cents for each pupil enumerated, as shown by the census list, except that in cities the school board shall fix the compensation for this work. The superintendent of public instruction and high school board are authorized and directed to withhold the special state aid from any school district which shall fail in any year to take the school census until such census has been taken, as herein provided for. (11 c. 356 § 7; amended '13 c. 548 § 1) [2985]

3087. Truant officers — The board of any district may appoint and remove at pleasure truant officers, who shall investigate all cases of truancy or non-attendance at school, make complaints, serve notice and process, and attend to the enforcement of all laws and school regulations respecting truant, incorrigible, and disorderly children, and school attendance. Whenever any truant officer learns of any case of habitual truancy or continued non-attendance of any child hereby required to attend school he shall immediately notify the person having control of such child to forthwith send to and keep him in school. He may arrest without warrant and take to school any such child, and shall act under the general supervision of the board, or, when directed by the board, under that of the city or district superintendent.

He shall transmit annually on or before the first day of July, each year, to the state superintendent of public instruction, a report of the number of cases of truancy and non-attendance investigated by him and the disposition made in each case. Such officer shall receive a salary, fixed by the board appointing him, but no fees. (R. L. § 1448, amended '11 c. 284 § 1) [2986]

3088. Juvenile courts to discipline delinquent children between 8 and 16 years of age — Such boards may maintain ungraded schools for the instruction of children of the following classes between eight and sixteen years of age:
1. Habitual truants.
2. Those incorrigible, vicious or immoral in conduct.
3. Those who habitually wander about the streets or other public places during school hours, without lawful employment.

All such children shall be deemed delinquent and the board may compel their attendance at such truant school, or any department of the public schools, as the board may determine, and may cause them to be brought before the juvenile court of the county for appropriate discipline. (R. L. '05 § 1449, amended '09 c. 400 § 5; '17 c. 239 § 1) [2987]

Explanatory note — Laws '17 c. 239, § 2 repeals G. S. '13, § 2986.

3089. Penalty — Any person who shall fail or refuse to send to or keep in school any child of whom he has legal charge of the child, and who is required by law to attend school, when notified by a truant officer so to do, and any person who induces or attempts to induce any such child unlawfully to absent himself from school, or who knowingly harbors or employs, while school is in session, any child unlawfully absent from school, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed fifty dollars, or by imprisonment in the county jail for not more than thirty days. All such fines, when collected, shall be paid into the county treasury for the benefit of the school district in which such offense is committed. (1451) [2989]

3090. Investigation and aid to children — Every board of education or school board of any school district shall investigate and cause to be investigated, by a truant officer or other authorized officer, all cases reported to it or coming to its knowledge of any child within its jurisdiction required by law to attend school that it is claimed to be unable to do so by reason of the fact that the services of such child are required for the support of himself or herself, or for the support or care for themselves, and when such board of education or school board shall report to the county auditor of the county in which the school district is situated the facts as ascertained by them and that such relief is necessary, and thereupon the county board may after investigation, furnish such relief as will enable the child to attend school during the entire school year, such relief to be furnished by such county board from the poor fund of such county, and the board of education or school board of the school district shall furnish for the use of such child the necessary text books free of charge. (21 c. 429 § 1)

3091. Teachers to report — The truant officer or other authorized officer shall notify the teacher to whom any child receiving aid under the provisions of this act may be assigned, and it shall be the duty of the teacher having charge of such child to report monthly to the board of education, or the school board of the school district, through the superintendent of schools, the progress such child is making in his or her school work, and the record of attendance, together with such other information as may be deemed necessary. Said truant officer or other authorized officer, shall receive the same compensation for the time engaged under the provisions of this act as he receives for similar services performed by him and shall be paid in the same manner. (21 c. 429 § 2)

FARMERS' INSTITUTES

Farmers institute abolished. See § 53-45, herein.

3092. Board of administration — Superintendent — The board of administration of farmers' institutes shall
consist of six members, three of whom shall be regents of the university, selected by and holding office at the pleasure of the board of regents, and the remaining three, at the time of their taking office, shall be the presidents, respectively, of the state agricultural society, the state dairy association, and the state horticultural society; and they shall serve for three years, and until their successors qualify. When the term of any of the last three mentioned members expires, he shall be succeeded on the board by the person then president of the organization through which he became a member. The board shall elect from among its number a president and a secretary, and from outside its number a superintendent, whose term of office shall be two years, but who may be removed at the pleasure of the board. He shall receive a salary of fifteen hundred dollars per year, and his expenses necessarily incurred in the performance of his duties. (1452) [2990]

3093. Duties of the board—The board shall arrange the institute circuits to be held annually, determine where and when the institutes shall be held, audit the accounts of the superintendent at the close of each fiscal year, such auditing to be final, and file them with the state auditor, and publish annually, a handbook of practical agriculture, entitled “Farmers’ Institute Annual,” for free distribution among the farmers of the state. The expense of this publication shall be met from the annual appropriation hereinafter provided. (1453) [2991]

3094. Institutes, their character and object—The dissemination of practical knowledge concerning agriculture, horticulture, and stock and dairy farming shall be the sole objects of the institutes. They shall be held at times and places most convenient to the farmers, and each meeting shall occupy from one to three days, with sessions mornings, afternoons, and, when practicable, evenings. All sessions shall be free and public, and shall consist of practical lectures on subjects pertaining to farm and home, with addresses, discussions, and illustrations of methods adapted to our agriculture. (1454) [2992]

3095. Superintendent’s duties—The superintendent shall assist the board in arranging institute circuits, superintend the several institutes, engage instructors therefor, examine all bills for expenses and services payable out of appropriations for such purposes, and at the end of each fiscal year make a detailed report to the board of all institutes held under his direction, including therein the items of such expenses and services. (1455) [2993]

3096. Standing appropriation—The sum of eighteen thousand dollars is hereby annually appropriated for the purposes of such institutes. No warrant shall be issued for such purpose unless the claim be approved by the superintendent and by the president of the board, and the amount of the institute circuit for the necessary traveling expenses and board of the instruct, ors, and their compensation, shall not exceed one hundred and fifty dollars, the expenses incurred in preliminary work not included. No money shall be spent for hall rent, fuel, lights, local advertising, or for the compensation of instructors other than those regularly employed. Average cost of the institutes, for the necessary appropriation for said year has been exhausted, may be paid from an appropriation already made and to become due on said August 1, and shall not be construed as creating a deficiency. (1456) [2994]

 ACTIONS AND JUDGMENTS

3097. Actions by districts—Any school board may prosecute actions in the name of the district in the following cases:
1. On a contract made with the district, or with the board in its official capacity;
2. To enforce a liability, or a duty enjoined by law, in its favor or in favor of the district;
3. To recover a penalty, or forfeiture given by law to it or to the district; or
4. To recover damages for an injury to the rights or property of the district. (1457) [2995]

3098. Actions against districts—An action may be brought against any school district, either upon a contract made with the district or its board, in its official capacity, and within the scope of its authority, or for an injury to the rights or property of such board, whether the members of the board making the contract, or guilty of the act or omission complained of, be still in office or not. (1458) [2996]

3099. Judgment paid by treasurer—Except as hereinafter provided, no execution shall issue upon any judgment against a school district for the recovery of money. Unless the same be stayed by appeal, the treasurer shall pay such judgment, upon presentation of a certified copy thereof, payable at the cost of the district, or property of the district. (1459) [2997]

3100. Failure to pay—Tax levy—If such judgment is not satisfied, or stayed by appeal or otherwise, before the next annual meeting of the district, a certified copy thereof may be presented at the meeting, whereupon the district shall cause the amount of the judgment, with interest, to be added to the tax of such district. If such tax is not levied and certified to the county auditor on or before October 1 next after presentation, the district shall cause the amount remaining unpaid thereon, and the fact of such presentation to the district. Thereupon the auditor shall at once levy and extend such amount as a tax upon the property taxable within the district. (1460) [2998]

3101. When execution may issue—If the judgment is not paid within thirty days after the time when the proceeds of such levy become payable by the county treasurer of the district, execution may be issued thereon, to which any property belonging to the district shall be liable. (1461) [2999]

3102. Action when trustees resign, etc.—In case the trustees of any school district which has contracted an indebtedness shall remove or resign, and none are elected or appointed in their stead, an action to recover such indebtedness may be begun by service of the summons upon the county auditor, and any taxpayer of the district may defend such action in its behalf, or the auditor may be required by the voters of
the district to defend the same upon being indemnified against the costs and expenses of such defense.

3103. Judgment, how satisfied—If judgment is recovered in any such action, the auditor, upon a certified copy thereof being filed with him, shall levy and extend upon and against the property taxable within the district an amount sufficient to pay the same, with interest. When such tax, or any part thereof, is collected, the county treasurer shall pay the same to the holder of the judgment until it is satisfied in full. And for this purpose the treasurer may use any money coming into his hands from taxes levied prior to the judgment for the payment of the same indebtedness.

STATE ART SOCIETY

3104. Objects—Membership—Reports—The Minnesota State Art Society shall advance the interests of the fine arts, develop the influence of art in education, and foster its introduction into manufactories, and all moneys and property received by it shall be devoted solely to those ends. The society shall have a seal, and shall report in writing annually to the governor. Its membership shall consist of a governing board and of honorary, life and annual members, to all of whom certificates of membership shall be issued. No member shall receive compensation as such. A suitable room in the capitol shall be furnished to the society for its meetings and as a depository for its property. The works of art acquired by the society shall be the property of the state. (1464) [3002]

3105. Governing board—The governing board of the society shall consist of the governor and the president of the state university, as ex officio members, and seven other members, appointed by the governor by and with the advice and consent of the senate, each for the term of four years and until his successor qualifies. Included among such appointees there shall at all times be four artists or connoisseurs of art, one architect, one person prominently identified with education, and one directly interested in manufactures. The Art Workers' Guild of St. Paul, the Fine Arts Society of Minneapolis, and the art committee of the Minnesota Federation of Women's Clubs may submit lists of names to the governor from which he may make these appointments. Vacancies shall be filled, within one month, by like appointment for the unexpired terms, from the classes consigned from which the retiring members belonged. (1465) [3003]

Governing board as agency of state government. See § 53-47 herein.

3106. Organization, powers and duties—The board shall elect a president, a vice-president, a secretary and a treasurer, who shall also be such officers of the society; the last two offices may be held by the same person, and the direct members shall constitute a corporation. The board may adopt by-laws and rules for the transaction of its business and the government of the society, hold and manage its gifts, bequests and property, and do all things necessary to the performance of the duties prescribed in this subdivision. It may confer prizes, mentions, medals and diplomas for works of art in painting, sculpture, architecture and manufactures when in competition under its rules; and it shall act as an advisory committee in the selection of works of art purchased by the state, and of designs for state public buildings. (1466) [3004]

3107. Membership—Any person who has rendered notable service in the promotion of the cause of art in this state, may, if elected by the governing board, become an honorary member of said society. Upon recommendation of the governor, or of four honorary members, and the payment of a fee of $100, any person, if elected by the society, shall be entitled to life membership therein. Upon recommendation of a member of the board, or of an honorary member, and the payment of a fee of $1, any person, if elected by the society, shall be entitled to annual membership therein. (R. L. § 1467, amended '07 c. 422 § 1) [3005]

3108. Standing committees—Powers and general duties—The following committees, of three members each, shall be appointed by the board from among its appointed members: (1) An art lectureship committee, which shall provide an annual course of lectures on art or kindred subjects, to be delivered in whole or in part before the students of the state university, the agricultural school, the normal schools in turn, and the state teachers' association; this committee shall advise with the officers of state educational institutions and superintendents of public schools as to courses in drawing, design and art; (2) an exhibition committee, consisting of artists or judges of art, who shall provide an annual art exhibit, no two of which shall be held successively in the same city, of paintings, sculpture, drawings, carvings, pottery, tiling, cabinet work, wrought metal designs, exhibits of textile fabrics, and all art craft which in the judgment of the society tends to enhance the beauty and value of home manufactures; and (3) an art collection committee, which shall take charge of all works of art acquired by the society, and which, upon consent of the board, may purchase works of art whenever there shall be a sufficient surplus in the treasury, and may lend any or all of such collection in different parts of the state, according to the rules of the board. (1468) [3006]

3109. Annual exhibit—At each annual exhibit prizes shall be offered out of any moneys appropriated therefor to an amount determined by the board for the best original work done by a citizen of the state. Such prizes shall be given for paintings, sculptures, decorative designs, architectural drawings or models, and manufacturing designs or products. No work of art exhibited until it has been approved by the exhibition committee. No member of such committee, and no relative by blood or marriage of any such member, shall be eligible to any such prize. (1469) [3007]

UNIVERSITY

3110. Board of regents of the state university—The government and general educational management of the state university is hereby vested in a board of regents, consisting of the governor, the commissioner of education and the president of the university, all as ex-officio members, and one member from each congressional district of the state to be appointed by the governor by and with the advice and consent of the senate. No person shall be eligible to appointment by the governor as a member of the board of regents unless he shall have been a resident of the congressional district from which he is appointed for at least five (5) years immediately preceding the time of his appointment. This act shall not terminate the term of any of the present members of the board, vacancies in the offices of appointive members shall be filled by the governor by the appointment of members from such congressional districts as are not represented on such board by an appointive member. Such board shall be a body corporate under the name of the University of
Minnesota. It shall have a common seal and may alter same at pleasure. No appointive member of the board shall hold any other office, elective or appointive, under the State of Minnesota. (28 c. 429 § 1)

The supervision, control and management of the Albert Lea State Experimental Creamery established by Laws 1911, c. 280, is transferred to and vested in the University of Minnesota, by Laws 1925, c. 228.

Provided, that the Board of Regents of the University of Minnesota may use any money not specifically appropriated for other purposes, for acquiring land by purchase or condemnation. In case it is desired to use the fund for the acquisition of land, the power of eminent domain may be exercised either in accordance with Sections 4085 to 4091 inclusive, General Laws 1864, or Chapter 41 of the Revised Laws of 1905. Section 2 repeals Inconsistent acts, 104-309, 115-620; 125-194, 145-907.

3111. Term of office—Vacancies—The term of office of the regents shall be six years, and until their successors qualify, beginning on the first Wednesday in March succeeding their appointment. Any appointment to fill vacancy shall be for the unexpired term. (1471) [2011]

3112. Officers—Meetings—Bonds—The board shall elect one of its members as president, and also a recording secretary and treasurer, neither of whom may be a regent, and in its discretion it may elect a vice-president. They shall hold office during the pleasure of the board. The annual meeting shall be held on the second Tuesday in December. Such special meetings may be held as the board may direct. Before entering upon the duties of his office, the president shall file with the secretary of state a bond to the state in the sum of ten thousand dollars, and the treasurer a bond in the sum of fifty thousand dollars, both to be approved by the governor, conditioned for the faithful performance of the duties of their respective offices. (1472) [2012]

3113. Duties of board—The board shall enact by-laws for the educational government of the university, and shall elect proper professors, including a professor in Scandinavian language and literature, teachers, officers and employees, and fix their salaries and terms of office, determine the moral and educational qualifications of applicants for admission, prescribe textbooks and authorities and courses of study, and, in their discretion, confer such degrees and diplomas as are usual in universities. It shall have supervision and control of the agricultural experiment station, and of the experimental tree station, and, with the advice of the president and secretary of the State Horticultural Society, shall appoint a superintendent of such tree station, who shall report to the board as it may direct, and to such society annually in person at its winter meeting. (1473) [2013]

By 1907 c. 101, the state assented to the grants of money authorized by an act of congress entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereon." See 1907 c. 12.

The board is by law exclusively vested with management and control of the agricultural affairs of the institution; and the courts have no jurisdiction to control its discretion; but, if the board refuses to perform any of the duties imposed upon it, mandamus lies. (104-352, 116-680.)

3114. Surveys and reports—It shall continue until completed all surveys and statistics as now provided by law, and make annual reports thereof to the governor, on or before the second Tuesday in December, showing the progress of the work, with necessary and proper maps, drawings and specifications, and shall lay the same before the legislature. Upon the completion of any separate portion of such surveys, it shall prepare a final report, embodying all important matters relating to such portion, and submit the same in like manner, and, upon final completion of any survey, shall in like manner make a final report thereof. (1474) [2014]

3115. Specimens—The board shall cause proper collections, skillfully prepared, secured and labeled, of all specimens discovered or examined in such surveys, to be preserved in the university, in convenient rooms, and in charge of a scientific curator, for free public inspection. It shall also prepare duplicate collections for each state normal school, and for exchange with the Smithsonian Institution and with other universities and scientific institutions. (1475) [2015]

3116. Report of board—On or before the second Tuesday in December, the board shall make an annual report to the governor, showing in detail the progress and condition of the university during the preceding university year, its wants, the nature, cost and result of all improvements, experiments and investigations, the number and names of professors, teachers and students in each department, the amount of money received and disbursed, and such other matters, including industrial and economic statistics, as it may deem important. A copy of such report shall be transmitted to each college or university endowed by act of congress, and to the secretary of the interior. (1476) [2016]

3117. Power to accept bequests, etc.—The University of Minnesota may accept, in trust or otherwise, any gift, grant, bequest or devise for educational purposes, and may hold, manage, invest and dispose of the same, and the proceeds and income thereof, in accordance with the terms and conditions of such gift, grant, bequest or devise, and of the acceptance thereof; and any person or persons contributing not less than fifty thousand dollars to the university may endow a professorship therein, the name and object of which shall be determined by the board. (1477) [2017]

3118. Gift or bequest, how used—If the purposes of such gift, grant, devise or bequest are not otherwise limited by the donor, the University of Minnesota may use the same, or the proceeds thereof, for any of the purposes of the university, and may, among other things, construct buildings and acquire land. In case it is desired to use the same for the acquisition of land, the power of eminent domain may be exercised either in accordance with sections 4085 to 4091 inclusive, General Statutes 1894, or chapter 41 of the Revised Laws 1905. (1865 c. 187 § 2) [3018]

Section 1 is identical in language with R. L. § 1477.

3119. Funds to be deposited in state treasury—All such gifts, grants, bequests and devises, and the proceeds and income therefrom, and all securities pertaining thereto, shall be deposited in the state treasury for the use of the university, and subject to its order. (1478) [2018]

3120. Organization—The university shall comprise: (1) A college of science, literature and arts; (2) a college of agriculture, including military tactics; (3) a college of mechanic arts; (4) a college or department of law; (5) a college or department of medicine; (6) a college or department of dentistry. (1479) [2020]

See 1911 c. 8, being "An act to appropriate money to the department of agriculture for the University of Minnesota for the purpose of purchasing timothy, clover and redtop seed for settlers' lands, and for experimental purposes on state lands, burned over in part or in whole by the forest fire in the year 1910, and to provide for the manner of its distribution.”

3121. Sectarian instruction prohibited—In the selection of professors, instructors, officers and assistants of the university, in the studies and exercises,
and in the management and government thereof, no partiality or preference shall be shown on account of political or religious belief or opinion, nor shall anything sectarian be taught therein. (1480) [3021]

3122. Duties of president—The president of the university shall be president of the general faculty and of the faculties of the several colleges or departments, and of the executive head of the university in all its departments. Subject to the board of regents, he shall give general direction to the practical affairs and scientific investigations of the university, and, in the recess of the board, may remove any employee or subordinate officer, not a member of the faculty, and supply for the time any vacancy among such employees and officers. He shall be ex officio corresponding secretary of the board of regents, and may be charged with the duties of one of the professorships. (1481) [3022]

3123. Reports of president—On or before the second Tuesday in December of each year, he shall make a report to the state superintendent, showing in detail the progress and condition of the university during the previous university year, the number of professors and other employees in each department, and such other matters relating to the educational work of the institution as he shall deem useful, or as the state superintendent may require. He shall also at the same time report to the board of regents the progress and condition of the university during the same time, the nature and results of all important experiments and investigations, and such other matters, including industrial and economic facts and statistics, as he may deem useful, or as such board may require. (1482) [3023]

3124. Agricultural extension and home education—The board of regents of the University of Minnesota is hereby authorized and directed to establish a division of agricultural extension and home education in the department of agriculture of the University of Minnesota. (‘09 c. 440 § 1) [3027]

Section 6 appropriates $50,000 to the purposes of this act.

3125. Purposes of work—The purpose and work of said division shall be to devise and prescribe comprehensive elementary courses in the various phases of husbandry; to teach such courses to all persons in the state desiring instruction in them or any of them, in accordance with sections 4 and 5 of this act, by means of correspondence with them at their homes; by providing local lectures, demonstrations, instructions and any information calculated to elevate agriculture to a higher economic and social plane and make country life more attractive and to publish frequent home education bulletins which shall give in plain and practical language to the farmers of the state, as such instructors at the said college of agriculture, and these tests shall be so made as to be educational in character and the results thereof shall be published in the regular monthly bulletin, or in a special bulletin if deemed necessary. Provided, that all tests asked for and requested by the state railroad and ware-house commission, the grain inspection department, and the state grain inspection board (boards of ap-}

3126. Officers—Duties—That the officers of said di-

3127. Free instruction—That all persons who reside in the state of Minnesota shall have the right to take free of charge any courses of instruction offered in the division of agricultural extension and home education as provided for in section 2 of this act, and shall be subject to such rules and regulations as said division of agricultural extension and home education shall be established under the authority and direction of the board of regents of the University of Minnesota. (‘09 c. 440 § 4) [3030]

3128. Bulletins—The home education bulletins authorized by this act shall be sent free to all persons resident within the state who shall request said bulletins to be sent to them. (‘09 c. 440 § 5) [3031]

3129. Farmers’ institutes—The board of regents shall co-operate, if it seems advisable, with the board of administration of the state farmers’ institutes in carrying on the educational work provided for in this act. (‘09 c. 440 § 7) [3038]

3130. Grain testing laboratory at agricultural college—That there shall be equipped and maintained under the direction and authority of the board of regents of the state university in some suitable building now situated upon the campus of the agricultural college at St. Anthony Park, a laboratory for the purpose of testing wheat and other grain as to their physical and chemical properties and commercial value, and for the testing of flour made from wheat so tested as to its bread-making qualities. (‘09 c. 199 § 1) [3038]

3131. Tests, how made—Monthly bulletin—Such tests shall be made by competent instructors in chemistry who are now or who may be hereafter employed as such instructors at the said college of agriculture, and these tests shall be so made as to be educational in character and the results thereof shall be published in the regular monthly bulletin, or in a special bulletin if deemed necessary. Provided, that all tests asked for and requested by the state railroad and ware-house commission, the grain inspection department, and the state grain inspection board (boards of app-
3133. Co-operative associations among farmers—Statistics—Duty of regents—That in addition to the duties now imposed by law upon the board of regents of the state university, none of which shall be affected or abridged by anything herein contained, it is hereby made the duty of said board of regents of the state university to create in the department of agriculture under the supervision of said board a department to collect statistics and information in reference to co-operative associations among farmers and the management and methods of conducting such associations. Such information shall cover all matters relating to co-operative associations among farmers and relate to all subject matter proper or usual for co-operative action among farmers. ('13 c. 386 § 1) [3048]

3134. Dissemination of information—Duty of associations—It shall be the duty of said board through and by means of the employees of said board herein-after provided for to disseminate such information among farmers desiring to form and operate such co-operative associations upon application therefor by any such co-operative association or any number of farmers desiring to form such a co-operative association such information shall not only cover the methods of organizing such co-operative association, but also information as to the law governing and regulating such co-operative association and such information as to the conduct and management of the business thereof as shall be necessary or essential for the proper management and conduct of such business. And it is hereby made the duty of said board of regents of the state university to provide a stenographer and provide suitable and proper offices for such persons at such place as the board of regents shall determine, who shall receive such reasonable salary as the board of regents shall determine. ('13 c. 386 § 2) [3049]

3135. Employees, etc.—That for the purpose of carrying into effect the provisions of this act, the said board of regents are hereby authorized and empowered to employ a suitable and competent person as the head of said department and an assistant therefor, and also a stenographer and provide suitable and proper offices for such persons at such place as the board of regents shall determine, who shall receive such reasonable salary as the board of regents shall determine. ('13 c. 386 § 3) [3050]

3136. Department of pedagogy—That it shall be the duty of the board of regents to organize and establish in the University of Minnesota as soon as practicable a teachers' college, or department of pedagogy, for the purpose of affording proper professional training for those persons who intend to become public and high school instructors, principals and superintendents of schools. ('06 c. 120 § 1) [3051]

3137. Library—State publications—The general library of the University of Minnesota is hereby made a depository of all books, pamphlets, documents, maps and other works published by or under the authority of the state of Minnesota. ('06 c. 278 § 1) [3052]

3138. Duty of state officials—It shall be the duty of the secretary of state, and of all other officials and boards having the custody or distribution of such publications, to deliver to the said library one copy of each so soon as ready for distribution, and thereafter whenever different works are bound up together, one copy of each bound volume; provided, that the said library shall be entitled to receive 5 copies of the Legislative Manual. The said officials may in their discretion issue to the said library additional copies as requested by the librarian. ('05 c. 278 § 2) [3053]
for. He shall accompany the same with an affidavit naming and addresses of persons from whom said pur-
in triplicate statements showing all purchases made by the said purchasing agent shall at the close of each month prepare for the use of each school as a contingent fund, a sum the commencement of each quarterly period set apart said agent as hereinafter stated. Said agent shall at 
119 § 3) [3062]
proper. All salaries for resident directors heretofore paid or provided for are hereby discontinued. {'05 c.
the normal school "board of the business affairs of said schools, with such recommendations as he may deem
estimates for the succeeding quarter as herein pro-
the use of such agent, one shall be delivered to the
one copy thereof shall be retained by said board for
preparation of said expense list and payroll, and transmit the same to the treasurer, attaching thereunto a copy of said expense list and payroll. Upon receipt of the same the treasurer shall send his checks to the several persons named therein for the amount of their respective claims. ('05 c. 119 § 4) [3063]
3142. Normal schools—Purchasing agent—Esti-
3144. Expenses of boards, how authorized and paid —No member of the board of regents or of the normal school board, and no person in the employ of either board shall be paid for any expense incurred, unless it shall appear that the expense was duly authorized by the executive committee or the president of the board, and an itemized, verified account of the same, accompanied by sub-vouchers, where said sub-vouchers are practicable, is furnished by the claimant, and filed with the state auditor for his written audit. Such verification shall state that said expense bill is just and correct and for money actually and necessarily paid or to be paid for the purposes therein stated. If said expense is to be incurred in visiting another state, then, before said visit is authorized or undertaken, the said executive committee or president must certify, in writing, the purpose of said visit, the necessity existing for the same, and the maximum expense to be incurred therefor, which certificate must be submitted with the expenses to the governor of the state for his approval. If he does not approve the same, the said visit shall not be undertaken. If the above provisions are complied with, the auditor shall pay such expense account in the same manner as monthly expenses and salaries are paid under the provisions of this act. ('05 c. 119 § 5) [3064]
3145. Exceeding appropriations—Penalty—It shall be unlawful for the board of regents or the normal school board to permit any expenditures for any purpose in excess of the amount appropriated or contemplated by law, and any member or agent of either of said boards violating this provision, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars or more than one thousand dollars, and shall also be confined in the county jail for not less than six months, or by both fine and imprisonment. ('05 c. 119 § 6) [3065]
3146. Authority of board of control—New buildings —The board of control shall have and exercise full authority in all financial matters of the several institutions named in this act, so far only as relates to the erection and construction of new buildings, the purchasing of fuel, and the placing of insurance on build-
that the statement is correct, that the several prices paid therefor were reasonable, that said goods were of proper and stipu-
that neither he nor any purchaser in his behalf has pecuniary or other interest in said purchases, or has received or will receive in any way any pecuniary or other benefit therefrom. He shall also each month prepare in triplicate and cause to be receipted by the signatures of the several parties named therein, payrolls showing the monthly salaries and compensation of all officers, teachers and employees in said several institutions, and shall file one copy of said statement and said payroll with the presi-
dent of the board of regents or president of the normal school board, as the case may be, and two copies with the state auditor. The auditor upon receiving the same shall draw his warrant upon the state treasurer for the amount called for in each expense list and payroll, and transmit the same to the treasurer, attaching thereunto a copy of said expense list and payroll. Upon receipt of the same the treasurer shall send his checks to the several persons named therein for the amount of their respective claims. ('05 c. 119 § 4) [3063]
3143. Monthly statements—Payrolls—Each purchas-
ing the several institutions, the names and addresses of persons from whom said pur-
that the statement is correct, that the articles therein specified were duly authorized by the proper board of regents, which estimate so submitted shall be carefully examined, and, if necessary, revised by said executive committee. Upon the approval of such estimate by such executive committee, the same shall be prepared in triplicate, and one of said estimates shall be retained by the said board of regents, and one thereof shall be delivered to and filed with said purchasing agent, and one thereof shall be delivered and filed with the state auditor of this state. Such estimates, bearing such approval, shall govern and control said purchasing agent in the purchasing of supplies for the several departments of the state university. No disbursements for such purposes shall be made except on the warrant or requisition of said purchasing agent. The said purchasing agent shall give bond in such sum as said board of regents shall require for the faithful and diligent performance of his duties. ('05 c. 119 § 2) [3061]
fore devolving upon him. Such employes shall receive such compensation, to be paid from the appropriation for the faithful performance of his official duties. If a surety bond is given the cost thereof may be paid by the university from its appropriation for maintenance of the university, as provided for in such budget, without the written consent and direction of the board of regents. (17 c. 486 § 3)

The comptroller shall have charge, under the general direction and supervision of the state auditor, of all the business affairs of the university, including accounting, purchasing of materials and supplies, the business relations of the university with the governmental departments of the state, not now under the financial and exclusive management of said board, and repealing all acts of acts inconsistent with the provisions hereof are hereby repealed. (17 c. 486 § 4)

3154. Not to modify chapter 174, General Laws Minnesota 1917—Nothing in this act shall in any way repeal, modify or affect chapter 174, General Laws of Minnesota for 1917, being a bill for an act to provide for the purchasing by the state board of control of stationery, furniture, supplies and equipment for all the governmental departments of the state, not now under the financial and exclusive management of said board, and repealing all acts and parts of acts inconsistent herewith, approved April 10th, 1917. (17 c. 486 § 8)

Explanatory note—For Laws 1917, c. 174, see § 3153, herein.

RELIGIOUS EDUCATIONAL CORPORATIONS.

3155. Amendments to articles of incorporation authorized—Whenever heretofore the articles of incorporation of any educational corporation not for profit, incorporated under the laws of this state, have provided that persons to be members of said corporation must either be a minister, or other person delegated by a congregation which is a member of a particular church (such church being a religious and charitable corporation not for profit incorporated under the laws of this state) to the annual meeting of said church, or some other person entitled to vote at such meeting; and whenever the said church referred to in said articles (hereinafter called the "original church") has ceased to hold annual or other meetings as a separate organization, or to exist as a separate organization, such church has become merged into another church of the same faith (hereinafter called the "successor church," such suc-
cessor church being also a religious and charitable corporation not for profit incorporated under the laws of the state of the articles of incorporation of such educational corporation have not been amended prior to said merger of the original church into the successor church, with the result that there are no persons now qualified to be members of such educational corporation, as such members are defined in its articles of incorporation, but the said educational corporation is still in existence; then and in every such case it shall be lawful for the last elected board of trustees or other governing body of such educational corporation, or their survivors, by resolution adopted by at least a two-thirds vote of said survivors at any meeting of said board to amend the articles of incorporation of such educational corporation by striking from said articles, wherever it appears therein, the name of such original church, and inserting in lieu thereof the name of such successor church. (29 c. 15 § 1)

3156. Manner of calling special meetings—A special meeting of said board of trustees or other governing body for the purpose of considering such resolution may be called by any member of said board to meet at any place within the State, upon twenty days written notice by mail to all the surviving members of said board stating the purpose of the meeting. Two thirds of the survivors of said board shall constitute a quorum at such meeting for the consideration of such resolution. Such resolution shall be embraced in a certificate duly executed and acknowledged by the president and secretary or other presiding and recording officers of said meeting under the corporate seal of said corporation, which said certificate shall be filed in the office of the Secretary of State and recorded in the office of the Register of Deeds of the county in which the educational institution of said corporation is located, and said amendment shall become effective upon such filing and recording. (29 c. 15 § 2)

For legislation affecting only isolated school districts and not applying generally throughout the state, see:

'09 c. 345, amended '01 c. 25; '17 c. 275, provides for free tuition in the University to the amount of $250.00 in favor of veterans of the Civil War, Spanish-American War or Mexican border service.

'05 c. 46, enlargement of school districts containing two or more incorporated districts.

'13 c. 159, change of sites of school houses validated.

'21 c. 233, levy by board of education in special school districts having not less than 10,000 nor more than 20,000 inhabitants.

'13 c. 180, repayment of excessive taxes.

'13 c. 322, conveyances of school districts created by special law prior to January 1, 1867, validated.

'23 c. 15 § 1
1940 Supplement

To

Mason's Minnesota Statutes

1927

(1927 to 1940)

(Superseding Mason's 1931, 1934, 1936 and 1938 Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions, and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.

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establish a Commission to be composed of the members of such county boards, which Commission shall be authorized to license and regulate boats in the manner hereinafter described. Wherever the word "Commission" is used in this act it shall mean the Commission so established. (July 16, 1937, Sp. Ses., c. 80, §1.)

County boards can set up a commission by joint action only. (34g-2, Feb. 9, 1938.)

§2740.12 Commission to enforce act—rules and regulations.—The Commission is hereby authorized and empowered, and it shall be its duty, to carry out the provisions of this act, and it shall have the power and authority to make such rules and regulations as it may deem necessary to carry out the purposes of this act. (July 16, 1937, Sp. Ses., c. 80, §2.)

§2740.13 Inspectors.—The Commission shall appoint such inspectors as may be necessary for the purposes of enforcing this act and shall fix the compensation thereof. (July 16, 1937, Sp. Ses., c. 80, §3.)

§2740.14 License to operate boats.—Any person, co-partnership, corporation and association having in his or its possession, as owner or otherwise, any boat used in carrying of five passengers or more for hire, or for the purpose of rental or for use by others than the owner thereof on any inland lake having a water area of at least two hundred and fifty square miles, shall, on or before the 10th day of April, 1938, and annually thereafter, procure from the Commission a license before using any such boat for the purposes herein stated. (July 16, 1937, Sp. Ses., c. 80, §4.)

Boats coming within this act must procure license from commission, though they are also examined and charged an inspection fee by the boiler inspector under §404. Op. Atty. Gen. (34g-2), Feb. 9, 1938.


§2740.15 Application for license.—Before any license is issued by the Commission it shall require the applicant therefor to make and file an application, in writing, showing the number of boats owned or controlled by the applicant, the size thereof, the owner's name and address, and such other information that the Commission may require. The owner of any boat transported to any inland lake for the uses stated in this act shall make application to the Commission in writing and must secure permission before such boat shall be used. All applications shall designate the lake or lakes on which said boat or boats are to be used. (July 16, 1937, Sp. Ses., c. 80, §5.)

§2740.16 Rules and regulations for operation of boats.—The Commission shall make rules and regulations regulating the operation of all such boats and shall designate the number of persons that each of such boats shall be permitted to carry, and when so determined the Commission shall cause such capacity to be plainly marked on each licensed boat. Should any boat carry more than the designated number of persons, the Commission shall revoke the license issued for such boat. (July 16, 1937, Sp. Ses., c. 80, §6.)

§2740.17 License fee.—The Commission shall determine the license fee and shall pay all monies received therefor into the county treasury and the county treasurer shall credit such monies to the "Boat Inspection Fund" for the use of the Commission in carrying out the provisions of this act. (July 16, 1937, Sp. Ses., c. 80, §7.)

§2740.18 Offense.—Any persons, co-partnership, corporation or association who shall let, lease or carry five passengers or more in any boat without first procuring a license as herein provided for, or who shall violate any rule or regulation of the Commission or any provision of this act shall be guilty of a misdemeanor. (July 16, 1937, Sp. Ses., c. 80, §8.)

§2740.19 Effective date.—This act shall become effective on January 1, 1938. (July 16, 1937, Sp. Ses., c. 80, §9.)

CHAPTER 14
Education

2741. Public schools—Tuition free—Age of pupils. Interim committee to study educational situation in state. Maintenance of public school system is a matter of state and not of local concern. State v. Erickson, 190 Minn. 218, 246 N.W. 651. (July 16, 1937, Sp. Ses., c. 80, §26.)


Board may exclude pupils from school in order to protect morals of other pupils. The Board may exclude pupils for immoral conduct where such danger is immediate and certain. Op. Atty. Gen. (169-1), Feb. 10, 1933.

School districts are governmental agencies subject to control of the legislature, and their powers and privileges may be changed or modified by legislative authority to perform duties of educating children, and legislature may clothe them with such powers as it deems wise and regulate manner of exercise thereof. State v. School Dist. No. 16, 204 Minn. 276, 265 N.W. 592. See Dun. Dig. 3662.

School districts can set up a commission by joint action only. Op. Atty. Gen. 1933, c. 356, relating to taxation of agricultural lands, is not applicable to special school districts. (July 16, 1937, Sp. Ses., c. 80, §27.)
upon erroneous theory of law, or unless the decision is shown to be arbitrary or unreasonable or based on a reasonable disregard of the best interests of the territory affected, or such as to work manifest injustice. 174 Me. 572, 1 NW266.

Verdict that rejection of petition was arbitrary and unreasonable held sustained by evidence. 174 Me. 572, 1 NW266.

Action of county board in detaching territory from one district and adding it to another is legislative in character, and cannot be disturbed unless arbitrary, unreasonable or based on a reasonable disregard of the best interests of the public. 174 Me. 356, 19 NW266.


Issues of fact are to be tried as in civil action. Id.

Appeal should be taken by members of school board acting as school officials. Id.

§2748. Changing boundaries of school districts.—By like proceedings, and upon petition of the majority of the freeholders of each district affected, qualified to vote at school meetings, the boundaries of any existing district may be changed, or two or more districts consolidated, or one or more districts annexed to an existing district. No change in the boundaries of a district by organization of a new district, by detachment of land on petition of the owner or owners, or otherwise shall be made, so as to leave the old district of the freeholders of each district affected, qualified acting as school officials. Id.

Outstanding liability and interest, as if no change had been made. In case of the consolidation or annexation of districts in any way affect the liabilities of the territory so changed upon any bond or other obligation, if a consolidated district, nor shall any change if not a consolidated district and not less than 12 sections consolidated, or one or more districts annexed to an existing district. No change in the boundaries of a district by organization of a new district, by detachment of land on petition of the owner or owners, or otherwise shall be made, so as to leave the old district of the freeholders of each district affected, qualified acting as school officials. Id.

Provided, that when any incorporated borough, village or city of seven thousand or less inhabitants, has within its limits a school district, however organized, or is wholly or partially included within the boundaries of any school district, no new or revised boundaries shall be made, nor shall any change of boundaries, unless the decision of the court is clearly arbitrary, oppressive, fraudulent or unjustly held, and appeals are entitled to fees: withdrawal of new board decides to dismiss appeal. Op. Atty. Gen. (1924-1925) 197, (1925-1926) 235.

Laws 1935, c. 107. Detachment of lands of district having population of from 25,000 to 26,000 and valuation of $9,000,000 to $14,000,000 and 27 to 29 townships, and at valuation of $7,000,000 to $12,000,000 and 24 to 26 townships, not improper when made by decision of the county commissioners, and the decision in such case is reviewable on appeal. Op. Atty. Gen. (1924-1925) 197.

School board may, in its discretion, change the school district boundaries, and to fix the boundaries thereof and of all the school districts within the same, and having heard the evidence in support of such change, and a copy thereof to be served upon the clerk of each of said districts, at least ten (10) days before the time appointed for such hearing. The posting of such copy of notice shall be proven by an affidavit of the person posting the same; said affidavit shall state the time and place of posting and serving of the copy of notice as herein specified, and upon filing proof of the posting and serving of such notice in the office of the county auditor, the board of county commissioners shall at the time and place fixed proceed with the consideration of such matter and shall hear all evidence offered by any person interested, or affected, tending to show what territory should be included within such district, and having heard the evidence they shall, if they find it conducive to the good of the inhabitants of the territory affected, proceed to enlarge the said school district as asked for in the petition, and to fix the boundaries thereof and of all the remaining school districts thereby affected, attaching to or detaching contiguous territory to or from any of such districts, in such manner as in their judgment the best interests of the persons and districts thereby affected may require. Said last mentioned order or order changing any boundaries of any school district shall be valid unless and until the foregoing requirements as to posting and serving of notices have been observed; and provided further, that whenever the territory affected by any of the foregoing proceedings lies in two or more counties, like proceedings shall be had in each county affected, and no order in such proceedings shall be valid unless concurring in by the county board of all such counties affected.

At the time of making such division, enlargement or change of boundaries, the county commissioners shall make an apportionment of the debts of said other districts as may seem to them right and proper, and said apportionment when so made shall be binding upon all the districts affected, and the county commissioners may also apportion to said districts as may seem proper, and said apportionment of the property of such other districts as shall seem to them just and proper. Said last mentioned apportionment shall be subject to review by the district court;

and provided further, that any person or officer of any school district aggrieved by any order of the county board made pursuant to the provisions of this section, may appeal to the district court from such order, such appeal to be governed by the provisions of section 1266, Revised Laws 1905 [Mason's Minn. Stat., 1927, §2747]. (R. L. '05, §1266; '07, c. 88; '09, c. 13; '11, c. 264; G. S. '13, §2677; '13, c. 435, §1; '23, c. 304; Mar. 20, 1931, c. 81.)

Law 1935, c. 107. Detachment of lands of district having population of from 25,000 to 26,000 and valuation of $9,000,000 to $14,000,000 and 27 to 29 townships, and at valuation of $7,000,000 to $12,000,000 and 24 to 26 townships, not improper when made by decision of the county commissioners, and the decision in such case is reviewable on appeal. Op. Atty. Gen. (1924-1925) 197.

Laws 1935, c. 107. Detachment of lands of district having population of from 25,000 to 26,000 and valuation of $9,000,000 to $14,000,000 and 27 to 29 townships, and at valuation of $7,000,000 to $12,000,000 and 24 to 26 townships, not improper when made by decision of the county commissioners, and the decision in such case is reviewable on appeal. Op. Atty. Gen. (1924-1925) 197.

The limitation as to the territorial extent of a district set off from another district is applicable to an independent district located in a village. Op. Atty. Gen., May 10, 1930.

This section is applicable to an independent district containing an incorporated village, p. 10, and to another district, p. 10, and to another district, p. 10.

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tion into a new corporation, the old corporation retains all of its property, including that which happens to fall within limits of other corporation. Op. Atty. Gen. (65-2c), May 11, 1934.


Appeal should be taken by members of school board acting as school officials. Op. Atty. Gen. (166c-1), March 25, 1935.

Pending appeal from an order consolidating school district, county auditor should pay tax moneys to each school district in order that they may conduct their school. Op. Atty. Gen. (166f), July 25, 1935.

Where several landowners filed petition with county board of county commissioners for annexation of territory to another district, and subsequently the first district voted for consolidation, the consolidated district was thus formed and the auditor should not have legal authority to act on individual petition, but detachment petition would not render an election void. c. 142, §2.


2748-2. Detachment of lands in certain cases legalized.—That in all cases where in a proceeding instituted in court for the detachment of unplatted agricultural lands from cities containing 10,000 inhabitants, or less, the territorial limits of which were previously annexed to such cities, the territorial limit of such detached lands, when organized being as being the territorial limits of such city, where judgment detaching such lands from such cities was entered more than 20 years prior to the passage of this act and no appeal was taken from such judgment, all proceedings in reference to such detachment, are hereby legalized and the detachment of such lands thereunder validated for all purposes. (Act Apr. 13, 1929, c. 183, §1.)

Public officials who have no personal pecuniary interest in the matter involved, will not be permitted to raise the question of the constitutionality of a statute to avoid the performance of a ministerial duty which it clearly imposes upon them. 181M247, 232NW737. See Digi. 8935(78).

2748-3. Lands to become part of school district.—Petition.—That all such unplatted agricultural lands thus detached, so situated as to come under the conditions and provisions of section one of this act, shall for all purposes of any new organized school district or school districts existing adjoining such city as determined by the board of county commissioners as herein provided, to the same force and effect as if the proceedings for the detachment of such lands had been completed, and the laws of this state, then in force, had permitted the detachment of such lands from such special school district of which said lands were formerly a part, providing that the owner or owners of such lands within six months after the passage of this act, and upon such hearing, shall serve or cause to be served a notice of intention to sell such school house located on leased land, to the said school district or the school board of said city or city and county districts.
Consolidated school district which is also joint district may dissolve and become part of unorganized territory in county. Op. Att'y Gen. June 1, 1922.


Petition for formation of consolidated school districts to contain signatures of at least 25% of freeholders who have been residents of districts for thirty days prior to signing.

Election having been called off because of snow cannot be later held unless new petition is filed. Op. Att'y Gen. (187a-6), Mar. 25, 1937.


Consolidated school districts maintaining a graded elementary school is to be consolidated with another consolidated school district, maintenance of consolidation of two districts should be submitted to legally qualified voters of both districts at one central polling place. Op. Att'y Gen. (167b-6), Jan. 15, 1938.

Inability of common school district.—At such meeting the electors shall elect from their number a chairman and clerk who shall be the officers of the meeting. The chairman shall appoint two and the meeting and election shall be conducted as are annual meetings in common and independent districts. The vote at such election or meeting shall be by ballot, which shall read “For Consolidation” or “Against Consolidation.” The officers at such meeting or election shall, within ten days thereafter, certify the result of the vote to the superintendent of the county in which such district mainly lies. If a majority of the votes cast be for consolidation, the county superintendent within ten days thereafter shall make proper orders to give effect to such vote, and shall therefrom transmit a copy thereof to the auditor of each county in which any part of any district affected lies, and to the clerk of each district affected, and also to the superintendent of education. If the order be for the formation of a new district, it shall specify the number of such district. The county superintendent shall also cause ten days' posted notice, and one week's published notice, if there be a newspaper published in such district, to be given of a meeting to elect officers of the newly formed consolidated school district; provided, that the board of a consolidated school district shall have all the powers, privileges, and duties, now conferred by law upon boards of independent districts.

After the formation of any consolidated school district, the appeal may be taken as now provided by law in the case of annexation of unorganized territory to a school district. Op. Atty. Gen. (166c-8), Mar. 25, 1937.

School district is under no obligation to transport high school pupils who have completed the four-year high school course for the purpose of taking further and additional study. Op. Atty. Gen., Aug. 24, 1931.

School district is under no obligation to transport high school pupils who have completed the four-year high school course for the purpose of taking further and additional study. Op. Atty. Gen., Aug. 24, 1931.

Consolidated school districts boards given power to acquire lands by condemnation for school purposes. The school board of any consolidated school district which does not contain within its limits an incorporated city or village may purchase or acquire by condemnation proceedings, as provided by law for acquiring school house sites, the vacant lots and land of such school district, a suitable tract of land within the limits of said district to be used for the purpose of erecting buildings thereon for use for dwelling purposes by teachers or other employees of such school, or other employees of said district, and may erect such buildings on said tract or on any other real estate owned by such district. The school board of any such district may also sell, lease or otherwise dispose of such property so built or acquired when deemed advisable and for the best interests of the districts. (Apr. 24, 1915, c. 358, §1.)

Omitted from the compiled Laws of 1923.

Sec. 10 of Act Apr. 24, 1935, cited, provides that the act shall take effect Sept. 1, 1935.

School district is under no obligation to transport high school pupils who have completed the four-year high school course for the purpose of taking further and additional study. Op. Atty. Gen., Aug. 4, 1939.

Consolidated school district boards given power to acquire lands by condemnation for school purposes. The school board of any consolidated school district which does not contain within its limits an incorporated city or village may purchase or acquire by condemnation proceedings, as provided by law for acquiring school house sites, the vacant lots and land of such school district, a suitable tract of land within the limits of said district to be used for the purpose of erecting buildings thereon for use for dwelling purposes by teachers or other employees of said district, and may erect such buildings on said tract or on any other real estate owned by such district. The school board of any such district may also sell, lease or otherwise dispose of such property so built or acquired when deemed advisable and for the best interests of the districts. (Apr. 24, 1915, c. 358, §1.)

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Consolidated school district boards given power to acquire lands by condemnation for school purposes. The school board of any consolidated school district which does not contain within its limits an incorporated city or village may purchase or acquire by condemnation proceedings, as provided by law for acquiring school house sites, the vacant lots and land of such school district, a suitable tract of land within the limits of said district to be used for the purpose of erecting buildings thereon for use for dwelling purposes by teachers or other employees of said district, and may erect such buildings on said tract or on any other real estate owned by such district. The school board of any such district may also sell, lease or otherwise dispose of such property so built or acquired when deemed advisable and for the best interests of the districts. (Apr. 24, 1915, c. 358, §1.)

Omitted from the compiled Laws of 1923.

Sec. 10 of Act Apr. 24, 1935, cited, provides that the act shall take effect from its passage.

Consolidation of unorganized territory.

Consolidated district may erect garage on school site under authority being given by electors. Op. Att'y Gen. (162a-6), Mar. 4, 1939.

Schools to receive amount expended for transportation of children.—Consolidated schools shall receive annually the amount reasonably expended for the transportation of pupils for use for dwelling purposes by teachers or other employees of such consolidated school district, asking that the question of consolidation of two districts consolidated into one district is not transferred to whole territory. Op. Att'y Gen. Jan. 17, 1933.

Where several landowners filed petition with county board to have their farms set off from one district and annexed to another, and subsequently the first district voted by a large majority to be consolidated with the third district the county board would not have legal authority to act on individual petition, but detachment petition would not render an election invalid, or prevent subsequent petition for detachment from consolidated district. Op. Att'y Gen. (166d-8), June 27, 1938.


County board of education may consolidate all or any part of unorganized territory under its jurisdiction with an existing district in which a state high, graded or semi-graded school is maintained, regardless of whether such district is in a consolidated, special or independent district, provided school board of such district approves such consolidation. Op. Att'y Gen. (167f-7), Aug. 4, 1939.

Powers of consolidated boards.

Consolidated district may erect garage on school site under authority being given by electors. Op. Att'y Gen. (162a-6), Mar. 4, 1939.

Schools to receive amount expended for transportation of children.—Consolidated schools shall receive annually the amount reasonably expended for the transportation of pupils for use for dwelling purposes by teachers or other employees of such consolidated school district, asking that the question of consolidation of two districts consolidated into one district is not transferred to whole territory. Op. Att'y Gen. Jan. 17, 1933.
days, cause ten days' posted notice to be given in each of the original school districts or parts of districts, comprising said consolidated district, and one week's published notice if there be a newspaper published in such original districts or parts of districts, of an election or special meeting to be held, at the time and place specified in such notice, to vote upon the question of such dissolution. The terms, "tertiors" and "qualified voters" in this chapter, mean freeholders residing in such consolidated school district, qualified to vote for school officers and the term "majority of the voters," means a majority vote of such freeholders voting therein. (25c, c. 316, §1; Apr. 29, 1931, c. 249.)

There is no constitutional specification of the qualifications of voters to vote upon matters other than the election of elective officers and this act is not invalid. Op. Atty. Gen., Sept. 1, 1931.

2767. Voters of district to vote on question of dissolution.


2768. School districts dissolved.—That where a new school district has been hereafter created wholly from territory of one existing district, and such new district has or shall fail for a period of three years immediately following its organization to provide a school house within the district and conduct school therein, and has provided or shall provide, during said three-year period, for the education of its pupils in the district from which the territory was taken, such district shall upon the passage of this act or upon the expiration of said three-year period become dissolved and its territory shall revert to and become a part of the district from which it was taken. (Act Feb. 13, 1929, c. 15, §2.)

2769. School districts dissolved.—Whenever all of the taxable lands in any school district in this state, however organized, have been acquired and are under the control of the state of Minnesota or the United States, and no school has been held therefor in excess of six months and such district has on hand sufficient money to pay and discharge all of its legal liabilities and obligations, such district may be dissolved by resolution adopted by the school board thereof, without notice, and its school property shall become a part of such existing school district and thereby become a part of the funds of the school district annexing such territory. After such annexation, the governing body of the school board of such existing district shall adopt a resolution with the consent and approval of the county board of education proposing to annex such unorganized school district territory, the clerk of the school board adopting such resolution shall within sixty days thereafter in the manner hereinafter provided, and if a majority of the electors at such special election shall vote in favor of such annexation of such unorganized territory, such unorganized territory shall thereafter become a part of such existing school district, and all of the taxable property within the unorganized school district and such existing school district shall be liable for the indebtedness of both said school districts. (Act Apr. 29, 1935, c. 363, §2.)
Members of a school board of a consolidated school district shall be elected at the same time and in the same manner as ballots representing the votes of the qualified electors of the county according to the votes cast at the preceding general election, shall be designated as the county school district, in the following manner:

The board of county commissioners of such county may by resolution, and shall upon petition to such board signed by not less than ten per cent of the qualified voters of the county according to the votes cast at the preceding general election, submit to the qualified electors of the county at the next general election to be held in such county not less than thirty days thereafter, the proposition of consolidating said districts into a county district. The ballots submitting the same shall read as follows:

For Consolidation

Against Consolidation

Such ballots shall be voted, canvassed and the result declared and returned in the same manner as ballots for elective county officers. If a majority of the votes cast on the proposition be for consolidation, the county auditor shall make proper orders to give effect to such vote and shall transmit a copy thereof to the clerk of each district. The school board of each district shall continue to maintain schools therein except that no such board shall have authority to make any contract or enter into school business of the ensuing school year in the same manner as if no consolidation had been voted until July 1st next following, at which time all records, moneys, credits and funds of said districts, shall be delivered to the county treasurer to act as custodian of same until such time as the organization of the county district shall have been completed. The county treasurer shall give a receipt for such records and funds and shall cause the financial accounts and statements to be audited by competent authority.

Provided that nothing in this act shall be construed to apply to counties affected by Section 271, Laws of Minnesota, 1919, or acts amendatory thereunto. (Act Feb. 7, 1929, c. 9, §1; Feb. 26, 1931, c. 30, §1; Feb. 15, 1933, c. 30.)


School board of county district organized under this act shall exercise all the powers and be subject to the same laws and regulations as boards of ten or more townships districts, and all laws applicable to ten or more townships districts, and all laws applicable to State Aid for Equalizing Educational Opportunities in Unorganized Territories should apply thereto. As to school house site, building school houses, changes, sale, site, etc., and buildings and levy tax. Op. Atty. Gen., Sept. 10, 1929.

State is liable for tuition where high school pupils residing in Lake County, organized into a county district under this law, attend high school at Ely in St. Louis County, though Lake County has a high school. Op. Atty. Gen., Dec. 9, 1929.

School county district receiving funds from dissolved school district not from funds received in paying off outstanding bonds of dissolved district only in that part of school funds represent levies for pur- purs to paying off such bonds. Op. Atty. Gen. (158a-15), Nov. 26, 1924.

School Board—Election—Terms. — The school board of any such county district shall consist of five members, except as herein otherwise provided, to be elected at the same time and in the same manner as school board members in a ten or more townships district but for a term of five years. The board of county commissioners shall appoint the members of such board on or before March 1st following the general election at which time the question of consolidation was submitted, the length of each term then they are to be appointed being such as to cause the term of one member of said board to expire on August 1st following the next general election and one member on each August 1st thereafter. The school board of the county district shall meet within ten days after the appointment of the county board, and thereafter as may be necessary, and shall organize in the same manner as independent districts and shall do whatever business is necessary for the best interest of the county district for the ensuing school year and the term shall expire in consecutive order as above provided.

Those persons elected as members of the board of the school district of ten or more townships at the same election at which the question of consolidation was carried shall take office and continue in office as members of the board of the county district at the time and for the same term as though such school district of ten or more townships were being continued and members of such last named board whose terms expire on August 1st of the year in which such district is created shall be members of the board of such county school district and so continue until the expiration of such term. (Act Feb. 7, 1929, c. 9, §2.)

Duties of school board.—It shall be the duty of said board to furnish school facilities to every child of school age residing in any part of said county district, either by building school houses, supplying school rooms, transporting said children to the nearest school, boarding said children within convenient distance of school at the expense of said school district or otherwise, and to provide necessary supplies, textbooks, and library books.

The annual meeting as held in ten or more townships districts need not be held, but the clerk of said board shall publish once in a legal newspaper published in the county the annual report required by law to be made by the district treasurer.

When not otherwise provided in this act, the school board of any such county district shall have and shall exercise all the powers and be subject to the same laws and regulations as boards of ten or more townships districts, and all laws applicable to ten or more townships districts, and all laws applicable to State Aid for Equalizing Educational Opportunities in Unorganized Territories should apply thereto. As to school house site, building school houses, changes, sale, site, etc., and buildings and levy tax. Op. Atty. Gen., Sept. 10, 1929.

Election of the county district shall be held on the same day as the election in ten or more townships districts at the same time and in the same manner as elections are held therein. (Act Feb. 7, 1929, c. 9, §4.)

Each county commissioner district, as it may from time to time exist, shall constitute an election district from which shall be elected one member of said board. In case there is a ten or more townships district within the county such as herein referred to and in case there are two members of the board of said district existing within said one commissioner district then the board of county commissioners shall appoint an additional member to such school board so that at all times there shall be six members of such board and the term of said commissioner district and such board shall consist of six members only until the expiration of the term first expiring of the said two members from the same commissioner district, in making the appointment of the additional member, shall be foreclosed and in determining the length of the terms for which three members
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shall be appointed so that the terms of the members of the new board shall expire in consecutive order the term of the member from the commissioners district from which there are two members first expiring shall be disregarded. (Act Feb. 7, 1929, c. 9, §6.)

2780-18. Compensation of Board Members—Clerk—Treasurer.—The members of the board shall receive a per diem of $6.00 while attending any regular or special meeting of the board, but not, however, more than $144.00 in any one year, and receive five cents per mile in going to and from his place of residence to the place of meeting by the usual route of travel.

The chairman, clerk and treasurer of the county district shall receive such additional compensation as may be fixed by the board of education, provided, however, the chairman shall not receive more than $720.00 and the treasurer not more than $600.00 as total compensation which includes mileage, in any one year in addition to mileage.

—Treasurer.—The members of the board shall receive such additional compensation as may be allowed by the board of education for legal services rendered to said county board of education in amounts the total of which shall not exceed $10,000.00. (Act Feb. 8, 1935, c. 6.)

Act effective upon passage.

2780-17b. Board of Education may bond employees.—The county board of education in any county in this state organized under Laws 1929, Chapter 9, having a population of less than 10,000 inhabitants, shall have authority to indemnify the officers or employees of such county school districts against liability arising out of the operation of motor vehicles, or other equipment, by such officers or employees while in the performance of their duties as public officers or employees, and to pay the premiums or insurance policies out of funds of such county school districts. The county board of education may also at the expense of such county school districts defend any such officer or employee in the same and in behalf of such officer or employee in any suit brought against him to enforce a claim, whether legitimate or otherwise, arising out of the operation of any motor vehicle, or other equipment, by him while in the performance of his official duties; to compromise and/or settle any such claim or suit, and to pay out of the funds of such county school district the amount of such settlement or compromise, or the amount of any judgment rendered against any such officer or employee based upon such claim or suit, without in any way requiring such officer or employee to settle and/or pay any such claim or judgment. (Act Feb. 16, 1935, c. 15, §1.)

2780-17c. Board of education may pay premiums.—The county board of education may at its discretion pay the premiums on said indemnity insurance policies referred to in Section 1 hereof, insuring such officers or employees against liability for injury to persons or property as provided in said Section 1, and such payment of such insurance premiums out of the funds of such county school districts shall in no way impose any liability whatsoever upon the governing body thereof. (Act Feb. 16, 1935, c. 15, §2.)

2780-17d. Payments validated.—Any insurance premiums herefore paid by said county board of education for any indemnity insurance referred to herein are hereby validated. (Act Feb. 16, 1935, c. 15, §3.)

2780-18. Consolidated school district may build sidewalks in certain cases.—That the governing board of any consolidated school district which now or hereafter includes within its limits two villages, may appropriate and expend moneys to build or assist in building a sidewalk or sidewalks for the use of pupils and the general public, connecting with sidewalks in said villages and leading to the school house. (Act Mar. 3, 1933, c. 50, §1.)

2780-19. Village council may appropriate money therefor.—That the village council of any such village may likewise appropriate money for the same purpose or to assist the school district. (Act Mar. 3, 1933, c. 50, §2.)

2780-21. Election of school officers in certain districts.—In all counties having a county school district organized pursuant to Laws 1927, Chapter 82 [§§2780-1 to 2780-7], and amendatory, the members of such school board shall be elected and their terms of office shall be for the such office thereafter provided. (Act Apr. 29, 1935, c. 362, §1.)

2780-22. Terms of officers.—The term of office of the member of such school board to commence on August 1, 1937, shall expire on the Sunday preceding the first Monday in January, 1941. Such member shall be elected for such term under the provisions of law, and shall be reelected to such office at the next general election of county officers immediately preceding the year 1944.
The term of office of the member of such school board to commence on August 1st, 1939, shall expire on the third Tuesday in May, 1941. Such member shall be elected for such term under the provisions of law now existing. Thereafter the term of such office shall be for four years, and the election for such office shall be held at the first general election for county officers immediately preceding 1941.

The term of office of the member of such school board to commence on August 1, 1940, shall expire on the Sunday preceding the first Monday in January, 1944. Such member shall be elected for such term under the provisions of law now existing. Thereafter the term of such office shall be for four years, and the election for such office shall be held at the first general election for county officers immediately preceding 1944.

The term of office of the member of such school board to commence on August 1, 1941, shall expire on the Sunday preceding the first Monday in January, 1945. Such member shall be elected for such term under the provisions of law now existing. Thereafter the term of such office shall be for four years, and the election for such office shall be held at the first general election for county officers immediately preceding 1945. (Act Apr. 29, 1935, c. 362, §2.)

§2780-23. Meetings—Organizations.—School boards in such school districts shall meet and organize annually on the first Tuesday after the first Monday in January, or as soon thereafter as practicable, but not later than ten days after such date, commencing in January, 1937. Provided further that such board when organizing in August, 1936, under laws now existing, shall organize only for the period extending to the first Tuesday after the first Monday in January, 1937. (Act Apr. 29, 1935, c. 362, §3.)

§2780-24. Inconsistent acts repealed.—All acts and parts of acts inconsistent herewith are hereby superceded, so far as necessary to give full force and effect to the provisions of this act; provided, however, that the members of any such board in such county shall continue to hold office under the law now existing until the members of such board shall be elected for a term of four years as provided for in this act; and thereafter the term of office of each member of such board shall commence on the first Monday in January following such election. (Act Apr. 29, 1935, c. 362, §4.)

§2781. Indebtedness of old school district.

Where common district consolidated with county district, which did not assume outstanding bonds issued to pay for school building, and building burned, proceeds of insurance belong to the county district, and need not be applied on bonded indebtedness of old common district. Op. Atty. Gen., (1890-4), Apr. 18, 1938.

§2784. Notice of meeting.


§2789. Annexation of land to school districts.—When any freeholder shall present to the board of any county a petition, verified by him, stating that he owns land adjoining any district, or separated therefrom, and desires to have the same organized into a district, and that such intervening land is vacant and unoccupied, or that its owner is unknown, and that he desires his said land, together with such intervening land, set off as a school district, and asked to make change, the board, upon notice and hearing as in other cases, and upon proof of all the allegations of the petition, may make its order granting the same, and like notice of such change shall be given. In other cases; provided, that if the land, or any part thereof, should be attached and the adjoining district lie in different counties, such annexation shall not be effective, until such petition has been presented to the county board of each county and each such board has made its order granting the same. In the manner provided in this act, provided, that any person or officer of any school board aggrieved by any order of the county board made pursuant to the provisions of this section, or by any order of the county board, made on the rehearing before it, in any such petition, may appeal to the court from such order, such appeal to be governed by the provisions of Section 2675, General Statutes 1913 [Mason’s Stat., §2747]. (R. L. 1905, §1301; G. S. 1913, §2704; 15, c. 115, §1; Apr. 17, 1931, c. 159.)


Landowner in one school district in order to have his land detached from said district specified and another school district adjoining his land must make application under this section. Op. Atty. Gen. (166c), Dec. 11, 1934.

§2790. Districts to be composed of adjoining territory.


§2793. Annual elections in school districts.—(a) The annual meeting of all common school districts shall be held on the last Tuesday in June, at 8 o’clock p.m., unless a different hour has been fixed at the preceding annual meeting, upon ten days’ posted notice given by the clerk, and specifying the matters to come before such meeting; but failure of the clerk to give such notice or place to the business to be transacted thereat, shall not affect the validity of any business, except the raising of money to build or purchase a schoolhouse, the authorizing of the issue of bonds, the fixing of a schoolhouse site, or the organization as an independent district.

The board of education or trustees in special school districts may fix the time of the annual meeting, when so authorized by vote of the district. Provided, that the polls at all school meetings shall be held open at least one hour.

(b) The annual meeting or election of an independent school district shall be held on the last Tuesday in June and shall be called and conducted in the same manner as provided in subsection (a) above except as hereinafter provided.

In districts maintaining graded elementary and high schools, the annual meeting or election shall be held on the third Tuesday in May.

In any independent school district which maintains two or more schools the school board may, and upon a majority vote of the electors shall, provide for more than one polling place and in such districts the annual school meeting or election shall be conducted as follows:

(1) Ten days’ posted notice shall be given by the clerk specifying the matters to be voted upon at such annual meeting or election and setting forth the polling places established by the board and describing the voting precincts. The clerk shall prepare, or cause to be prepared, ballots, and shall arrange for voting booths at such places as the school board shall previously have determined.

(2) The school board shall, at least thirty days before the date of the annual meeting or election, determine the number of voting and polling places, and the board shall then prepare and attach to the voting places where such voting shall be conducted and the hours the polls will be open. It shall choose, or cause to be chosen, three election judges for each polling place, who shall act as clerks of election, and shall canvass the ballots cast, and thereafter submit the same to the school board, which
board shall be in session at the time and shall receive such ballots.

(3) The school board may pay such judges an amount not to exceed fifty cents per hour for the time actually served by them in the performance of their duties as judges of election.

(4) The school board shall be opened for at least one hour, and the school board shall have the power to extend such time not to exceed twelve hours.

(5) In such districts one polling place may be designated by the school board as the place for the annual or special meeting, and a majority for such district may hold any annual or special meeting when proper notice has been given, the annual meeting in such districts may be discontinued, substituting therefor an annual election.

(R.L. '05, §1365; G.S. '13, §5710; '25, c. 147, §1; Apr. 25, 1931, c. 390; Apr. 24, 1937, c. 427, §1; Mar. 17, 1939, c. 62, §1.)

Explanatory note.—The title to Act Apr. 24, 1937, c. 427, is as follows: "An act to provide for the annual and school board meetings of any school district, and to empower such district to maintain more than one polling place." The enacting clause reads: "The legislature of the state of Minnesota, in accordance with section 2797, section 2798, be amended so as to read as follows:"

Sec. 9 of Act Mar. 17, 1939, cited, repeals inconsistent acts.

In school districts where the annual meeting had been held on the third Monday in September, an annual meeting changed to third Tuesday in July. Laws 1933, c. 84.

Salary of chairman and treasurer of common school districts determined at annual meeting without specifying such action will be taken in notice of meeting as true as increasing compensation of clerk. Op. Atty. Gen., Aug. 2, 1938.


Voters may provide for keeping polls open from 1 to 2 p.m. on election day. Op. Atty. Gen. (187a-6), Mar. 6, 1936.

Where electors at annual meeting to fix compensation of school board members for the year, board may call a special election for that purpose, but electors cannot authorize fifty dollars for salaries for the year. Op. Atty. Gen. (1936-1), Apr. 20, 1936.

Salary of chairman and treasurer of common school districts is not to exceed fifty dollars per year, board may not award an annual contract, first offer to be made to the district voting on the question, who have resided therein in not less than one year prior to the vote. (As amended Feb. 19, 1929.)

The calling of a special meeting, the meeting is to be of a deliberative character and must be held at some one place. Op. Atty. Gen., Jan. 18, 1931.

Where annual meeting have failed to fix salaries of school board members, such members may not be paid compensation for any previous year. In lieu of proceeding for payment of proper salaries. Op. Atty. Gen., Sept. 12, 1933.


Where school board has failed to fix compensation of school board members for the year, board may call a special election for that purpose, but electors cannot authorize fifty dollars for salaries for the year. Op. Atty. Gen. (161a-16), Apr. 20, 1936.

Salary of chairman and treasurer of common school districts is not to exceed fifty dollars per year, board may not award an annual contract, first offer to be made to the district voting on the question, who have resided therein in not less than one year prior to the vote. (As amended Feb. 19, 1929.)

An outline of municipal bond procedure in Minnesota. 30 Minn. L.R. 282.


2797. Publication of proceedings of boards of independent school districts.

Where electors at annual meeting have voted in favor of a new junior high school without the designation of a site on which a school house is to be built, board of independent school district in which such meeting was held may authorize voters to vote into meeting as to whether or not school board should purchase lands. Op. Atty. Gen. (161a-16), June 22, 1937.

2798. Powers of annual meeting. * * * * * * 4. To designate a site for a school house, and provide for building or otherwise placing a school house thereon, where proper notice has been given, but a site on which a school house stands or is begun shall not be changed, unless three-fifths of the legal voters shall vote therefor, designating a new site, of three-fifths of the legal voters of the district voting on the question, who have resided therein in not less than one year prior to the vote. (As amended Feb. 19, 1929.)

This section authorizes the calling of a special election to rescind authority previously given for an issue of bonds to the state. Op. Atty. Gen., No. 68, July 18, 1929.

Where high school burned, a vote of majority of electors was necessary to change site on which school building now stands or is begun shall not be changed, unless three-fifths of legal voters shall vote therefor, designating a new site, of three-fifths of the legal voters of the district voting on the question, who have resided therein in not less than one year prior to the vote. (As amended Feb. 19, 1929.)

Where bonds have been voted for the building of a new junior high school without the designation of a site on which a school house is to be built, board of independent school district may authorize voters to vote into meeting as to whether or not school board should purchase lands. Op. Atty. Gen. (161a-16), June 22, 1937.

An outline of municipal bond procedure in Minnesota. 30 Minn. L.R. 282.


Act relating to power of common school districts to build or lease a school building for use of teachers. Laws 1931, c. 192.

A vote of electors in favor of issuing bonds to be used for erection of a new school building may be rescinded by a subsequent vote to remodel and repair the old building instead. Op. Atty. Gen., Mar. 16, 1931.

School elections. Where ballots at school district election contained two names and only two were to be elected, and another mark appeared. Adams v. M., 184M602, 239NW594. See Dun. Dig. 2952, 8679.


When it is not permissible to receive nominations from the floor, making of all nominations does not affect validity of election where names of those ordinarily nominated are written on ballots by electors. Op. Atty. Gen. (1841), Mar. 27, 1935.


Petition to rescind action of district and board in designating parcel of land as site for new school building failed. The court found the action of the board to be within the bounds of law, but did involve establishment of an additional tax to the voters, and that of one to commence July 1 in the year following his election, and that of the other July 1 in the second year following his election. Op. Atty. Gen. Mar. 15, 1939, c. 62, §3.

School district election held after the passage of this act in school districts embracing or containing ten or more townships and in the first biennial general state election held after the organization of each new district or containing, or containing ten or more townships, and in each biennial general state election thereafter, there shall be elected two members of said board, such members being elected to fill the offices expiring respectively July 1 after such election and one year following July 1 after such election, the other to commence July 1 in the year following his election, and the office to which such is so elected and the time of the commencement of the term of each shall be stated on the ballot. For the purpose of carrying into effect this act, and so as to enable the electors in each of such districts embracing or containing ten or more townships to elect officers at such biennial general state election, the provisions of said general election law and the primary election law, shall so far as possible, be applicable heretofore, and the candidates for said offices shall file for nomination and be chosen and nominated and their names placed upon the ballot, and in the length of term, shall be stated on the ballot. The votes shall be returned and canvassed and the persons elected notified in the same manner as other school district officers. (As amended Mar. 17, 1939, c. 62, §3.)


2802-4c. School boards in certain common school districts—annual meeting—elections. In each common school district in the State, now or hereafter, containing ten (10) or more townships and less than ten (10) schools, the school board shall consist of five (5) directors to be elected in the manner and for the term hereafter provided, and to hold office until their successors are elected and qualify.

The annual meeting of each such district for the election of directors, and the transaction of other lawful business, shall be held at the time and in the manner provided by law for Independent Districts. At the annual meeting to be held in July, 1937, there shall be elected two (2) directors to fill the offices of directors expiring on August 1, 1937. At the annual meeting held in July, 1938, two (2) directors shall be elected to fill offices of directors expiring on August 1, 1938. The annual meeting in 1939 and all annual meetings thereafter shall be held on the last Tuesday in June. At the annual meeting held in June, 1939, one (1) director shall be elected to fill the office of the director expiring on July 1, 1939. Each such director as above set forth shall be elected
for a three (3) year term. And annually thereafter at each annual meeting, one or two directors, as the case may be, shall be elected to succeed those whose terms are expiring on July 1 next following such meeting, and to serve for three (3) years. Provided, that directors now holding office shall hold office until the expiration of the terms for which they were herefore elected but not longer than until July 1 of the year in which their terms expire. (Act Apr. 14, 1937, c. 221, §1; Mar. 17, 1939, c. 62, §§8.)

Sec. 9 of Act Mar. 17, 1939, cited, repeals inconsistent acts.

Sec. 3 of Act Apr. 14, 1937, cited, repeals inconsistent acts.

On Atty. Gen. (187a-6), April 18, 1939; note under §2793.

§2802-4d. Same—vacancies.—Any vacancy in the school board shall be filled by the board at any legal meeting thereof until such vacancy can be filled by election of the next annual meeting at which time a director shall be elected to fill the vacancy for the unexpired portion of the legal term. In case the board shall fail to fill such vacancy within fifteen (15) days after the vacancy, on petition of fifteen (15) freeholders of the district and ten (10) days posted notice thereof, a special meeting of the voters of the district shall be held at which time the vacancy shall be filled for a term to expire at the next regular annual meeting (Apr. 14, 1937, c. 221, §3.)

§2802-4e. Same—organization.—On the first Saturday after the first Monday in June, the board shall select a chairman, clerk and treasurer who shall hold offices for one year and until their successors are elected and qualify. The chairman, clerk and treasurer elected by the board in August, 1937, shall hold such offices for the term for which they were elected by the board. (Apr. 14, 1937, c. 221, §3.)

§2802-4f. Same—what are schools.—SCHOOLS AS HEREIN MENTIONED SHALL MEAN SCHOOLS BUILDINGS WHEREIN CLASSES ARE REGULARLY MAINTAINED. (Apr. 14, 1937, c. 221, §4.)

§2802-4g. Same—tax limitations.—COMMON SCHOOL DISTRICTS HAVING TEN (10) OR MORE TOWNSHIPS AND LESS THAN TEN (10) SCHOOLS, SHALL HAVE THE SAME TAX LIMITATIONS AS THOSE OF INDEPENDENT SCHOOL DISTRICTS. (Apr. 14, 1937, c. 221, §5.)

§2802-4h. Same—school districts to continue operation.—Any school district of ten (10) or more townships and less than ten (10) schools, operating under Chapter 84, Laws of 1927, during the years 1927 to 1933, and which school district continued to operate pursuant to and under Chapter 84, Laws of 1927, from 1929 to 1941, after said laws were amended by Chapter 391, Laws of 1933, shall continue to operate and exist as herein set forth. It is hereby provided that acts and proceedings of such school districts, the annual meetings, boards of education and voters thereof which such school districts operated and followed Chapter 84, Laws of 1927, after said act was amended by Chapter 391, Laws of 1933, are hereby validated and legalized, notwithstanding any proceedings or actions of such school district, board of education, annual meeting and voters, affected by the provisions of Chapter 391, Laws of 1933. (Apr. 14, 1937, c. 221, §5.)

§2802-4i. Same—powers.—Except as herein provided, common school districts having ten (10) or more townships and less than ten (10) schools shall have and exercise all powers and be subject to the same laws as common school districts of ten or more townships. (Apr. 14, 1937, c. 221, §7.)

§2802-4j. Same—law repealed.—Chapter 84, Laws of 1927, and Chapter 391, Laws of 1933 [§§2802-1 to 2802-4], are hereby repealed. (Apr. 14, 1937, c. 221, §7.)

Sec. 9 of Act Apr. 14, 1937, cited, provides that the act shall take effect from its passage.

§2802-6. Same—Annual and special meetings—Proceedings at.

WHEREAS district was organized as one of 10 or more townships containing 30 or more schools, but number of schools was reduced to 12, annual meeting was held on Tuesday in June, Op. Atty. Gen. (187a-6), June 21, 1933.

§2802-10. Same—Elections to change number of trustees.

It is proper that annual meetings fix compensation of board members where in townships containing more than 30 schools, but number of schools has been reduced to 19. Op. Atty. Gen. (187a-6), June 21, 1933.

§2802-12. Independent districts with not less than 10,000 nor more than 20,000 inhabitants, etc.

Independent school district operating under a combined system of registration with village is bound, at the discretion of the board, to rent polling places in the respective voting districts. Op. Atty. Gen. (185b-4), Apr. 21, 1934.


Fact that polls were open late did not invalidate election. On Atty. Gen. Aug. 2, 1932.

§2802-16. Where city council performs duties of board of education.—That in any city in this state, containing 10,000 inhabitants or less, in which the city council or common council performs the duties of a board of education, the said council may be relieved of said duties, and a board of school inspectors may be elected, and when such inspector is bound, all the powers and duties resting upon the said city council in relation to the public schools of such city, shall vest in and be performed by said inspectors, who shall be known as "the board of education" of such city. (Act Apr. 20, 1903, c. 259, §1.)

§2802-17. Legal voters shall petition city council.—Whenever a majority of the legal voters of such city, to be determined by the total vote cast in such city at the last general election, shall desire to relieve the council of said city from the duties of controlling and managing the public schools of said city, such legal voters shall petition the common council or city council for the election of a board of education, which petition shall be filed with the city recorder or city clerk of said city at least forty (40) days before the city election of said city. (Act Apr. 20, 1903, c. 259, §2.)

§2802-18. Notice of election.—Upon filing of such petition, the said council shall immediately cause notice to be given that at the next city election the question will be submitted to the voters of said city whether the method of managing the public schools of said city shall be changed, and shall submit said question to the voters at the next election occurring more than thirty (30) days after the filing of said petition. The said question shall be submitted to said voters on the city ballot and may be in the following form:

In favor of a new board of education, against a new board of education, and the voter shall put an X mark opposite the proposition he shall vote for. If a majority of those voting on said question at said election shall vote in favor of such new board, then the management, direction, supervision and control of the public schools of said city shall be vested in such board of education, and shall be divested out of the council of said city. (Act Apr. 20, 1903, c. 259, §3.)

§2802-19. Nomination and election of school inspectors.—Nominations for members of such board of education, to be denominated "school inspectors," may be made and such inspectors may be elected at the same election at which, the proposition to change the management and control of the schools from the city council to the board of education shall be submitted; and if said proposition is adopted by the vot-
ers, as specified in section 3 of this act, the inspectors so elected shall immediately become the board of education of said city, and shall be vested with all the powers, duties, and responsibilities for the supervision and control of said schools. Said board shall be vested in the council of said city acting as a board of education. (Act Apr. 20, 1903, c. 289, §4.)

§2802-20. Election and term of office of school inspectors.—Such school inspectors shall be elected at the same election and in the same manner that city officers are elected under the provisions of the charter of such school district to be elected by said council, or under the provisions of any amendments to such charter, or under the provisions of any home rule charter, or any amendments thereto, and the term of office of such inspectors shall begin at the same time as the terms of such city officers.

Such school inspectors shall, however, be elected as follows:

Two (2) inspectors shall be elected from each ward of said city, and one inspector shall be elected at large, said inspectors shall hold office for four years and until their successors are elected and qualified, but at the first election one of the inspectors from each ward shall be nominated and elected to hold office for two years only, and thereafter one inspector from each ward shall be elected for four years. (Act Apr. 20, 1903, c. 289, §7; Feb. 27, 1935, c. 28, §1.)

§2802-21. Board of education—powers—organization.—The inspectors so elected and qualified shall be a body corporate and shall be known as the board of education of said city which shall be their corporate name. Said board of education may sue and be sued, have a corporate seal, and may sue and perform all the acts and things and have all the powers and duties which their predecessors, such council, as the board of education, could do or perform in the management, control and operation of the public schools of such city, or any of such city's schools, and may employ, discharge, compensate, and engage said inspectors and other officers at such remuneration as they may deem necessary, and may pay for the same such sum or sums as to them may seem just and proper. They may appoint an attorney for said board at an annual compensation to be fixed by said board. They may also secure such other counsel and legal advice and services as to them may seem proper, whether an attorney has been appointed by the council, or any amendments thereto, and the term of office of all school officers by adopting one of the following methods:

1. By resolution of two-thirds vote of the governing body of the independent school district;

2. By a petition signed by at least 10 per cent of the voters of said independent school district addressed to the governing body of said independent school district, requesting that said governing body submit to the voters thereof the determination of the question as to whether said independent school district shall have a primary election system for the purpose of nominating candidates for school offices of such independent school district at a special election to be held for that purpose. Within 15 days after receiving such a petition, the governing body shall provide for such special election and shall give not less than 10 nor more than 15 days posted notice thereof. The form of question to be voted on shall be as follows: "Shall the independent school district of . . . . . . . adopt the primary election system for the nomination of candidates for school offices of said school district?" The inhabitants of the city, or of the independent school district, or if there is no newspaper therein, in the official newspapers of the county in which said independent school district is situated, and shall also post a sample printed copy in the office for public inspection. The judges and clerks of election shall certify the results of said primary election to the governing body of the independent school district, which shall forthwith canvass the vote and issue certificates of nomination to the four candidates receiving
the highest number of votes. Thereafter, the names of the four candidates receiving the highest number of votes shall be placed upon the ballot for the general election. (Apr. 21, 1937, c. 342, §2; July 5, 1937, Sp. Sess., c. 11.)

Must be four nominations for each office to be filled, and where members of school board are to be filled, the names of such persons shall be placed upon the ballot at the primary election, unless by unanimous consent and vote of all members of said board. (Act Apr. 20, 1903, c. 289, §8.)

2802-22d. Same—filing—fee.—At least 20 days before the primary election any party eligible and desirous of having his name placed on the primary ballot as a candidate for any school office, shall file his affidavit with the clerk, stating his residence, that he is a qualified member of such independent school district, and the office for which he desires to be candidate. Upon payment by such candidate of $2.00 to the clerk of such independent school district, the clerk shall place the name of such candidate upon the primary election ballot of such independent school district. (Apr. 21, 1937, c. 342, §3.)

2802-22e. Same—compensation of judges and clerks.—The judges and clerks of said election shall receive the same compensation as is provided for the judges and clerks at the regular independent school district election. (Apr. 21, 1937, c. 342, §4.)

2802-22f. Same—primary election laws to apply.—All laws now in force as applies to primary elections generally are to apply to this act as far as applicable. (Apr. 21, 1937, c. 342, §5.)

Act Mar. 25, 1937, c. 86, enacts a primary election law, similar to that embraced in §§2802-22b to 2802-39 above, applicable to independent school districts consisting of one township having population of 4,500 to 6,000, and having two or more villages within its boundaries.

2802-23. Educational fund transferred.—Upon the adoption by the legal voters of any such city of such change of the management of the public schools of such city from such city council to such board of education and immediately after the election and organization of such board, all funds in the city treasury of said city belonging to the educational fund, or to the school fund, or to the common schools of said city, shall immediately be subject to the order, drafts and warrants and under the exclusive control of said board of education, and the city council of said city shall have no further authority over said funds. The city treasurer of said city shall hold the same subject to the order of said board of education only. (Act Apr. 20, 1931, c. 276, §5.)

2802-24. School board officers received no salary.—No member of the board of education shall receive any salary, fees or compensation whatever for acting as the secretary of such board of education. The city clerk or city recorder shall receive no salary, fees or compensation whatsoever for acting as the treasurer of said board, or treasurer thereof, shall be a party to, or interested in any contract made with the said board, or the city council of said city belonging to the educational fund, or to the school fund, or to the common schools of said city shall immediately be subject to the order, drafts and warrants and under the exclusive control of said board of education, and the city council of said city shall have no further authority over said funds. The city treasurer of said city shall hold the same subject to the order of said board of education only. (Act Apr. 20, 1931, c. 276, §5.)

2802-25. Officers may not be interested in contracts.—No member of the board of education, secretary of said board, or treasurer thereof, shall be a party to, or interested in any contract made with the said board of education, nor shall said board of education engage any person or members of school board, or any teacher for the schools of the said city who is related by blood or marriage to any member of said board of education, except by the unanimous consent and vote of all members of the board. (Act Apr. 20, 1902, c. 239, §10; Apr. 9, 1929, c. 141.)

"Except by unanimous consent and vote of all members of the board, and without "party, "any contract made with the said board of education, or by or for any teacher for the schools of the said city who is related by blood or marriage to any member of said board of education, except by the unanimous consent and vote of all members of the board." (Op. Atty. Gen., Aug. 20, 1929.)

2802-26. Board of education to establish voting places in certain cases.—In all bond elections for school purposes held in a city organized as a school district under the provisions of chapter 289, Laws 1903, the board of education of such city shall, before notice is given of any such election as required by the laws, adopt regulations to provide for voting places in each ward of such city and appoint two judges and a clerk for each such ward to act as the officers of election at the voting place therein established. The polls at each voting place shall be held open from 2 P. M. to 9 P. M. on the day of such election. Immediately after closing the polls the judges and clerk of each voting place shall canvass and count the ballots, place such ballots in an envelope, seal it and file such sealed envelope and their return of the result with the clerk of the board of education. Such sealed envelope containing the ballots shall remain on file in the clerks' office and shall not be opened except upon order of court in appropriate contest proceedings. Within five days after the filing of the returns in the office of the clerk the board of education shall meet and canvass the return and by resolution declare the result. (Act Mar. 11, 1921, c. 77, §1.)

2802-27. Present statutes shall govern.—Except as herein provided such bond elections shall be held and conducted as provided by the general statutes relative to such elections. (Act Apr. 20, 1931, c. 276, §1.)

2802-28. Board to fix compensation.—How paid.—The board of education shall have authority to fix the compensation of judges and clerks acting as such at the aforesaid elections and the compensation so fixed shall be paid out of the moneys in the general fund of the district. (Act Mar. 11, 1921, c. 77, §5.)

2802-29. Schools to make labor regulations.—That the school board of independent school districts which is within the limits of any city of the second class may adopt any ordinance duly enacted by the council of such second class city, including the penalty provisions for the enforcement thereof, relating to residence requirements, wage scales, and other regulations pertaining to labor on public works, and to require that it be a part of the specifications in contracts and be effective in all construction or repair work or any other public work involving the improvement of school property of such independent district. (Act Apr. 20, 1931, c. 276, §1.)

2802-30. School board to adopt forms and methods.—That such school board may adopt and use the same forms and methods of regulating said ordinance as is used by the council of such city of the second class. (Act Apr. 20, 1931, c. 276, §2.)

2802-31. To the additional powers.—That these powers shall be in addition to all other powers now vested in the school boards of an independent school district which is within the limits of any city of the second class. (Act Apr. 20, 1931, c. 276, §3.)

2803. School board.—When common school district boards shall exercise same right as independent school district boards.

Common school district with more than 10 townships is not limited to 30 mills levy for school maintenance, but is limited to $3 mills rate for building and equipment. (Op. Atty. Gen., §19m, Oct. 10, 1935.)

A high school department may be organized at meeting other than organization meeting of new board, and new board can abrogate contract with attorney or physician made by such. (Op. Atty. Gen., §6go-1.)

2803-1. Powers of school boards in certain common school districts.—That the school board of every common school district which is maintaining and which for at least 2 years next prior to the passage of this act was maintained at a rate of $3 per student day, and high school department shall have and possess all of the powers now or hereafter vested in the school board of independent school districts. Provided however that as to common districts having an assessed
valuation of more than Two Million ($2,000,000). Dollars none of the powers of independent districts shall be extended to or assumed by such districts except the provisions of law relating to courses of study, and the hiring of teachers and superintendents. (Act Apr. 17, 1931, c. 168, §1.)


2804. School board of common and independent districts.


School board, at its first meeting, may fix length of school term, and length of term depends on contract entered into by teacher and school board, regardless of election of teachers at meeting. Op. Atty. Gen. (161b-14), Nov. 28, 1934.

When office of treasurer becomes vacant and appointment has not been made, or reappointment has been declared unconstitutionally made, and there is a vacancy in the office, the board may fill the vacancy by a special election, person elected holds office for unexpired term. Op. Atty. Gen. (768n), Apr. 23, 1935.

2805. School board of common districts.—The school board of each common school district shall consist of a chairman, a treasurer and a clerk. At the first meeting of each school district embracing or containing less than ten townships, the chairman shall be elected to hold office until the next annual election of district, at which election a membership shall be elected by the electors of such district at the annual meeting thereof. The terms of such directors shall be for the unexpired term, and where a vacancy is filled by a special election, person elected holds office for unexpired term. Op. Atty. Gen. (187a-6), April 13, 1939; note under §2795.

Where board of independent school is holding a legal meeting to an end either by declaring a recess or otherwise. Op. Atty. Gen., Nov. 4, 1933.


2807. Boards of independent districts.—Meeting and organization—Officers—Superintendent. Within ten days after the election of the first school board in independent districts, and annually thereafter on the first Saturday in July, the school board shall meet and organize to transact business of the district. Where board has been elected and regular meeting has been held, the board may act at any time. Op. Atty. Gen., Dec. 21, 1933.


Sec. 9 of Act Mar. 17, 1939, cited, requires a superintendent to be elected and qualified. (As amended Mar. 17, 1939, c. 62, §5.)

Sec. 9 of Act Mar. 17, 1939, cited, requires a superintendent to be elected and qualified. (As amended Mar. 17, 1939, c. 62, §6.)

2806. School board of independent districts.—The school board of each independent school district shall consist of six directors to be elected at the first meeting of the district, six directors shall be elected, two to hold until July 1 following the next annual meeting, and two to hold until the expiration of one year, and two until the expiration of two years, from said July 1, the time which each director shall hold being designated on the ballot. (As amended Mar. 17, 1939, c. 62, §5.)

2807. Election of officers in certain school districts.—That in all special school districts where the election of school officers, by the provisions of any special act of law, is held at the same time as the election of the officers of the board of education, and in the same manner as the election of village officers of a village and the judges of the village election act as judges of the school election, and such village has been or shall be organized as a city, such school election shall be held at the same time and in the same manner as the election of city officers in said city, and the judges of the city election act
as judges of said school election. (Act Mar. 27, 1929, c. §2.)

2807-2. School board to be elected at large in certain cases.—Any school district, however organized, now or hereafter having a population of not less than 10,000 and not more than 20,000 inhabitants, wherein the members of its governing board are elected by and from precincts or subdivisions of the district, shall elect such members by and from the district at large upon the electors thereof voting in favor of so doing, as herein provided. (Act Mar. 9, 1931, c. 52, §1.)

2807-3. Petitions—elections.—Whenever a petition, signed by 100 or more qualified electors of any such district, shall be presented to the governing board thereof requesting that the proposition of electing the members of such board by and from the district at large be submitted to the electors of such district, the governing board shall by resolution direct such proposition to be submitted at the next general election held not less than 30 days and not more than 60 days thereafter, if any. If there be no such general election to be so held, the said board shall cause a special election to be called and held in the manner provided for the calling and holding of other special elections in said district. (Act Mar. 9, 1931, c. 52, §2.)

2807-4. Ballot.—The ballot used at such election shall be substantially in the following form:

"Shall the members of the governing board of our school district be elected by and from the district at large?"

Yes

No

Notice shall be given and such election shall be conducted and the ballots counted and canvassed, returns made, and the results declared in the same manner as in the case of other propositions submitted to the electors when voted upon by the district at large. (Act Mar. 9, 1931, c. 52, §3.)

2807-5. Conduct of elections.—If a majority of the votes cast upon the proposition be in the affirmative, members of the board shall thereafter be elected by and from the district at large, but the several precincts or subdivisions of the districts shall be continued as voting places, notwithstanding such change, and such elections shall be held and conducted as theretofore, except that the members of such board shall be elected by and from the district at large. (Act Mar. 9, 1931, c. 52, §4.)

2807-6. Members to finish term.—The members of the board in office at the time such change is effected shall continue to serve for the balance of their respective terms, unless sooner vacated, and their successors shall be elected by and from the district at large. (Act Mar. 9, 1931, c. 52, §5.)

2807-7. Vacancies.—Vacancies in the membership of the board occurring otherwise than by expiration of the term shall be filled by the board of education, and the board of education may fill any vacancy in its own board until the next election after his appointment. (Act Mar. 9, 1931, c. 52, §6.)

2807-8 to 2807-14. [Repealed].

Repealed by Act Mar. 27, 1933, c. 117.

2807-15. Annual election of school board in certain districts.—That in any independent school district, however organized, in any city of the first class in the state of Minnesota, the territorial limits of which independent school district coincide with the territorial limits of such city, and the government of which independent school district is not provided for in the charter of such city, the annual election of members of the board of education of such school district shall be held on the first Tuesday in April. That the governing body of any such school district and the governing body of any such city shall apportion the cost of such a school election and any such general municipal election in any such city, when both of said elections occur on the same day, in such proportion and amount as said governing bodies shall agree upon. The members of said board of Education shall be so elected for the terms and in the manner prescribed by law. (Act Mar. 27, 1925, c. 117, §11; Apr. 22, 1935, c. 235.)

2807-16. May be held on same date as general election.—Whenever the date for holding such election shall coincide with the date of a general municipal election in any such city, the members of said board of education shall be voted for in the several voting precincts and at the several places where city officers are or may be voted for at such general elections. The persons entitled to vote at such general municipal elections for officers of such city, and only such persons, shall be entitled to vote for members of such board or other governing body. The polls shall be open for voting for members of such school board during the times that the polls are open for the election of city officers and no longer. Separate boxes shall be provided at each voting place in which shall be deposited the ballots cast for members of the school board. The judges and clerks of election appointed to receive and count the ballots cast at such election for officers of such city shall act as judges and clerks of such school district election, and shall certify to the board of education or governing body of such independent school district the number of votes cast in their respective precincts for each person voted for therein for such school district offices, and said board of education or governing body of said school district shall on the Monday following such election, at 8:00 o'clock P.M., meet and canvass the votes cast in said school district and declare the results thereof, and the clerk of said board of education or governing body shall issue certificates of election to the persons found by said canvassing board to be entitled thereto. (Act Mar. 27, 1933, c. 117, §2.)

2807-17. Elections validated.—That any election of members of the board of education or governing body of any such school district heretofore held in any such school district and the tenure of all members elected thereat for the terms of office for which they were elected, are hereby declared in all respects legal and valid. (Act Mar. 27, 1925, c. 117, §3.)

2807-18. Law repealed.—Laws 1931, chapter 359, sections 8 to 2807-14, is hereby repealed. (Act Mar. 27, 1933, c. 117, §4.)

Sec. 8 of Act Mar. 27, 1933, cited, provides that the act shall take effect from passage.

2807-18a. Organization of certain special school district.—In any school district in this state, created, organized, and operating under a special law, and now or hereafter having a population of not less than 10,000 and not more than 20,000 inhabitants, and wherein the members of the governing board or other governing body of such school district are or may be voted for at such general elections, the persons entitled to vote at such general municipal elections for officers of such city, and only such persons, shall be entitled to vote for members of such board or other governing body. The polls shall be open for voting on the first Tuesday in August after such election.

The polls at all elections in such district shall be open between the hours of 9 A.M. and 8 P.M., unless the Board of Education by resolution shall fix other hours. (Act Apr. 21, 1937, c. 332, §1; Mar. 31, 1937, c. 197, §1.)

Laws 1939, c. 62, repealed all acts or parts of acts inconsistent therewith, but laws 1939, c. 107, relating to high school district and similar districts where inconsistent, because passed later. Op. Atty. Gen. (187a-6), April 18, 1939.

2807-18b. Same—annual meeting.—The governing board or board of education of such special district shall meet on the first Saturday in August in each year or as soon thereafter as possible and organize by the
election of officers. If such organization shall not be completed at that time it may be completed at a future meeting. (Apr. 21, 1937, c. 322, §2.)

2807-18c. Same—board to audit bills before annual meeting. The governing board or board of education of each special district shall no later than the preceding the first Saturday in August of each year and close up as far as practicable all old or unfinished business of said board and audit all proper bills, and order the same paid, and do all such other business as may be required to be done, but at annual meeting no business shall be transacted, and no person shall be nominated, chosen or elected to fill any vacancy in the board. (Apr. 21, 1937, c. 322, §3; Mar. 31, 1939, c. 107, §2.)

2807-19. Independent school districts not to draw orders without funds.—That from and after January 1, 1934, no independent school district which in the year 1932 had a population exceeding 20,000 and an assessed valuation (exclusive of moneys and credits) of in excess of $2,750 per capita of population shall draw any order or warrant on any fund until there is sufficient money in such fund to pay the same, and no persons presently in office shall hold any office at that meeting, nor shall any business be transacted, and no person shall be nominated, chosen or elected to fill any vacancy in the board. (Apr. 21, 1937, c. 322, §3; Mar. 31, 1939, c. 107, §2.)

2807-20. Population to be determined by special census.—That in determining the application of this law to any school district, the population thereof shall be determined by any special census taken pursuant to the provisions of Laws 1931, Chapter 417, since the last school year and prior to the enactment of this statute; and if no such special census has been taken, the population shall be determined by the last Federal census; if the report of the Director of the Census does not show the population of such school district, its population shall be considered as being that used by the county auditor of the county in which such school district is located as a basis for determining the per capita limitations of the levies of such school district for the years 1931, and 1932. The valuation of such school district shall, for the purpose of this Act, be the valuation of the property therein, exclusive of moneys and credits, used by the county auditor of such county as a basis for spreading the 1931 taxes of said district. (Act Apr. 10, 1933, c. 210, §2.)

2807-21. Not to create additional indebtedness.—Whenever from and after January 1, 1934, the expenses and obligations incurred, chargeable to any particular fund of such district in any calendar year, are $2,750 or in excess thereof per $500 of the tax levy for such fund payable in that year, including such amount as may remain in the fund from the levy of the prior year or years, no officer or board of such school district shall have power, and no power shall exist, to create any additional indebtedness (save as the remaining 15% of said tax levy is collected) which shall be a charge against that particular fund or shall be in any manner a valid claim against such district; but such additional indebtedness attempted to be created shall be a personal claim against the officer of members of the board voting for or attempting to create the same. (Act Apr. 10, 1933, c. 210, §3.)

2807-22. May issue and sell tax levy certificates.—At any time after January 1, following the making of an annual tax levy the governing body of such school district may, for the purpose of meeting the obligations of the ensuing year, by resolution issue and sell as many certificates of indebtedness as may be needed in anticipation of the collection of the taxes so levied for any fund named in such tax levy for the purpose of raising money for such fund. No certificate shall be issued and outstanding for any one fund in excess of 65% of the amount named in the tax levy for that fund as spread by the county auditor and in no event exceeding the uncollected portion of said levy. No certificate shall be issued to become due and payable later than December 31 of the year succeeding the year in which such tax levies were made. Certificates shall not be sold for less than par and accrued interest and shall not bear a greater rate of interest than six per cent per annum. Each certificate shall state upon its face for which funds proceeds of the certificate shall be used, the total amount of the certificate so issued for each fund, how the whole amount embraced in the tax levy for that particular purpose. They shall be numbered consecutively and be in denominations of $25 or multiple thereof and may have interest coupons attached, and shall be otherwise of such form and substance as may be prescribed at such place as will best aid in their negotiation. The proceeds of the tax assessed and collected as aforesaid on account of said fund, and the full faith and credit of such school district shall be irrevocably pledged for the redemption of the certificates so issued. Such certificates shall be paid from the moneys derived from the levy for the year against which such certificates were issued, or, if there be not sufficient for such purpose, from other funds of the district. The money derived from the sale of the certificates so issued shall be credited to such fund or funds for the calendar year immediately succeeding the making of such levy and shall not be used or spent except during such succeeding year. No certificates for any year shall be issued until all certificates for prior years have been paid, nor shall any certificate be extended; provided that money derived from the sale of the certificates for any one year may, if necessary, be used to redeem unpaid certificates issued in a prior year. The certificate of indebtedness issued or held as aforesaid shall be negotiable the same as any other commercial paper or bills of exchange. (Act Apr. 10, 1933, c. 210, §4.)

2807-23. Certificates may be held by school treasurer.—In the event the school board of any such district is unable to sell such certificates of indebtedness in the manner prescribed, it may issue such certificates of indebtedness to the district treasurer, or his order, and deposit the same with him. Certificates so issued shall be held by the treasurer until they may be sold and shall bear interest at six per cent per annum. The district may thereupon, so long as such certificates are on deposit with the treasurer, issue warrants upon the funds against which such certificates were issued, the total principal amount of such warrants not to exceed the total principal amount of the certificates so issued; and the treasurer shall bear interest at six per cent per annum from and after the date they are presented to the treasurer and stamped "Not paid for want of funds, but protected by certificates of indebtedness now held by me." Such certificates may be sold by the school board and the proceeds of such sale shall be used to take up such warrants in the order presented for payment. Interest upon such warrants shall stop upon the date they are called by the treasurer for payment. Such certificates of indebtedness so held by the treasurer shall be paid at the same time and in the same manner as if they had been issued to a purchaser thereof. All warrants attempted to be issued and all obligations or indebtedness attempted to be incurred under authority of this section, in excess of the principal amount of the certificates of indebtedness so held by the treasurer shall be void. (Act Apr. 10, 1933, c. 210, §5.)

2807-24. To be on cash basis after January 1, 1934.—From and after January 1st, 1934, such district taxes shall be levied in 1933 shall be considered as the tax revenues for the year 1934, and thereafter in any such school district taxes shall be levied as now provided by law.
2807-25. May issue bonds to take up indebtedness.

—If any such school district prior to January 1, 1933, has incurred by proper authority a valid indebtedness, excluding bonds, in excess of its cash on hand not specifically set aside for the retirement of bonds and interest thereon, such school district may for the purpose only of paying and discharging such valid indebtedness and interest thereon, issue its bonds in the manner now provided by law, except that such bonds may be issued on a vote of the school board thereof, without a vote of the electors; provided that if any moneys received from taxes levied in 1932 and payable in 1933 for any purposes other than payment of bonds and interest thereon have been used to the issuance of bonds authorized by this Act for the retirement of indebtedness existing on January 1, 1933, or interest thereon, such bond issue may include the amount of such payments for the purpose of reimbursing the funds from which such moneys were paid; provided further that the purchaser of such bonds shall not be charged with notice of invalidity of any indebtedness funded by such bonds, and bonds issued hereunder in the total amount of such indebtedness as determined by resolution of the school board of said district, in the hands of any purchaser, shall be valid obligations of the school district notwithstanding any claims of invalidity of any such indebtedness funded thereby; provided further that no expenditures prior to the date of this Act or any of the following purposes in said district are hereby legalized and validated as against any claim that such district had not the power to incur the obligation or had not proceeded in the proper manner to exercise such power, viz.; architects' commissions and salaries of building inspectors; salary paid to school attorney; hospital bills and bills for medical and dental services to students and employees injured in connection with school activities; medical and dental supplies for school doctor, dentist or nurse; liability and property damage, insurance premiums on cars, buses and trucks owned by the school district; indemnity insurance premiums for school dentists and doctors; premiums on surety bonds for officers and employees of the district; athletic and physical training supplies; expenses of operating students' savings system; recreational activities and facilities. (Act Apr. 10, 1933, c. 210, §6.)

2807-26. Annual tax levy.—The school board of any school district issuing bond pursuant to the authority of this Act shall, at the time of the issuance thereof, by resolution provided for a levy for such year until the principal and interest of said bonds are paid, in full, from the annual tax, to be levied in an amount sufficient to pay the principal and interest thereon when and as such principal and interest become due. Such tax levies shall be within the per capita limitations provided by law upon the tax levies of said district, and the county auditor at the time of spreading the annual tax levy of said district shall adjust the same so that the total levy, including any levy for said bonds, whether issued to the state or a private purchaser, shall be within the per capita limitations provided by law plus any levies which may be authorized in excess of such limitation by Laws 1921, Chapter 417, for bonded indebtedness and interest thereon. (Act Apr. 10, 1933, c. 210, §8.)

2807-27. Disposition of bonds.—Such bonds may be issued and sold to the State of Minnesota pursuant to existing laws at the time of the issuance thereof (except as herein modified) or to private purchasers, or be exchanged for outstanding bonds of the district at par with accrued interest. (Act Apr. 10, 1933, c. 210, §9.)

2807-28. School Board to prepare budget.—The school board of such district shall, each year prior to the making of the tax levy for the ensuing year, prepare a budget of the expenditures of such district during the year in which such taxes will be collected, itemizing the purposes for which such moneys will be expended, and the amount of obligations that will be incurred for each such purpose. If at any time during such year it appears that such district is incurring obligations at a rate or upon a scale which would make it probable, if such rate or scale be continued, after allowing for variations in seasonal requirements, that the total expenditures for said year would exceed the moneys to be received therein, after allowing for probable tax delinquencies, the District Court, in an action brought by any taxpayer, may require such district to limit its expenditures to a rate and scale which will assure that the total obligations incurred in such year will not exceed the moneys available therein. (Act Apr. 10, 1933, c. 210, §10.)

2807-29. Contracts in violation to be null and void.

—Each contract attempted to be entered into, or indebtedness or pecuniary liability attempted to be incurred in violation of the provisions of this Act, shall be null and void in regard to any obligation thereby sought to be imposed upon the school district, and no suit therefor shall be brought by the school board of said district; nor shall the clerk of such district or any other officer issue or execute, nor shall the district treasurer pay any warrant or certificate of indebtedness issued on account thereof. Each member of the school board and each other district officer participating in or authorizing any provision of this Act shall be individually liable to the district or to any other person for any damage that is caused thereby. Each member of the school district present at a meeting thereof, when action is taken with reference to paying money or incurring indebtedness or entering into any contract in violation of the provisions of this Act shall be deemed to have participated in and authorized the same unless he shall have caused his dissent therefrom to be entered upon the minutes of the meeting. (Act Apr. 10, 1933, c. 210, §11.)

2807-30. Not to change on account of changing population.—When a school district has once come under the provisions of this Act, it shall continue under its provisions notwithstanding any subsequent change in assessed valuation or population. (Act Apr. 10, 1933, c. 210, §12.)

2807-31.—May be postponed for one year in certain cases.—The funding of the indebtedness of the school district is necessary to the functioning of this law and if the school district shall not have found it wise to sell the bonds herein provided for, prior to January 1, 1934, the operation of this Act shall be postponed for one year. In that event the indebtedness authorized to be funded hereunder shall be the valid indebtedness, excluding bonds, in excess of cash on hand not specifically set aside for the retirement of bonds and interest thereon, incurred prior to January 1, 1934; and the provisions of Sections 1, 3, 4, 5, 6, 10 and 11 shall not take effect until and after January 1st, 1936. (Act Apr. 10, 1933, c. 210, §13.)

2807-32. Provisions separable.—If any provision hereof is found unconstitutional, such determination shall not affect the validity of the remaining provisions not clearly dependent thereon. (Act Apr. 10, 1933, c. 210, §14.)

2807-33 to 2807-46. [Superseded.]

These sections seem to be superseded by Act Apr. 24, 1936, c. 261, §§2807-47 to 2807-52. Consisted of Act Apr. 22, 1933, c. 413, §§11-14.

2807-47. School districts may not incur indebtedness.—From and after January 1, 1936, no independent school district having a population exceeding 5,000 and less than 11,000, and an assessed valuation of more than $2,000 per capita of population, exclusive of moneys and credits, shall draw any order or
warrant on any fund until there is sufficient money in such fund to pay the same, together with all orders previously issued against such fund. (Act Apr. 24, 1935, c. 261, §1.)

2807-48. Special census to control.—In determining the application of this law of any such school district the population thereof shall be determined by any special census taken pursuant to the provisions of Laws 1921, Chapter 417 [§2061 to 2065], since the year 1930 and prior to the enactment of this statute. If no such special census has been taken the population shall be determined by the last federal or state census, provided that nothing in this section shall preclude any such school district from hereafter taking a special census for the purpose of determining the amount of taxes that may be levied therein. (Act Apr. 24, 1935, c. 261, §2.)

2807-49. Not to create indebtedness.—Whenever, from and after January 1, 1936, the expenses and obligations incurred, chargeable to any particular fund of such district in any calendar year, are sufficient to absorb 95 per cent of the entire amount of the tax levy for said district payable in that year, including such amount as may remain in the fund from the levy of the prior year or years, no officer or board of such school district shall have power, and no power shall exist, to create any additional indebtedness (save such additional indebtedness as may be needed in anticipation of the collection of taxes so levied for any fund named in said tax levy for the purpose of raising money for any such fund. All certificates of indebtedness issued under the provisions of this act shall be negotiable and shall be payable to the order of the payee and shall have a definite due date. No certificate shall be issued to become due and payable later than six per centum per annum. Such certificates shall not be sold for less than par and accrued interest and shall not bear a greater rate of interest than six per cent per annum. Each certificate shall state upon its face for which funds proceeds of the certificate so issued shall be used, the total amount of certificates so issued against such fund and the whole amount embraced in said tax levy for that fund. Such certificates shall be numbered consecutively and be in denominations of $25, or any multiple thereof, and may have interest coupons attached, and shall be otherwise in such terms and form as may be made payable at such place as will best aid in their negotiation. (Act Apr. 24, 1935, c. 261, §3.)

2807-50. May issue certificates.—At any time after January first following the making of an annual tax levy the school board of any such district may, for the purpose of meeting the obligations of the current year, by resolution issue and sell as many certificates of indebtedness as may be needed in anticipation of the collection of taxes so levied for any fund named in said tax levy for the purpose of raising money for any such fund. Such certificates of indebtedness issued against any fund, with interest and shall not bear a greater rate of interest than six per centum per annum. Each certificate shall state upon its face for which funds proceeds of the certificate so issued shall be used, the total amount of certificates so issued against such fund and the whole amount embraced in said tax levy for that fund. They shall be numbered consecutively and be in denominations of $25, or any multiple thereof, and may have interest coupons attached, and shall be otherwise in such terms and form as may be made payable at such place as will best aid in their negotiation. (Act Apr. 24, 1935, c. 261, §4.)

2807-51. Limitation of certificates.—No such school district shall be permitted during any year to anticipate by issuance of certificates of indebtedness more than sixty per cent of its tax levy payable in said year for any of its funds during the period prior to July 1st and not more than thirty-five per cent of said levy (plus any amount authorized but not issued during the period prior to July 1st) during the period subsequent to July 1st and prior to December 31st of the year of issuance. The total amount of certificates of indebtedness issued against any fund, with interest thereon to maturity, shall not exceed 85 per cent of the tax levy for such fund payable in such year, and certificates of the outstanding certificates so issued shall not in any event exceed the uncollected portion of said tax levy for such fund. Any such school district may renew any outstanding certificate of indebtedness of any prior year or any prior six-months period, or issue new certificates, notwithstanding the fact that prior certificates were unpaid, with the ability to pay such outstanding certificates is due to failure to collect sufficient moneys from the tax levy payable in said year to discharge such certificates; in the event such certificates are renewed, such municipality may pay accrued interest thereafter at the same time and in the same manner as if they had been issued to a purchaser thereof. All warrants so issued shall be held by the treasurer until they may be sold and shall bear interest at not to exceed six per cent per annum. Such certificates may thereafter be held against the issuer, issue warrants upon funds against which such certificates were issued, the total principal amount of such warrants not to exceed the total principal amount of tax certificates so issued. Such warrant shall bear interest at not to exceed six per cent per annum from and after the day they are presented to the treasurer and stamped "Not paid for want of funds, but protected by certificates of indebtedness now held by me." Such certificates may be sold by the school board and the proceeds of such sale shall be used to take up such warrants in the order in which they were presented to the treasurer, reimbursed by him and accounted for by such treasurer upon such warrants shall stop upon the date they are called by the treasurer for payment. Such certificates of indebtedness so held by the treasurer shall be paid at the same time and in the same manner as if they had been issued to a purchaser thereof. All warrants attempted to be issued and all obligations or indebtedness attempted to be incurred under authority of this sub-section in excess of the principal amount of the certificates of indebtedness so held by such treasurer shall be void. (Act Apr. 24, 1935, c. 261, §6.)

2807-53. Tax levies to be set aside for payment of certificates.—The proceeds of the taxes assessed and collected as aforesaid on account of said fund and the faith and credit of the school district shall be irre- victively pledged for the payment of said certificates so issued. Such certificates shall be paid from the moneys derived from the levy for the year against which such certificates were issued, or if there be not sufficient for that purpose, from other funds of the district. The money derived from the sale of such certificates (except those issued to take up old certificates as herebybefore authorized) shall be credited to such fund or funds for the calendar year in which issued, and shall not be used or spent except during such year. Except as herebybefore authorized, no certificate for any year shall be issued until all certificates for prior years have been paid, nor shall any certificates be extended; provided that money derived from the sale of certificates for any one year may, if necessary, be used to redeem unpaid certificates issued in a prior year. (Act Apr. 24, 1935, c. 261, §7.)

2807-54. To be on cash basis.—From and after January 1, 1936, any such district shall be deemed for all purposes to be on a cash basis and shall thereafter remain on a cash basis. All taxes levied in 1935 shall be considered as tax revenues for the year 1936, and thereafter in any such school district all taxes levied as now provided by law, but for the succeeding years. (Act Apr. 24, 1935, c. 261, §8.)

2807-55. May issue funding and refunding bonds.—If any such school district prior to January 1, 1936,
has incurred by proper authority a valid indebtedness of whatever character in excess of its cash on hand, such school district may, for the purpose of paying and discharging such valid indebtedness or changing the maturities of the funded portion thereof, issue its funding or refunding bonds in the manner now provided by law, except that such bonds may be issued by a resolution of the school board thereof without vote of the electors; provided further that if any moneys properly applicable to the payment of current expenses in 1936 shall have been used prior to the issuance of such bonds, such bond issue may include the amount of such payments for the purpose of reimbursing the fund from which such moneys were paid. The payment of such bonds shall be charged with notice of the invalidity of any indebtedness funded by such bonds, and bonds issued hereunder in the total amount of such indebtedness, as determined by resolution of the school board of said district in the hands of any purchaser, shall be valid obligations of the district, notwithstanding any claims of invalidity of any such indebtedness funded thereby. (Act Apr. 24, 1935, c. 261, §10.)

2807-56. Tax levy to retire bonds.—The school board of any such district issuing bonds pursuant to the provisions of this act shall at the time of the issuance thereof, by resolution provide for the levy of an annual and irrevocable tax to be levied each year until the principal and interest of said bonds and all amounts sufficient to discharge principal and interest thereon at maturity. Such tax levies shall be within the per capita limitations now provided by law upon the tax levies of said district, and shall be made and provided, and the county auditor, at the time of spreading the annual tax levy of any said district, shall adjust the same so that the total levy, including any levy for said bonds, whether issued to the state or a private purchaser, shall be valid obligations of the district, except as herein modified, and to private purchasers, or to both. They may be issued bearing such rates of interest as may best lead to their negotiation or sale, not, however, exceeding six per cent per annum, and in the event of sales to the state, not exceeding the rate of interest fixed by statute therefor. (Act Apr. 24, 1935, c. 261, §12.)

2807-58. Levies in excess of per capita limitations.—If any school district subject to this act shall at the time of the enactment hereof have bonds outstanding issued for the purpose of defraying the cost of erecting and equipping school buildings therein, levies in a total amount not exceeding $300,000 for the principal, plus interest thereon to maturity, may be made in excess of existing per capita limitations for the retirement of such bonds, such levies when collected shall be paid into the special fund herein provided. Such excess levies may be made in as nearly equal installment payments as practicable over a period of years beginning with the levy made in the year 1935, such installments to be not less than four. If such outstanding bonds, or any portion thereof, shall have been paid or retired prior to the making or collection of the excess levies hereby sought to be imposed upon the school district, or any other person for any damage that is caused thereby. Each member of the school board present at a meeting of the board when any action is taken or voted upon or any contract or agreement is made and obligations of indebtedness incurred for the purpose of paying such excess levies may nevertheless be made, and when collected shall be paid into such special fund and used for the retirement of other indebtedness of the district authorized to be funded or refunded hereunder. (Act Apr. 24, 1935, c. 261, §12.)

2807-59. May be sold to the State of Minnesota.—Bonds authorized to be issued hereunder may be issued and sold to the State of Minnesota pursuant to existing laws at the time of the issuance thereof, except as herein modified, and to private purchasers, or to both. They may be issued bearing such rates of interest as may best lead to their negotiation or sale, not, however, exceeding six per cent per annum, and in the event of sales to the state, not exceeding the rate of interest fixed by statute therefor. (Act Apr. 24, 1935, c. 261, §12.)

2807-60. Board to make budget.—The school board of such district issuing bonds pursuant to the provisions of this act shall at the time of making the tax levy for the next ensuing year, prepare a budget of the expenditures of such district during the year in which such taxes will be collected, itemizing the purposes for which such moneys will be expended, and the amount of obligations hereunder funded or refunded for each such purpose, during each quarter of such year. The clerk of such school district shall prepare and present at the first meeting of the board in each month a statement showing all expenditures made and obligations of indebtedness incurred for the preceding month and for the preceding portion of the fiscal year; the amount allotted by the budget for such month and the preceding portion of the fiscal year for the amount allotted by the budget for the remainder of the year, and the probable expenditures for the remainder of the fiscal year. If at any time during such year it appears that such district is incurring obligations at a rate or upon a scale which would make it impossible for such district to meet the valid obligations of indebtedness, or further obligations or expenditures shall be limited by the restrictions hereinafter referred to, until all of such indebtedness shall have been paid. (Act Apr. 24, 1935, c. 261, §14.)

2807-41. Contracts to be null and void in certain cases.—Each contract attempted to be entered into, or indebtedness or pecuniary liability attempted to be incurred, in violation of the provisions of this act, shall be null and void and of no force or effect, and thereby sought to be imposed upon the school district, and no claim therefor shall be allowed by the school board of said district; nor shall the clerk of such district or any other officer or employe issue or execute, nor shall the district treasurer pay, any warrant or order or certificate of indebtedness issued on account thereof. Each member of the school board and each other district officer or employe participating in or authorizing any violation of this act shall be individually liable to the district or to any other person for any damage that is caused thereby. Each member of the school board present at a meeting of the board when any action is taken or voted upon or any contract or agreement is made and obligations of indebtedness incurred for the purpose of paying such excess levies shall be deemed to have participated in and authorized the same, unless he shall have caused his dissent therefrom to be entered upon the minutes of the meeting. (Act Apr. 24, 1935, c. 261, §15.)

2807-82. Act remedial.—This act is remedial in its nature, intended to remedy the financial condition of school districts within the class stated, and to secure a sound fiscal policy therefor. In any district shall come within the provisions of this act, the act shall continue to govern the operations thereof, notwithstanding any subsequent change in population or valuation. (Act Apr. 24, 1935, c. 261, §16.)
2807-63. Provisions severable.—The provisions of this act are severable and the unconstitutionality of any portion hereof shall not affect the constitutionality of the remainder hereof. (Act Apr. 24, 1935, c. 261, §17.)

2807-64. Inconsistent acts repealed.—All acts and parts of acts inconsistent herewith are repealed or amended to the extent of such inconsistency. (Act Apr. 24, 1935, c. 261, §18.)

2807-71. Certificates of indebtedness anticipating tax collections; application of act.—This act shall apply to any Independent School District in any city of the first class, the territorial limits of which school district coincide with the territorial limits of the city, and the governing of which school district is not provided for in the charter of said city, the chairman and clerk of such school district may execute such facsimile signature, on account of said fund, on such certificates as they may deem necessary in anticipation of the collection of taxes levied for any fund named in the tax levy for the purpose of raising money for any such fund. Certificates of indebtedness issued and outstanding for any such separate fund shall not at any time exceed 75% of the amount of taxes levied for such fund remaining uncollected. No certificate shall be issued to become due and payable later than December 31st of the year succeeding the year in which said tax levy certified to the County Auditor. Instead may be made payable at such place as will best aid in their nearer purpose. They shall be numbered consecutively, be in denominations of $100 or any multiple thereof and shall be otherwise of such forms and terms and be made payable at such place as will best aid in their nearer purpose. The proceeds of the tax levied and collected as aforesaid on account of said fund and the full faith and credit of such school district and the Board of Education thereof, if a body corporate, shall be irrevocably pledged for the redemption of the certificates so issued. Such certificates shall be used, the total amount of certificates against such fund issued and outstanding and the whole amount embraced in said tax levy for that particular purpose remaining uncollected.

2807-72. Same; issuance and sale; amount; due date; price; interest; form; pledge of faith; payment; disposition of proceeds.—At any time after the annual date; price; interest; form; pledge of faith; payment; aforesaid was made. Said certificates shall not be sold to the County Auditor, the school board of such school district or it may limit the use of the same to the particular orders, warrants and checks of the school district, or it may limit the use of the same to the particular purposes described in such resolution. (Act Mar. 28, 1939, c. 96, §2.)

2807-73. Same; curative provision.—Any certificates of indebtedness anticipating tax collections, as aforesaid on account of said fund and the full faith and credit of such school district and the Board of Education thereof, if a body corporate, shall be irrevocably pledged for the redemption of the certificates so issued. Such certificates shall be used, the total amount of certificates against such fund issued and outstanding and the whole amount embraced in said tax levy for that particular purpose remaining uncollected.

2807-74. Signatures may be facsimiles in certain cases.—When so authorized by the governing body of any school district within territorial limits which coincide with the territorial lim-
A director of an independent school district who has taken an oath of office need not take a second oath when chosen as treasurer by the members of the school board. (254M439, 260NW523.)

Chairman of board who failed to qualify by taking oath did not have right to be secreted as chairman for 13 months. Op. Atty. Gen., Oct. 12, 1933.

The having knowledge of his election as clerk and demanding possession of records from incumbent who denied election, was not cause for removal unless qualified by this section, with result that special election was called in which another person received highest number of votes. Op. Atty. Gen., Aug. 12, 1932.

Acceptance of office need not be under oath, but oath of office need not be taken a second oath is vacant if an oath of office is not signed and duly acknowledged. Op. Atty. Gen. (768Q), Sept. 15, 1939.

2814. Quorum of school board. A majority of the School Board shall constitute a quorum, but no contract shall be made or authorized except at a meeting of the Board of which all members have had legal notice; provided, however, that where a husband and wife, brother and sister, or two brothers, and/or sisters, constitute a quorum, no contract employing a teacher shall be made or authorized except upon the unanimous vote of the School Board. (R. L. '05, §1315; G. S. '13, §2744; Apr. 13, 1933, c. 238.)


Where all members of common school district board were present at special meeting, employment of teacher was valid although notice of meeting was irregular and insufficient. Havlka v. C, 192M169, 255NW20.

Where three members of school board vote for employment of school teacher-was valid though notice of meeting was irregular and insufficient. Hlavka v. C.. 192M169, 255NW20.

Where all members of common school district board were present at special meeting, employment of teacher was valid though notice of meeting was irregular and insufficient. Havlka v. C, 192M169, 255NW20. See Dun. Dig. 8676, 8686.

Acceptor of office need not be under oath, but oath of office need not be taken a second oath is vacant if an oath of office is not signed and duly acknowledged. Op. Atty. Gen. (768Q), Sept. 15, 1939.

Where a husband and wife, brother and sister, or two brothers, and/or sisters, constitute a quorum, no contract employing a teacher shall be made or authorized except upon the unanimous vote of the School Board. (R. L. '05, §1315; G. S. '13, §2744; Apr. 13, 1933, c. 238.)


Where all members of common school district board were present at special meeting, employment of teacher was valid though notice of meeting was irregular and insufficient. Havlka v. C, 192M169, 255NW20.


Special meeting of school board having 6 members cannot be held where only three members are present, though others were notified. Op. Atty. Gen., Feb. 24, 1932.


Where two brothers serve on same board of a common district, a teacher may be legally elected at a properly called meeting of the board attended by one of the brothers and a third member of the board. Op. Atty. Gen. (172c-2), June 8, 1934.


Board may recognize examination of teachers and pupils where teacher is afflicted with a communicable disease in order to prevent charges thereafter, but need not pay expenses unless examination was authorized at meeting of board. Op. Atty. Gen., (159b-7), Aug. 23, 1937.

Board may hire telephone operator to punch in identifying numbers when teacher is called on phone but was out of town and had no way of knowing it. Op. Atty. Gen., Dec. 23, 1931.

A school board has no power to employ a superintendent of schools whose term is to extend beyond the year for which the members of the board are elected. Op. Atty. Gen., July 2, 1930.

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A school district may employ dentist to make examinations of pupils who are suffering from toothache. These examinations need not be made at the school building, but may be held at the building or elsewhere. Op. Atty. Gen. (159b-7), Aug. 8, 1934.


School district may not pay salaries of teachers unless they are under contract, but has right to use teachers not under contract who are paid by the federal government. Op. Atty. Gen. (172c), Oct. 8, 1934.


Electors of a school district have no power to fix length of school term, and length of term depends on contract entered into by teacher and school board, regardless of age of pupil. Op. Atty. Gen., Mar. 24, 1933.

School board has authority to lease vacant school building to private or civic organizations for recreational purposes and to charge therefor and obtain income from such use. Op. Atty. Gen. (70b-7), Mar. 29, 1933.


School district may contract with village for water supply, contract to be made by each board, but to run for not more than one year. Op. Atty. Gen. (70b-10), Mar. 29, 1933.

It may reimburse employee for loss sustained in course of employment, as where judgment is recovered against him for injuries to a third person. Op. Atty. Gen., (172c-2), April 30, 1937.


Minneapolis Board of Education has no legal right to delegate its discretionary power to an arbitration committee in a labor dispute, but may appoint a committee to confer with a labor union to make proposals of adjustment. Op. Atty. Gen. (729b-9), March 23, 1939.


Minneapolis school district may properly pay for park- ing at city hall to be used by board members and employees in performance of their duties. Op. Atty. Gen. (161a-12), June 26, 1939.

District may pay expenses of members in attending National Education Association Meeting in another state if the purpose is both public and educational. Op. Atty. Gen. (141a-12), June 26, 1939.

School board has authority to lease school site to a building corporation for not more than one year to construct a school building and sell the same to the highest bidder without a vote of the electors of the district. Op. Atty. Gen., Oct. 2, 1937.

School board has authority to rent school house site which is no longer used for school purposes, without authorization of voters, but has no authority to sell without authorization of voters. Op. Atty. Gen., May 9, 1939.


School district has authority to retain attorney on month to month basis. Op. Atty. Gen. (172c), March 26, 1937.

School board has authority to increase salary of teacher who resigns before middle of school term, but cannot deduct bond to be forfeited as liquidated damages if teacher resigns before middle of school term. Op. Atty. Gen. (172c-2), April 30, 1937.


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A school board by a majority vote may acquire addition to existing school site when authorized by electors, but in a village site is unnecessary if entire site would not constitute one block. Op. Atty. Gen. (346-8), Mar. 22, 1937.


The board may forbid student from using automobile during noon hours if use interferes with conduct of school. Id.

Surplus derived from taxes levied for general school purposes may be used for paying part of cost of constructing new school building where bond issue voted for that purpose may be used for paying part of cost of constructing a new plant where an emergency exists. Op. Atty. Gen. (159b-4), Jan. 20, 1939.

A consolidated school district owning four acres of land cannot purchase an additional five acres for playground unless such lot is also acquired in the present building. Op. Atty. Gen. (40c-2), April 3, 1939.


A school board may not use insurance proceeds for rebuilding, unless board has cause for discharging teacher. Kdie v. S., 183M522, 237NW177.

Evidence of teacher's inability to maintain discipline or enforce school regulations held to sustain finding that board had cause for discharging teacher. Edle v. S., 183M522, 237NW177.


A school board may not elect a teacher for cause in controlling upon court in an action for breach of contract, unless board acted in bad faith or arbitrarily or capriciously upon facts before it or improperly within its knowledge, and burden of proof was upon plaintiff. Anderson v. C., 196M256, 264NW784. See Dun. Dig. 8606.


A qualified teacher employed subject to rules of board may discharge a teacher for cause. Kdie v. S., 183M522, 237NW177.

A school board may not use insurance proceeds for use only in constructing a new plant if one lot is primarily fact to be determined by board of education. Op. Atty. Gen. (G22J-19), April 31, 1939.


(2) If school board had authority to hire men to do work about buildings, expenditures were legal, though work was contracted by board to afford relief to worker. Op. Atty. Gen., June 26, 1933.


School district may purchase stock in cooperative electric association if necessary, or may contract with the owner for purchase of electricity. Op. Atty. Gen. (159a-13), June 14, 1933.

School district may not pay for medical services for injuries incurred in physical education classes, on playgrounds, or in science laboratory. Op. Atty. Gen. (144f-3), March 27, 1939.


Amended. Laws 1932, c. 105.

School board may not appropriate in a lump sum $20 to each member to reimburse him for gasoline and other expenses incurred in using his automobile to attend regular and special meetings of board, during year, and statute in any event limits expense money to one trip. Op. Atty. Gen. (18b-6), June 26, 1939.


School board has no right to pay expense of athletic contests incident to training of high school teams. Op. Atty. Gen. (159a), Nov. 21, 1933.


School district may pay part of office rent, etc., in connection with reemployment office where district receives direct benefit from additional services rendered. Op. Atty. Gen. (159b-10), Apr. 20, 1934.


School authorities may offer musical instruction, and defray expense thereof out of current expense fund, but they may not purchase uniforms for school bands out of tax money, but such uniform may be purchased out of revenue fund. Op. Atty. Gen. (180-1), July 19, 1939.

School board may not require pupils to have kindergarten training before they may enter first grade. Op. Atty. Gen. (159b), Nov. 21, 1933.

Board of education of city of Duluth is not a department of city, and it is not part of official duties of city attorney to act for city, and board has power to retain an attorney who may make investigations for basis, and also has power to authorize employees to act for city. Opinion of the Attorney General to Lindquist v. A., 196M120, 265NW54. See Dun. Dig. 8675.

School district may employ attorney to defend superintendent of school in action for injuries growing out of collision on street, with motor vehicle, and statute in any event limits expense money to one trip. Op. Atty. Gen. (18b-6), June 26, 1939.


Board has authority to make repairs on a vacant school building to be used as a auditorium, and an automobile, Op. Atty. Gen., Mar. 24, 1934.


2816. Further powers and duties of school board.

1. Provided for the free transportation of pupils to school from school sections in other districts for graduation, departments not maintained in the district, including high school, at the expense of the district, provided funds for such purpose are available and if agreeable to district to which it is proposed to transport pupils for the purpose or such part of the school year as they may deem expedient, and subject to such rules and regulations as they may adopt; and they shall require from every person employed for that purpose, a reasonable bond for the faithful discharge of his duties, as prescribed by the board. No school board shall enter into any agreement for the transportation of pupils unless the vehicle or vehicles used for such purpose shall have an emergency exit which exit shall be in the rear portion of the bus but not on any ledge or step, and the same shall be in usable condition at all times, provided, however, that this act shall not apply to vehicles with seating capacity of seven passengers or less. (As amended Feb. 8, 1929, c. 12; Apr. 6, 1937, c. 42.)

Sec. 2 of Act Apr. 6, 1937, cited, provides, that the Act shall take effect from Sept. 1, 1937.

School board has authority to enter into an agreement to transport its high school students to the benefit of private parties. Op. Atty. Gen., Feb. 14, 1929.

2. Person who owns an undivided interest in a quarter section of land in a district of which he is not a resident is entitled to school privileges and need not pay tuition fee if his interest is equivalent to eighty acres. Op. Atty. Gen., Sept. 16, 1931.

3. School board did not have authority to purchase a mortgage, and the court of appeals decided so on Dec. 25, 1931.


Owner of more than 20 acres of land receives all benefits accorded to a nonresident of the district but owner of less than 20 acres gets only right to have amount of school taxes paid by him applied to pay tuition fees. Op. Atty. Gen. (164a-3), August 25, 1939.

Privilege of free tuition to children of owner of 30 acres more in part of requirements of school program. Each student with other children is from a district which discontinues its free school service is entitled to school privileges and need not pay tuition fee. Op. Atty. Gen. (159a-3), Dec. 15, 1934.


An independent school district has right to rent to township, village or other municipal body a school house, though owner of less than 80 acres gets only right to have amount of school taxes paid by him applied to pay tuition fees. Op. Atty. Gen. (164a-3), August 25, 1939.

School board has no authority to enter into an agreement to make repairs on a vacant building for a long term, or issue bonds therefor, though the auditorium is built for purpose of obtaining federal funds. Section 17, Ch. 167, §1. (As amended Feb. 8, 1929, c. 12; Apr. 6, 1937, c. 42.)

Board of education of city of Duluth is not a department of city, and it is no part of official duties of city attorney to act for city, and board has power to retain an attorney who may make investigations for basis, and also has power to authorize employees to act for city. Opinion of the Attorney General to Lindquist v. A., 196M120, 265NW54. See Dun. Dig. 8675.
Common school district discontinuing high school could use any money on hand to pay for transportation of pupils to adjoining city without calling a special meeting to vote the money. Op. Atty. Gen., Aug. 19, 1900.


Payment of school district may be transported to school in another district irrespective of parent to maintain the school. Op. Atty. Gen., Sept. 1, 1934.


Drug or loss of a bus may secure liability insurance at his own expense for his own protection, but this does not confer liability on district. Op. Atty. Gen. (344-2), Apr. 10, 1937.

Where consolidated district discontinues high school, it must transport pupils to neighboring district, but this district which does not have a high school may, but need not transport pupils. Op. Atty. Gen. (169a-16), Oct. 1, 1937.


Residents of Camp Ripley may vote at town and school election on a property living there to be transported the same treatment as other pupils with respect to transportation. Op. Atty. Gen. (169k), April 28, 1939.


District which has closed school may sell school bus if price is reasonable, and sale is made in good faith, through sale of school district, same shall be disposed of and sold to districts maintained by itself. Op. Atty. Gen. (161b-13), Sept. 15, 1937.


School board may not provide transportation by roundabout road due to impassable condition of township road and then legally collect from township, proper remedy being to file a complaint with county board under §2601. Op. Atty. Gen. (3770-10(h)), Oct. 27, 1938.


Board of a common school district may pay transportation and tuition of kindergarten pupils over five years of age residing in independent school within home where kindergarten is maintained for them in their own district. Op. Atty. Gen. (3770-16), June 25, 1938.


2816-2. School houses or buildings used for election purposes.

An independent school district has right to rent to township, village or other municipal body a school house, school building or part thereof to be used as a polling place. Op. Atty. Gen. (188a-4), Apr. 8, 1944.

2816-4. School boards may contract for heat in certain cases.—That the governing board of any school district having one or more buildings within a city or village maintaining a municipal central heating plant may contract with such city or village or the water, light, power, and building commission of said city or village or the board having the control of said central heating plant for the furnishing of heat for said school or any such term or terms as the district may determine for the best interest of the district, not, however, exceeding ten years. (Act Apr. 9, 1931, c. 134, §1; Jan. 15, 1936, Ex. Ses., c. 31, §1.)

2816-5. May pay cost of connections.—Where in connection with such city or village the said district is authorized to advance to such city or village or commission or board or any part of the cost thereof, upon such terms and conditions as shall be agreed upon. (Act Apr. 9, 1931, c. 134, §2; Jan. 15, 1936, Ex. Ses., c. 31, §2.)

See note under §2816-4.

2816-5a. Certain school districts to employ public accountants.—The school board of any independent school district having a population of more than 2,500 and having an assessed valuation of taxable property, exclusive of moneys and credits, of more than $4,000,000.00, may employ public accountants on a monthly basis or on a yearly basis for the purpose of auditing examining and reporting upon the books and records of such school district. (Apr. 14, 1937, c. 216, §1.)

2816-6. Who are public accountants.—For the purpose of this act public accountants are herein defined as any individual or individuals, who for a period of five years prior to the date of such employment have been actively engaged exclusively in the practice of public accounting. (Apr. 14, 1937, c. 216, §2.)

2816-7. Limit of expenditures.—All expenditures for the purposes herein set forth shall be within the statutory limits upon levies in such school districts. (Apr. 14, 1937, c. 216, §3.)

2816-8. School boards may provide liability insurance.—The school board of any school district of this state, however organized, is hereby authorized and empowered to provide for the protection of children, to persons engaged in the transportation of pupils of district. Op. Atty. Gen. (159b-4), Sept. 24, 1937.

Provided, however, any insurance contract covering such risk shall contain as a condition precedent, and having an assessed valuation of taxable property, exclusive of moneys and credits, of more than $4,000,000, may employ public accountants on a monthly basis or on a yearly basis for the purpose of auditing examining and reporting upon the books and records of such school district. (Apr. 14, 1937, c. 216, §1.)

School funds may not be expended for insurance against damage or injury to pedestrians or persons not transported or against damage to property. Op. Atty. Gen. (159b-4), Sept. 24, 1937.

Insurance procured by school district may cover not only the liability of the children as it is maintained for them in their own district, being transported for all school purposes or activities in district owned, operated, leased or controlled motor vehicles, against injuries or damages arising out of the operation thereof. If said board deems it advisable, insurance may be procured, and paid for from any funds available.

Insurance contract covering such risk shall contain as a condition precedent, and having an assessed valuation of taxable property, exclusive of moneys and credits, of more than $4,000,000, may employ public accountants on a monthly basis or on a yearly basis for the purpose of auditing examining and reporting upon the books and records of such school district. (Apr. 14, 1937, c. 216, §1.)

2816-9. Same—payment of premiums not to make district liable.—The payment of any insurance premium on such school district shall not thereby make the school district liable for any injuries or damages incurred by such transportation, and all payments made pursuant to this act are hereby legalized. (Apr. 19, 1937, c. 301, §2.)

Sec. 3 of Act Apr. 15, 1937, repeals inconsistent acts. Sec. 4 provides that the act shall take effect from its passage.

2816-10. School boards may contract with highway department for removal of snow.—The school boards may contract with highway department for the removal of snow from the roads used for regular bus routes transporting school pupils to and from school either within or without the district. (Apr. 22, 1937, c. 375, §1.)

2817. Extension of powers of school boards.

This section does not authorize suit against the school district to recover damages for personal injury caused by the negligence of its officers or its agents in the performance of its governmental functions. 175M446, 225NW232.

School district without athletic field cannot appropriate property to a city or village for use as a public park or public ground.
It is not legal to purchase through a special athletic field or a building for physical education purposes or the erection of buildings for such purposes or the purchase of existing buildings suitable therefor, the board shall call such election in accordance with General Statutes 1923, Section 2794. In the event that such proposition is carried at such election by a majority of those voting thereon, and the bond issued thereon are sufficiently broad to include land acquired for a recreation field, the school board shall proceed to acquire such site or buildings or to acquire such site and erect such buildings thereon, and make the necessary tax levies therefor within the limits now provided by law. In the event that the school board may acquire all of the necessary property to construct a recreation field and transports part of its students to a public school. (Act Apr. 20, 1931, c. 247.)

### §2822-3 Transportation of pupils to junior college.


The transportation and board of crippled children.—The State Board of Education, at its discretion and under such rules as it may adopt, may assist school districts, or the County Board of Education for unorganized territory in any county, in providing for the transportation or board of such crippled children of school age as are unable to walk to school with the exercise of normal effort but are able to carry the regular course of study. To this end the State Board may grant to such school districts an amount not to exceed $150.00 for any one child annually for each child transported or boarded: Provided, That the state board may grant such aid to the district of residence when a crippled child is transported or boarded, at a special cost, and that the total expenditure in this manner shall not exceed the sum of $40,000.00 for any one year. (Act Apr. 21, 1931, c. 280, §1; Apr. 29, 1935, c. 328.)
The child or children of any person in this state school board of the child's resident district is not sat- such reasonable terms as shall he fixed by the school es are concerned. Op. Atty. Gen. (840a-4), Jan. 15, 1936. reside, are hereby authorized to attend school at a miles by the nearest traveled road from the school- where such schoolhouse is situated. Provided, that same in other respects as if resident in the district terms fixed by such Commissioner of Education, the upon such child or children may attend such school in such adjoining district, and shall apply to the Commission- Education and shall give such notice of such application er for that purpose, the Commissioner of to the clerk of the school board of such adjoining dis- paid to each owner of real estate in such district and which district has un- amount to be so distributed. It shall be the duty of school board in this state, wherein the schools of school board of any common districts.—The school board of any common school district in this state, wherein the schools of such district have not been maintained. for a period of whether facts constitute cause for removal. Op. Atty. of not less than five years and which district has un- students. (Act Apr. 22, 1939, c. 437, §8.) 

The child or children of any person in this state school board of the child's resident district is not sat- such reasonable terms as shall he fixed by the school es are concerned. Op. Atty. Gen. (840a-4), Jan. 15, 1936. reside, are hereby authorized to attend school at a miles by the nearest traveled road from the school- where such schoolhouse is situated. Provided, that same in other respects as if resident in the district terms fixed by such Commissioner of Education, the upon such child or children may attend such school in such adjoining district, and shall apply to the Commission- Education and shall give such notice of such application er for that purpose, the Commissioner of to the clerk of the school board of such adjoining dis- paid to each owner of real estate in such district and which district has un- amount to be so distributed. It shall be the duty of school board of any common districts.—The school board of any common school district in this state, wherein the schools of such district have not been maintained. for a period of whether facts constitute cause for removal. Op. Atty. of not less than five years and which district has un- students. (Act Apr. 22, 1939, c. 437, §8.)
2826. Special duties of boards in independent districts.

Common school district with more than 10 townships is not limited to 30 mills levy for school maintenance, but is limited to 8 mills rate for building and equipment. Op. Atty. Gen. (519m), Oct. 19, 1936.

Section 3914-6 does not apply to capital outlay, and districts are allowed to incur an additional tax on agricultural land and district for purpose of obtaining funds to pay for capital outlay, and it may do so without first securing consent of voters in district. Op. Atty. Gen. (519m), Nov. 29, 1937.

2832. Duties of clerk.—The clerk shall keep in books provided for that purpose a record of all meetings of the district and the board. He shall, within three days after the meeting, notify all persons having an additional tax on agricultural land and district for purpose of obtaining funds to pay for capital outlay, and it may do so without first securing consent of voters in district. Op. Atty. Gen. (519m), Nov. 29, 1937.

2833. Duties of treasurer of school districts.—The treasurer shall keep a record of all receipts and disbursements in detail, and shall keep an itemized account of all the expenses appearing in the registers, and of the proceedings of any meeting as furnished him by the clerk pro tem., and shall keep an itemised account of all the expenses of the district. The registers of such meetings shall be reported to the county superintendent the time of commencement of each term at least two weeks in advance. He shall furnish to the county auditor or auditors of the proper county or counties, on or before October 10 of each year, an attested copy of his annual report showing the amount of money voted by the board during the school year, but not paid for want of funds, and the bank sale and purchase of the same. The report may be required by the board. Such report, when complete, shall be laid before the annual meeting, to be in like manner approved. He shall make such further and other reports as may be from time to time required by the board, and shall perform all duties usually incumbent on such officer. Every order drawn for the payment of teachers' wages, and for any other lawful purpose, after having been presented to the treasurer for payment, and not paid for want of funds, shall be endorsed by the treasurer by putting on the back thereof the words, "Not paid for want of funds," giving the date of indorsement and signed by the treasurer. A record of such presentment, non-payment, and indorsement, shall be made by the treasurer. Every such order drawn for the payment of teachers' wages, and for any other lawful purpose, after having been presented to the treasurer for payment, and not paid for want of funds, shall be endorsed by the treasurer by putting on the back thereof the words, "Not paid for want of funds," giving the date of indorsement and signed by the treasurer. 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Every such order drawn for the payment of teachers' wages, and for any other lawful purpose, after having been presented to the treasurer for payment, and not paid for want of funds, shall be endorsed by the treasurer by putting on the back thereof the words, "Not paid for want of funds," giving the date of indorsement and signed by the treasurer. A record of such presentment, non-payment, and indorsement, shall be made by the treasurer. Every such order drawn for the payment of teachers' wages, and for any other lawful purpose, after having been presented to the treasurer for payment, and not paid for want of funds, shall be endorsed by the treasurer by putting on the back thereof the words, "Not paid for want of funds," giving the date of indorsement and signed by the treasurer. A record of such presentment, non-payment, and indorsement, shall be made by the treasurer. 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2836. Depository of funds in common and independent school districts.—The governing board, by the devisee name only, of the independent and special school districts in this state may in their discretion, select and designate as a depository or depositories for school district moneys, any national or state bank, or banks, for a period not exceeding three years on the expiration of whose term or banks of a sufficient bond to the school district in double the sum deposited, except in cases where the bond furnished is that of a surety company authorized to do business in the state of Minnesota, and in such cases the amount of bond shall be equal to the estimated sum to be deposited in the bank or banks designated depository for school district moneys, and thereafter the school district treasurer shall deposit such school district moneys therein as shall be required from time to time to deposit by such district governing board.

§ 2837. Sureties on depository bond held not entitled to consider school treasurer as agent for school district in making assurances as to liability of the sureties. School Dist No. 75 v. F., 182 Minn. 381, 234 N.W. 594. School board were liable notwithstanding school district, without authority, made time deposits and took certificates of deposit. School Dist No. 75 v. F., 182 Minn. 381, 234 N.W. 594. Parol evidence was inadmissible to vary terms of such bond. 181 Minn. 537, 233 N.W. 596. See Dun. Dig. 2937.

§ 2838. Sureties on depository bond held not entitled to consider school treasurer as agent for school district in making assurances as to liability of the sureties. School Dist No. 75 v. F., 182 Minn. 381, 234 N.W. 594. Parol evidence was inadmissible to vary terms of such bond. 181 Minn. 537, 233 N.W. 596. See Dun. Dig. 2937.
checks signed in treasurer's name individually for purposes of school district disbursements, discharge of any surfeit of treasurer which paid school district amount of misappropriation can recover amount from bank. Watson, 172 NW 946. See also Dun., Dig. 748, n. 44.


Bank designated as a depository for an amount in excess of $3,000 must furnish a bond for the full amount for which such bank is designated as depository. Op. Atty. Gen., Nov. 7, 1932.

A special high school fund containing monies belonging to high school activities under jurisdiction of board of education are not secured by collateral securities given to the school district and are not held in trust for school district money. Op. Atty. Gen., Apr. 19, 1933.

Collateral placed to secure deposits of school district in national bank is not security for an account entitled "School district money." Where such funds and other activities is deposited. Op. Atty. Gen., Apr. 19, 1933.


In absence of designation of depository, school board cannot control keeping of school funds. Id.

Amount allowed by statutes to be deposited by school treasurer without bond is not to be added to amount of bond protected by federal deposit insurance. Op. Atty. Gen., Mar. 26, 1934.


The collateral placed to secure deposits of school district in national bank is not security for an account entitled "School district money." Where such funds and other activities is deposited. Op. Atty. Gen., Apr. 19, 1933.


In absence of designation of depository, school board cannot control keeping of school funds. Id.

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The collateral placed to secure deposits of school district in national bank is not security for an account entitled "School district money." Where such funds and other activities is deposited. Op. Atty. Gen., Apr. 19, 1933.
state, having both a population of not less than 1,400
inhabitants and an assessed valuation of not less than
$5,000,000, the salary of the chairman shall be
$700, another for the clerk and the salary of the clerk
and treasurer at $35.00 per month each. (Act Apr. 9,
1931, c. 122, §1.)

2843-2. Board shall report population.—The popu-
lation reported to the county auditor by the board
of such Common School District and accepted by him
shall be the population herein referred to, and the
valuation shall be that fixed by the previous year's
assessment. (Act Apr. 9, 1931, c. 122, §2.)

2843-3. Inconsistent acts repealed.—All acts and
parts inconsistent with the provisions hereof are
hereby repealed. (Act Apr. 9, 1931, c. 122, §3.)

2844. Compensation of officers of independent
districts.—The clerk, or secretary, treasurer and
superintendent of Independent districts shall receive
such compensation as may be fixed by the board
and shall receive pay as such, except as provided in this
chapter. (R. L. '05, §1334; G. S. '13, §2771; Apr.
11, 1925, c. 151.)

1. City of South St. Paul is entitled to compensa-
tion for services rendered as clerk of board of educa-

2. In Independent school districts not entitled to
mileage incurred while making bank deposits though
travels in the district and it is necessary that the
journey outside of the district to a bank design-
ated by the board be done as a matter of necessity.

3. Treasurer of school district is not entitled to

4. Retiring clerk is entitled to pro rata share of year's
tinent in the expenditure of money pursuant to such con-
tact, by agreement entered into by the superintendent and
treasurer, is not a bar to a suit by one of the contracting
parties to recover for the reasonable value of the bene-
tits received by the district. 175M201, 220NW606.

5. A member of a school board who votes to make a con-
tact is legally liable to the district for the resulting
loss, which is determined by deducting the reasonable
value of the item omitted from the contract. Attorney
General, Appeals, Ch. 14—Education

§2846

contracts in districts.

Laws 1913, c. 244, relating to advertisement for bids
before letting contracts, does not apply to the school
district in Mankato established by Special Laws 1878, c.
156, 175M30, 220NW164.

1. Judgment against district, restraining performance of
a contract, illegal for want of previous authorization by
the voters, is not a bar to a suit by one of the contract-
ors to recover the reasonable value of the board-
fits received by the district. 175M201, 220NW605.

2. A member of a school board who votes to make a con-
May 5, 1937.

3. School board has authority to adjust and settle an
anticipated breach of a building contract if settlement is
fair, reasonable, in good faith, and school district will
Apr. 12, 1934.

4. Clerk of school district may be employed to do legal
(162c), Dec. 6, 1938.

5. School board has authority to adjust and settle an
anticipated breach of a building contract if settlement is
fair, reasonable, in good faith, and school district will

6. School district may employ accountant to audit books

7. School district shall not be charged with parts from
original dealers at cost in excess of $500 without calling

8. It is not legal to install new light fixtures in one buil-
ding and old with new coating in excess of $500
without calling for bids. Id.

9. Where bids were received In the alternative and only
one bid was accepted, the contract, is legal, and is to
be performed as tendered. For bids before placing fire
1938.

10. Superintendent of construction is personal repre-
sentative of school district and not within statute. Krohn-
berg v. P., 187M73, 244NW329.

11. Superintendent in charge of building may, for bids
1938.

12. School district may employ accountant to audit books

13. Clerk of school district may be employed to do legal
(162c), Dec. 6, 1938.

14. Where bids were received In the alternative and only
one bid was accepted, the contract, is legal, and is to
be performed as tendered. For bids before placing fire
1938.

15. Superintendent of construction is personal repre-
sentative of school district and not within statute. Krohn-
berg v. P., 187M73, 244NW329.

16. Superintendent in charge of building may, for bids
1938.

17. School district may employ accountant to audit books

18. Clerk of school district may be employed to do legal
(162c), Dec. 6, 1938.

19. Where bids were received In the alternative and only
one bid was accepted, the contract, is legal, and is to
be performed as tendered. For bids before placing fire
1938.

20. Superintendent of construction is personal repre-
sentative of school district and not within statute. Krohn-
berg v. P., 187M73, 244NW329.

21. Superintendent in charge of building may, for bids
1938.

22. School district may employ accountant to audit books

23. Clerk of school district may be employed to do legal
(162c), Dec. 6, 1938.
Publication calling for bids must be in same paper for two weekly publications, and must allow a full week after last publication before time for accepting bids. Op. Atty. Gen. (707a-9), July 17, 1939.
It was unnecessary to advertise for bids on a wood contract involving $150, or upon a bus contract. Op. Atty. Gen. (166a-2(d)), August 21, 1939.

2847. How let, etc.
Aside from its effect as practical construction where a statute is involved and whatever protection it may afford a school officer or teacher, the effect of an opinion of attorney general on school district matters does not have effect of law. Lindquist v. A., 19CM233, 265W5. See also Op. Atty. Gen. (707a-12), June 19, 1939.

2848. Opinion of attorney general.
Opinion of attorney general on school district matters does not have effect of law. Section 1 may be made before any officer authorized by law to audit and allow the same until it is reduced to writing, in items, and verified by the person claiming the same, or his agent, to the effect that such account, claim, or demand is just and true; that the money therein charged was actually paid for the purposes therein stated; that the property therein charged was actually delivered or used for the purposes therein stated, and was of the value therein charged, and that the services therein charged were actually rendered, and whether the same were of the value therein charged, or, if official, for which fees are prescribed by law, then that the fees charged therefor are such as are allowed by law; and in all cases that no part of the account, claim, or demand has been paid. But the provisions of this section shall not apply to any claim or demand for salaries of school teachers, or employees or payments due bus drivers on contracts.

2849-3. Verification.—The verification required by section 3 shall be made before any officer authorized by law to administer oaths, or before any member of the board to which the account, claim, or demand shall be presented for audit, who may administer the proper oath in such cases. In any case such account, claim, or demand shall be made or presented by an attorney, or if the estate of a deceased person, he shall not be required to verify the same, but may prove it otherwise to the satisfaction of the board. (Act Apr. 24, 1935, c. 263, §2.)

2849-4. School boards may become members of County School Officer's Association.—The school board of any school district of this state may become a member of the County School Officer's Association of said county and shall appoint one or all of its members to attend the annual meeting thereof. (Mar. 22, 1937, c. 80, §1.)

2850. County board of education for unorganized territory created.

2855. Duties of clerk.
County board of education for unorganized territory is required to print financial statement by 52855, but is not controlled by any provision as to independent school districts, and is limited to the same extent as under 11002-3, which would be 96 cents per-folio. Op. Atty. Gen. (706a-7), June 14, 1939.

2858. Powers and duties.
County board has power to sue and cannot maintain action against members of the board to recover the excess of compensation paid to themselves and if the board refuses to sue action may be maintained by a taxpayer. Op. Atty. Gen. Apr. 5, 1936.

2862. Officers— Clerical help.


2875. Compensation of officers of school boards.
Since laws 1933, c. 150, sections 1 and 2, provide that in counties having 76 to 80 congressional townships and assessed valuation of $5,000,000 to $5,500,000, the treasurer of an unorganized school district shall receive $100 per annum, and clerk of such district $100 per annum, and not over $600 per annum for clerk hire, all fees and remuneration for the district treasury. "Schools" means schools where instruction is given, and not buildings kept for possible future use. County Board of Education v. F., 186M554. 244W56.

2888. Powers and duties.

2895. Unorganized territory.
County board of education for unorganized territory is required to print financial statement by 52855, but is not controlled by any provision as to independent school districts, and is limited to the same extent as under 11002-3, which would be 96 cents per-folio. Op. Atty. Gen. (706a-7), June 14, 1939.

County board may collect back salary as clerk of unorganized territory in amount of one per cent of all moneys expended by county board of education of such territory, and only limitations would be general statute of limitations on civil claims, which would bar any action on any claim over six years old. Op. Atty. Gen. (706a-7), June 14, 1939.
2863. Dissolution of common or independent districts—Petition or resolution—Effect.


In any event, when a district is dissolved, it becomes unorganized territory, and need not be consolidated with an existing district immediately upon its dissolution. Op. Atty. Gen. (166-7), Aug. 4, 1938.

2863a. Old districts dissolved—Disposition of property.

Money belonging to dissolved district at time of its dissolution, not to be used for purpose of paying debts of dissolved district insofar as possible. Op. Atty. Gen., Feb. 8, 1934.


2866-1/2. Application.—This act shall not apply to or authorize the payment of any claim or claims that may be involved in any action now pending in any court of this state. (Act Feb. 15, 1933, c. 29, §1.)

Sec. 3 provides that the act shall take effect on its passage.


2867-1. Repeal—popular vote—federal aid projects.—All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed in so far, and only in so far, as necessary to give effect to the provisions of this Act: provided, that hereafter such bonded indebtedness shall be construed to permit the issuance and sale of bonds for any purpose whatsoever without a prior exceedings twenty years, as the board may determine, with interest thereon not to exceed six percent (6%) per annum, which bonds shall be sold under such terms and conditions as shall be prescribed by the clerk thereof; provided that the total bond- indebtedness of such unorganized territory shall at no time exceed seven and one-half percent (7 1/2%) of its assessed valuation. Any city or school district within the limits of said territory may purchase the same, subject to the provisions of this section.
vote of the electors except upon the projects for which application has been made in writing to the Public Works Administration on or before the agency of the United States Government, and which application shall have been filed with such agency on or before January 1, 1934. (Act Apr. 21, 1933, c. 431, §2; June 5, 1934, Ex. Sess. c. 45, §2.)

County board v. E., 193M252, 259NW25; note under §2867.

This section is constitutional. Op. Atty. Gen. (86a-8), June 18, 1937.

2870-2. County Board of Education may issue refunding bonds in certain cases.—That the county board of education for unorganized territory, by unanimous vote of the members thereof, may issue bonds for the purpose of refunding any bonds issued by an organized school district which has been dissolved and its territory reverted to unorganized territory, which said refunding bonds shall be chargeable against the territory that was chargeable with the payment of the bonds so refunded. The power to refund such bonds shall remain in said unorganized territory notwithstanding said dissolved territory or a part thereof shall have again become organized territory. Such refunding bonds shall not run for a period shorter than five years nor longer than twenty years. The refunding bond shall be due five years more than six years from the date of its issuance and shall be for not less than one-fifteenth of the total bond issue in question or not more than one-fifth thereof, and each subsequent bond shall be for a like amount and shall be payable one year from the maturity date of the bond to be paid the preceding year. The county auditor shall extend a tax against all the taxable property within the territory chargeable in the first instance with the payment of the bonds so refunded sufficient to pay the interest on said refunding bonds and any installment of principal that may be due in the following year. Such tax for the first year shall be fifty per cent in excess of the amount to be due the succeeding year, and thereafter each yearly levy shall be in such amount in excess, not exceeding fifty per cent, of the amount to be due the succeeding year, as the auditor may deem necessary. The county treasurer, upon the collection of such tax, shall apply the proceeds thereof to the payment of the bonds so refunded and any installment of principal, and shall file with the county auditor receipts therefore, together with the cancelled bonds so taken up. The state board of investment may invest the funds under its control in any security so issued under the provisions of this Act. (Act Apr. 9, 1931, c. 140; Mar. 16, 1635, c. 80; Apr. 23, 1937, c. 374, §1.)

Sec. 2 of Act Apr. 23, 1937, cited, provides that the Act shall have force from its passage. (Act Apr. 23, 1937, c. 450, provides that in counties having 200 to 202 townships, and in which the federal government has purchased 50% or more of the school lands in an unorganized school district, the bonded debt shall be charged to the entire unorganized district.

CONDUCT OF SCHOOLS

2871. General control of schools.

City charter provisions must be in harmony with legislative policy of State. State v. Erickson, 196M216, 251NW19; See Dun. Disc. 653.

Teacher of common school district who gives entertainment to pupils is not subject to the provisions of the city charter unless he is a member of the school board. Op. Atty. Gen. Jan. 4, 1933.

2888-1. Leif Erickson day.—The ninth day of October is hereby designated as Leif Erickson Day and when it does not fall upon a school day the school day nearest such date is designated as Columbus Day. On such day one half hour may be devoted in the schools to instruction and appropriate exercises relative to and in commemoration of the life and history of Leif Erickson and the principles and ideals he fostered. (Act Apr. 8, 1931, c. 120.)

2888-2. Columbus Day established.—The twelfth day of October is hereby designated as Columbus Day and when it does not fall upon a school day the school
certificates of indebtedness of such school district itself. The treasurer of such school district shall be required to give bond to the school district conditioned to repay all sums deposited in such school bank, said bond to be in such amount as the Board of Education may require, and the Board is authorized to pay the premium of such bond. (Apr. 8, 1937, c. 179, §2.)

2885-10. Same—act effective regardless of change in population or valuation.—This act shall be in force and effect from and after the date of its passage and when once a district comes within the terms of such act it shall continue to be under the terms thereof regardless of any change in population or valuation. (Apr. 8, 1937, c. 179, §3.)

TEACHERS—EXAMINATIONS AND CERTIFICATES

2900. (Repealed).

2900-1. Definitions.—"Teachers," within the meaning of this act, shall mean and include any and all persons employed in a public school to give instruction or to supervise teaching. (Act Apr. 26, 1929, c. 388, §1.)

2900-2. Qualifications of a teacher.—A qualified teacher is one holding a certificate from the State Board of Education, as hereinafter provided, to perform the particular service for which he is employed in a public school. Contracts for teaching or supervision of teaching can be made only with qualified teachers. (Act Apr. 26, 1929, c. 388, §2.)

2900-3. Only State Board of Education to issue certificates.—The authority to certificate teachers shall be vested solely in the State Board of Education, and such certificates shall be issued to such persons as the Board of Education may, from time to time, require in any elementary school, and may be issued to any person who holds a diploma of a Minnesota State Teachers College, or the College of Education of the University of Minnesota, showing that such holder has completed its standard course in the special subject or subjects as to which he applies for a certificate to teach, and may also be issued to any person who has completed a one year course of professional training approved by and in an institution designated by the State Board of Education to give such training.

2900-4. Classification of teacher's certificates.—There shall be three classes of teacher's certificates:

1. Elementary School Certificate.
2. High School Certificate.

2900-5. Elementary School Certificate.—The Elementary School Certificate shall indicate the division or grades of the elementary field for which the holder has been trained. For the purpose of this act, "elementary field" shall include the first eight grades. There shall be four kinds of Elementary School Certificates:

Elementary School Advanced Certificate
Elementary School Standard Certificate
Elementary School Limited Certificate
Elementary School Special Certificate

(a) The Elementary School Advanced Certificate shall qualify any holder thereof to teach in any elementary school, or, when so designated on the certificate, in any junior high school, and shall be issued to any person who holds a diploma of a Minnesota State Teachers College, or the College of Education of the University of Minnesota, showing that such holder has completed the four year course in Elementary Education of such college.

(b) The Elementary School Standard Certificate shall qualify any holder thereof to teach in any elementary school, and shall be issued to any person who holds a diploma of a Minnesota State Teachers College, showing that such holder has completed the two year course in Elementary Education of such college.

(c) The Elementary School Limited Certificate shall qualify any holder thereof to teach in ungraded elementary schools only, and may be issued to any person who has completed a one year course of professional training approved by and in an institution designated by the State Board of Education to give such training.

(d) The Elementary School Special Certificate shall qualify any holder thereof to teach Kindergarten-Primary, Music, Fine Arts, Industrial Arts or Physical Education, or such other special subject as the needs of the school may, from time to time, require in any elementary school, and shall be issued to any person who holds a diploma of a Minnesota State Teachers College, or the College of Education of the University of Minnesota, showing that such holder has completed its standard course in the special subject or subjects as to which he applies for a certificate to teach, and may also be issued to any person who has completed a one year course of professional training approved by and in an institution designated by the State Board of Education to give such training.

2900-5a. Validation of certificates issued.—Any such Elementary School Special Certificate heretofore issued by the State Board of Education qualifying the holder thereof to teach Kindergarten-Primary is hereby validated in the same manner as if issued by said Board subsequent to the passage of this act. (Jan. 15, 1936, Ex. Sess., c. 26, §1.)

2900-6. High School Certificate.—There shall be two kinds of High School Certificates: High School General Certificate and High School Special Certificate, and as to each kind there shall be the Standard Certificate and the Advanced Certificate.

(a) The High School Standard General Certificate shall indicate the academic field or fields and the class or classes of high schools (junior or senior) for which the holder has been especially trained.

(b) The High School Standard General Certificate shall qualify any holder thereof to teach academic subjects in junior high schools, senior high schools, four year high schools and Junior-senior high school organizations. Provided that the holder of a High School Standard General Certificate shall be qualified to teach in the seventh and eighth grades of an eight year elementary school. Such certificate shall be issued to any person holding the degree of the College of Education of the University of Minnesota, or of a Minnesota State Teachers College, granted by virtue of the completion of a course, balanced as to academic and professional content, and designated by such college for the training of high school teachers.
The High School Standard General Certificate may be issued to any person holding the degree of an accredited liberal arts college or university in Minnesota, together with such professional training as shall be required by the State Board of Education.

(b) The High School Standard Special Certificate shall qualify any person to teach in the special fields of service in colleges of agriculture, home training, industrial arts, commercial subjects, physical education, music, or fine arts, or such other special field as the needs of the schools may require, and to act as such field librarian. It shall show in which one or more of the special subjects the holder is qualified to teach and shall qualify him to teach in such special fields in any high school or elementary school. Such certificate may also indicate other high school subjects in which the holder has had training equivalent to that required in the academic field and shall qualify him to teach the same. Such certificates shall be issued to any person holding the degree of the College of Education of the University of Minnesota or of a Minnesota State Teachers College, granted by virtue of the completion of its course in the special field as to which he applies for a certificate to teach.

The High School Standard Special Certificate may be issued to any person holding the degree of a liberal arts college of this state, accredited and approved by the State Board of Education, granted by virtue of the completion of its course in the special field as to which he applies for a certificate to teach, provided that the course leading to such degree shall meet the requirements of the State Board of Education in such field.

The High School Standard Special Certificate may be issued to any person holding a diploma or degree of a technical training institution of this state, accredited and approved by the State Board of Education, granted by virtue of the completion of its course for training of high school teachers in the special field as to which he applies for a certificate to teach, provided that the course of such special subject or subjects shall meet the requirements of the State Board of Education in such field.

(c) Any person who has the preparation and training herein prescribed enabling him to receive a High School Standard General Certificate or a High School Standard Special Certificate, and who in addition, has completed one year of graduate work of a kind and character accepted by the State Board of Education, may be given a High School Advanced Certificate, either general or special, as may be appropriate to his training. Such High School Advanced Certificate shall qualify the holder thereof to teach the same subjects and in the same institutions which and in which the holder of a corresponding standard certificate is authorized to teach and in junior colleges. (Act Apr. 26, 1929, c. 388, §7.)

2900-8. Applicants trained in other states.—Wherever in this Act a certificate to teach is authorized to be issued to any holder of a diploma or a degree of a Minnesota State Teachers College, or of the College of Education of the University of Minnesota, or of a liberal arts college, or a technical training institution, such certificate may also, in the discretion of the State Board of Education, be issued to any holder of a diploma or a degree of a teacher training institution of equivalent rank and standing of any other state, granted by virtue of the completion of a course in teacher training essentially equivalent in content to that required by such Minnesota State Teachers College or the College of Education of the University of Minnesota or a liberal arts college in Minnesota or a technical training institution, as preliminary to the granting of a diploma or a degree of the same rank and class. (Act Apr. 26, 1929, c. 388, §8.)

2900-9. Duration and Renewal of Certificates.—All certificates, except as herein provided, shall bear the date of issue and shall expire two years from July nearest such date, and may be renewed for periods of not more than five years upon satisfactory evidence produced to the board of successful teaching in the public schools of the state for at least twelve (12) months during the period covered by the certificate.

If the holder of a five year certificate shall present to the board satisfactory evidence that he has actually and successfully taught in the public schools of the state for not less than five years, the board may issue to him a permanent certificate of the same class and kind as his five year certificate, which shall be valid unless and until suspended or revoked; provided, however, that the permanent certificate may be issued only to a teacher actually employed in the public schools of the state, or who has been so employed at any time during the two year period immediately preceding the date of application, and provided further that no permanent certificate shall be issued to a teacher who holds only an Elementary School Limited Certificate. Any person who applies for the issuance or renewal of a teacher's certificate who has not completed a course of study of four years' length, but who has not, at any time during the five year period immediately preceding, been employed in public school teaching services, may be required to furnish evidence of appropriate training in an accredited
ed teacher training institution within such period, but not in excess of twelve weeks work.

An Elementary School Limited Certificate shall bear the date of issue and shall expire two years from July first nearest such date, and may be renewed for periods of not more than five years, under conditions prescribed by the State Board of Education. (Act Apr. 26, 1929, c. 388, §9.)

2900-10. Fees for Teachers' Certificates.—For the issuance, renewal or extension of a certificate to teach, each applicant for such certificate shall pay a fee. For each Elementary School Limited Certificate or renewal thereof the fee shall be fifty cents. For each permanent certificate the fee shall be five dollars. For each temporary certificate the fee shall be one dollar for each certificate or renewal thereof. Such fees shall be paid to the State Commissioner of Education, who shall deposit them with the State Treasurer, as provided by law, and report each month to the State Auditor the amount of fees collected for each kind of certificate. The State Auditor shall credit all such fees to the Teachers Institute, Training School and Examination Fund, and the same may be disbursed and used for the purposes for which such fund is provided.

Fees for the renewal or extension of certificates in force at the date of approval of this act shall be as provided in Sec. 2932, General Statutes of Minnesota 1923. (Act Apr. 26, 1929, c. 388, §19.)


2900-11. Suspension or Revocation of Certificates.—The State Board of Education may, on the written complaint of the school board employing a teacher, or of the superintendent of the county where the teacher is employed, or of the State Commissioner of Education, which complaint shall specify generally the nature and character of the charges, suspend or revoke such teacher's certificate or license to teach, issued under this act or in force on the date of its approval, for any of the following causes:

a. Immoral character or conduct.

b. Failure, without justifiable cause, to teach for the term of his contract.

c. Gross inefficiency or want of neglect of duty.

d. Addition with active tuberculosis or some other communicable disease, while suffering from such disability.

The Secretary of the State Board of Education shall within five days after the filing of the complaint serve a copy thereof upon the teacher in person or by registered mail addressed to his last known address, and such teacher shall, within ten days after the service of such copy upon him, file with the State Board of Education his answer to the charges specified. The Secretary of said board shall thereupon fix in writing a time for a hearing upon said complaint, and serve a copy thereof on said teacher. Such hearing shall be conducted by said board, or by the Commissioner or Deputy Commissioner, as the rules of the board may provide, unless the complaint is filed by the Commissioner, in which case it shall be conducted by the board or a member thereof designated by the board. The hearing shall be held in the county seat of the county wherein he is employed, in which case it shall be held at such county seat. Such hearing may be held at the private or public, as the teacher may elect, and the teacher shall have the right to appear in person and by counsel and to produce evidence thereon. All witnesses shall be sworn before testifying, and the official conducting such hearing is hereby authorized to administer the oath prescribed by law for witnesses in judicial proceedings. A record in writing shall be made of said proceedings and of all evidence produced thereat, and shall be forthwith with filed with the board upon the conclusion of such hearing. A copy thereof shall be furnished to such teacher upon his request. Upon concluding such hearing, if conducted by the board, or the filing of such report, if conducted by the Commissioner, Deputy Commissioner, or member of the board, the board shall consider the same and make its decision within thirty days from the date of such hearing. In case of suspension or revocation, the order of the board shall fix the date at which suspension or revocation becomes effective, and in case of suspension, the duration thereof, and notice thereof shall forthwith be given in writing to the teacher and to the school board by which he is employed.

The action of the board shall be final and all orders of suspension or revocation shall be included in the certificate records of the Department of Education. (Act Apr. 26, 1929, c. 388, §11.)

Removal from public office in Minnesota. 20MinnLaw Rev721.

2900-12. Outstanding Certificates Not Impaired.—No provision of this act shall affect or impair the validity of certificates or licenses to teach in force at the date of approval of this act, or the rights and privileges of the holders by virtue thereof, save that any such certificate or license may be suspended or revoked for any of the causes and by the procedure specified in Section 11 [§2900-11] of this act, and provided, also that a certificate in force at date of approval of this act may be exchanged, without fee, at the option of the holder, for a certificate which shall give the holder the same qualifications and rights which he had under and by virtue of such certificate. (Act Apr. 26, 1929, c. 388, §12.)

2900-13. Administrative Regulations.—The State Board of Education may, from time to time, make and enforce rules and regulations consistent with this act, as may be appropriate for the administration and enforcement thereof. (Act Apr. 26, 1929, c. 388, §13.)

2900-14. Repeal of Present Laws.—Sections 2900, 2901, 2902, 2903, 2904, 2910, 2911, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2934, 2935, and 3685 of the General Statutes of Minnesota, 1923, Chapter 141, General Laws of 1925, and Chapter 160, General Laws of 1927, and all acts and parts of acts inconsistent therefrom are repealed, but nothing herein contained shall be deemed to affect, modify or repeal Chapter 36, Laws of 1925, and Chapter 160, General Laws of 1927, and all acts and parts of acts inconsistent therefrom are repealed, but nothing herein contained shall be deemed to affect, modify or repeal Chapter 36, General Laws of 1927 (§§2935-1 to 2935-14), or any part thereof. (Act Apr. 26, 1929, c. 388, §14.)

2900-15. This act shall take effect and be in force from and after its passage and approval, except that Sections 2907, 2908, 2909, 2910, 2911, 2915, 2916, 2917, 2918 and 2922 aforesaid shall continue in force until September 1, 1923. (Act Apr. 26, 1929, c. 388, §15.)

2903. Hiring of teachers—contracts—termination—"teacher" defined.—School boards shall hire teachers at meetings called for that purpose. No teacher shall be hired by blood relation to the teacher in common districts, by at least two of the trustees; in special and independent districts, by the chairman and clerk. Such contract shall specify the wages per year, and shall remain in full force and effect except as modified by mutual consent of the school board and the teacher, or by the written resignation of the teacher before April 1st. Such termination shall take effect at the close of the school year in which the contract is terminated in the manner provided, further, that such contract may be terminated at any time by mutual consent of the school board and the teacher, and provided further that this act
shall not affect the powers of a school board to discharge a teacher for cause under and pursuant to Minnesota Statutes of 1931, Article 1, Section 3. Also that nothing herein shall be construed as preventing a teacher from recovering the value of his or her services from any school district, where such services were heretofore rendered by such teacher pursuant to oral agreement with the governing body of such school district. A superintendent, principal, supervisor, and classroom teacher and any other professional employee required to hold a certificate from the State Department of Education shall be deemed to be a "teacher" within the meaning of this act. (As amended by Laws of 1937, c. 161, §1.)

Sec. 3. Of Apr. 5, 1937, cited, provides "all acts or parts of acts inconsistent herewith are hereby repealed."

Mason's Minnesota Statutes of 1927, Section 2815.

Dig: 1727, 8686.
Board need not give cause if contract is terminated by majority vote before April 1, and though a majority of full membership is necessary, entire membership need not vote at any regular meeting. See ante, §2900-17. Op. Atty. Gen. (170c), April 20, 1939.

Teacher discharged for cause is entitled to hearing. Id. Mandatory provisions of Mason's Slats., §2903, requiring superintendent to determine, on the basis of a state of facts brought to his knowledge, that a teacher is entitled to protection from wrongful discharge, is a provision for the protection of teachers and not for the protection of teachers. Id. See Dun. Dig. 8686. 178M422, 227NW351.

What is casual employment as distinguished from regular employment? What is the scope and purpose of hiring rather than with sole regard to the protection of rights of service and who has a continuing succession of service in a school? What is the legal status of the employee? Is he a public servant or commercial employee? Is he a teacher in a city school or a teacher in a rural school?

2903-1. Teacher defined. This act, constituting §§2935-1 to 2935-14, saved from repeal by Act Apr. 26, 1929, c. 388, §14, effective Sept. 1, 1929, as to §§2931, and Apr. 26, 1929, as to remaining sections. See ante, §2900-17. May 20, 1929.

Annotations under §2935.

Teachers' tenure laws as vesting contractual status. 1338 WisLawRev495.

TEACHERS—EMPLOYMENT IN FIRST CLASS CITIES

2935-3. Probationary period—Discharge or demotion.


Tenure law applies to part time teachers who teach a substantial period of time and whose employment is substantially continuous and regular for a period of three years, including teachers in evening schools and adult education department. Op. Atty. Gen. (170c), July 26, 1939.


When a teacher has been re-employed after completion of probationary period, it is not discharging a teacher for cause to entitle her to protection from wrongful discharge. Id. See Dun. Dig. 8686.

School board's recognition of plaintiff as a school teacher by receiving her services, paying for same, and listing her in manual as a regular teacher, held ratification of superintendent's act in re-employing her. Id. See Dun. Dig. 8686. 178M422, 227NW351. 211M142, 214NW256. 220M102, 277NW541. 373MichLawRev430.

What is casual employment as distinguished from regular employment? What is the scope and purpose of hiring rather than with sole regard to the protection of rights of service and who has a continuing succession of service in a school? What is the legal status of the employee? Is he a public servant or commercial employee? Is he a teacher in a city school or a teacher in a rural school?
This act takes precedence over St. Paul City Charter. If a teacher cannot be removed because she was not a resident of city at time of employment. Op. Atty. Gen. (172), Sept. 14, 1932.


Old age alone is not a cause for discharge and although the classification may be a reduction based on an age classification, such classification must be reasonable and not of the purpose of compelling teacher to resign. Op. Atty. Gen. (172d), Sept. 27, 1937.


TEACHERS' RETIREMENT FUND


2905-2. Teachers' retirement fund.—For the purpose of improving educational service, better compensating teachers, making the occupation of teaching in this state more attractive to qualified persons encouraging savings and rewarding faithful and continued service, there is hereby established and created a fund to be known as the Teachers' Retirement Fund. Said fund shall be derived from the following sources:

First: From payments made by teachers who become members of said fund, as herein provided, which payments and the accumulated interest thereon shall be designated as teachers' savings.

Second: From donations, gifts, legacies, devices and bequests made to or for the benefit of said fund.

Third: From all interest derived from the investment or earnings of the moneys belonging to said fund.

Fourth: From the transfer to it of the assets of the present Teachers' Insurance and Retirement Fund as hereinafter provided.

Fifth: From moneys contributed by the state as hereinafter provided. (Act Apr. 25, 1931, c. 406, §2.)

2905-3. Board of trustees created.—The management of the fund shall be vested in a board of five trustees, to be known as the board of trustees of the Teachers' Retirement Fund. Said board shall be composed of the following persons. The commissioner of education, the state auditor, the commissioner of insurance, and two members of the fund who shall be elected by the members of the fund at the time and place of their annual meeting, hereinafter provided for. At the first election of said members shall be elected the fund one trustee shall be elected to serve for one year and one for two years. Thereafter the terms of said elective members shall begin on the first Monday in January next succeeding their election. Vacancies in the case of said elective members shall be filled by appointment by the remainder of the board, the appointees to serve until the members of the fund shall have elected a trustee to serve for the unexpired term caused by such vacancy. No person shall be appointed by the board of trustees elected by the members of the fund as a trustee who is not a member of the fund in good standing at the time of such appointment or election.

2. The word "teaching" shall mean and include the service performed by any person coming within the definition of "teacher" as hereinbefore set forth.

3. The term "fund" shall mean the Teachers' Retirement Fund, hereinafter referred to.

4. The term "member of fund" shall mean every teacher who shall join and contribute to the Teachers' Retirement Fund as hereinafter provided.

5. The term "board of trustees" shall mean the Board of Trustees of the Teachers' Retirement Fund.

6. The feminine gender shall mean, and include the masculine gender, and vice versa.

Wherever the plural of any of the above words or terms is used in this act, the plural shall have the same meaning as the singular as herebefore defined. (Act Apr. 25, 1931, c. 406, §1.)
Said board shall annually elect one of its members as president, who shall elect a secretary and fix his salary, who shall serve during the pleasure of the board and be the executive officer of said board with such duties as the board shall prescribe. The board shall employ all other clerks and employees necessary to properly administer said fund. One half of the cost and expense of administering the provisions of this act shall be paid by the fund and the balance thereof by the state.

The state treasurer shall be ex-officio treasurer of said fund and his general bond to the state shall cover any liabilities for his acts as treasurer of said fund. He shall receive all moneys payable to said fund and pay out the same only on warrants issued by the state auditor, upon vouchers signed by the president and secretary of the board. Said treasurer shall give receipts for all moneys received by him for said fund, shall keep a full, correct, and separate account of the financial transactions connected therewith, and shall make an annual report to the board at its annual meeting of the receipts and disbursements and other financial transactions connected with said fund.

All members of said board shall serve without compensation, but shall receive necessary expenses while attending all meetings of said board, to be paid out of said fund.

The board hereby created shall meet on the first Monday in January, 1932, or as soon thereafter as practicable, at a time and place to be fixed by the commissioner of education, for the purpose of organizing, electing a secretary and adopting by-laws, rules and regulations as hereinafter provided. Thereafter the board shall meet regularly at its office at such times as it shall determine. Special meetings may be held at any time at the call of the president of the board or of any three members thereof.

The first fiscal year of the fund hereby created shall begin on January 1st, 1932, and end on June 30th, 1932. Thereafter the fiscal year of the fund shall begin on the first day of July of each year and end on the last day of June of the following year. A suitable office, with suitable furniture and office supplies, shall be provided by the state, through the proper officer for the use of said board and its secretary. (Act Apr. 25, 1931, c. 409, §3.)


2950-4. Powers of board.—Said board shall have and is hereby granted power to frame by-laws for its own government and for the management of said fund, not inconsistent with the laws of the state, and to modify them at pleasure; to adopt, alter and enforce reasonable rules and regulations, not inconsistent with the laws of the state, for the administration and management of said fund, for the payment and collection of payments from members and for the payment of withdrawals and benefits; to pass upon and allow or disallow all applications for membership in the fund, and for credit for teaching service; to pass upon and allow or disallow all claims for withdrawals, pensions or benefits payable from said fund; to provide for the payment out of said fund of all necessary expenses for the administration thereof and of all claims for withdrawals, pensions or benefits allowed.

In passing upon all applications and claims said board may summon, swear, hear and examine witnesses, and in the case of claims for disability benefits, may require the claimant to submit to a medical examination by a physician of the board’s choice, at the expense of the claimant, and shall have the right to pass upon said claim, and in the case of all applications and claims, may conduct investigations necessary to determine the validity and merit of the same.

The board may sue or be sued in the name of the board of trustees of the Teachers’ Retirement Fund, and in all actions brought by or against it said board shall be represented by the attorney general.

It shall be the duty of said board from time to time to certify to the State Board of Investment for investment as much of the funds in its hands as shall not be needed for current purposes. The State Board of Investment shall thereupon invest the sum so certified in such securities as are now or may hereafter be duly authorized legal investments for savings banks and trust companies, and all such securities so purchased shall be deposited with the state treasurer; but in case of necessity such securities shall be sold by said State Board of Investment upon request of said board in order to raise money for current purposes. All interest from said investment shall be credited to the fund and shall be used for current purposes, except as hereinafter provided.

The board shall keep a record of the receipts and disbursements of said fund and a separate account with each member of said fund. It shall determine annually the net annual interest earnings of said fund by prorating the excess or deficiency of the average balance of said fund over the net annual interest earnings. Five per cent of the net annual interest earnings shall annually be set aside as a contingency reserve until said contingency reserve equals five per cent of the assets of the fund. The contingency reserve so created shall be credited only by specific direction of the board. The remaining portion of the net annual interest earnings shall be apportioned and credited to the separate accounts of the members of the fund in proportion to the total amount to their credit therein.

The board shall present annually to the members of the fund at its annual meeting a report of the condition of said fund for the last preceding fiscal year, which shall include a statement of the receipts and disbursements of said fund, a list of the securities in which said fund is invested, and such other information as may be necessary or desirable. One copy of said report shall be filed in the office of the commissioner of education, one with the governor, and other copies filed or distributed as the board may determine. Said report shall also be published in the biennial report of the commissioner of education. (Act Apr. 25, 1931, c. 409, §4.)

State board of investment has no power to sell or acquire any security after August 1, 1931, in any of the schools or institutions for which it is authorized to make purchases of securities. (Op. Atty. Gen., 148, May 11, 1937.)

2950-5. Members of fund.—Members of the fund shall include all teachers who render any teaching service, as herein defined, after August 1, 1931, in any of the schools or institutions to which this act applies, except:

1. Those who at the time of rendering such service have not attained the age of twenty-five years, but any such teacher who renders any teaching service after September first after attaining such age shall automatically become a member; and, providing further, that any such teacher who has not attained such age shall be admitted as a member upon written application to the board.

2. Any member of the fund, who rendered teaching service before attaining the age of twenty-five years and who has not received credit therefor, may upon written application receive credit for such service and may pay into the fund five per cent of the annual salary received during such service, with interest at four per cent per annum from the time of rendering such service.

3. Members of fund.—Members of the fund include all teachers who render any teaching service, as herein defined, after August 1, 1931, in any of the schools or institutions to which this act applies, except:

1. Those who at the time of rendering such service have not attained the age of twenty-five years, but any such teacher who renders any teaching service after September first after attaining such age shall automatically become a member; and, providing further, that any such teacher who has not attained such age shall be admitted as a member upon written application to the board.
dering the first teaching service subsequent to August 1, 1931. (Act Apr. 25, 1931, c. 406, §5.)

2950-6. Payments by members.—Each member of the new fund shall pay into the fund a sum equivalent to five per cent of her annual salary, no payment, however, to exceed $100.00 per year, payable in the manner and at the times hereinafter provided. Said payments shall be credited to the account of the teacher paying the same. It is hereby made the duty of each person, officer, board of education or other managing body required by law to draw the warrants or orders for payment of salaries to teachers to deduct and withhold from each month's salary due to every teacher who is a member of the Teachers' Retirement Fund, the amount of money which is required to pay into said fund, as herein provided, and at the time of such deduction a statement showing the amount thereof shall be furnished to such teacher.

Such officer, board of education or other managing body shall also, on or before the thirtieth day of June of each year, transmit to the county treasurer of the county in which such school or institution is situated a statement, verified by the secretary or clerk thereof, showing the amount so retained from each teacher in accordance with the provisions of this act, and with said statement shall transmit the entire amount so retained to the treasurer of said county; and in case any school district is situated in more than one county, such statement and remittance shall be sent to the treasurer of the senior county. Such board of education or other managing body shall also, on or before the thirtieth day of June of each year, transmit to the county superintendent of schools a statement showing the number of months of school taught by her during the year for which the statement is made, the number of months which constitutes a school year in said district or institution, and such other information as the board may require. If no teacher in such public school or other institution comes under the provisions of this act, said report shall state such fact. Each of the foregoing reports shall be verified by the person making the same. Provided, however, that if the drawing of the warrant or order of payment of such teacher's salary is so delayed by any state officer or board that the amount so withheld from the teacher's salary is not paid to said treasurer, said officer or board shall make the reports herein required directly to the board of trustees and shall remit the money so deducted to the state treasurer.

The superintendent shall on or before the first day of September of each year report under oath to the board, giving an itemized summary of the statements received by him from the school boards and other managing bodies, including a statement of the total amount withheld from the salaries of teachers as shown by said reports.

Between the fifteenth and twenty-eighth days of February and between the fifteenth and thirtieth days of July of each year, the county treasurer of each county shall transmit to the state treasurer all moneys received from the board of education and other managing bodies of schools or institutions to which this act applies, pursuant to the provisions of this act, and shall certify under oath to the correctness of the amount so received and transmitted, and shall furnish such other information as the board shall require. The state treasurer shall credit all moneys received with state salary, no pay to be deducted from the teacher's savings. The state treasurer and the several county treasurers, and the treasurers of the various school districts and institutions to which this act applies shall be officially liable for the receipt, handling and disbursement of all moneys coming into their hands, belonging to said fund, and the sureties on the official bonds of each of said treasurers shall be liable for such moneys the same as for all other moneys belonging to the school funds of this state. (Act Apr. 25, 1931, c. 406, §6.)

2950-7. Funds of former association transferred to new fund. —All moneys, property and securities to the credit of or payable to the Teachers' Insurance and Retirement Fund created by virtue of Chapter 199, Laws 1915, and the teachers employed by the former Teachers' Retirement Fund based upon regular salary, notwithstanding it has been temporarily reduced by act of legislature, Op.Atty., Gen. No. 25, 1932, and the teachers employed by the Teachers' Retirement Fund hereby created, shall keep a separate account of said moneys, property and securities so transferred and appropriated, and of moneys hereafter paid into the same, until said Teachers' Insurance and Retirement Fund is liquidated, as herein provided.

Teachers who are members of the Teachers' Insurance and Retirement Fund, as created by Laws 1915, Chapter 199, who do not become members of the Teachers' Retirement Fund, as herein provided, shall upon written application to the board made after January 1, 1932, and not later than January 1, 1934, be allowed to keep the same in the sums of money which they have theretofore paid into said Teachers' Insurance and Retirement Fund.

Teachers whose accounts are so transferred to the new fund shall have the right to pay into such fund and receive similar credit therefor at the time paid any additional sum, either in cash or in installments, which payment or payments so made together with the amount which the teacher has previously paid shall not be in excess of five per cent of the teacher's average yearly salary for the five years of service immediately preceding multiplied by the number of years of previous service for which the teacher has been given credit. Provided, that in the case of any teacher who has rendered more than fifteen years of service, the teacher shall be allowed the amount paid by such teacher under such right, and in no event more than fifty per cent of the total additional amount which may be paid. The amount so assigned from state funds, as a part of such teacher's savings, to the extent thereof the total amount which the teacher may pay in addition to the funds transferred. Any moneys so contributed by the state shall be used only to purchase an annuity as hereinafter provided, and may not be withdrawn in cash as a part of the teacher's savings.

Teachers who in January 1, 1932, are then drawing annuities shall be members of the Teachers' Retirement Fund, hereby created, and shall receive in full satisfaction of all rights under Chapter 199, Laws 1915, an annuity equal to the annuity being paid to her or to which she would be entitled under said Chapter 199 on the basis of pro-rating by the board in effect on the 31st day of December, 1931.

Teachers who are assigned to the Teachers' Insurance and Retirement Fund, including annuitants, and who become members of the Teachers' Retirement Fund, hereby created, shall have the right to pay into theTeachers' Retirement Fund the amount which the teacher has previously paid to the Teachers' Insurance and Retirement Fund. Teachers whose accounts are so transferred to the Teachers' Retirement Fund shall be members of the Teachers' Retirement Fund, hereby created, shall receive in full satisfaction of all rights under Chapter 199, Laws 1915, an annuity equal to the annuity being paid to her or to which she would be entitled under said Chapter 199 on the basis of pro-rating by the board in effect on the 31st day of December, 1931. Teachers who are assigned to the Teachers' Retirement Fund, including annuitants, and who become members of the Teachers' Retirement Fund, hereby created, shall each have credited to her account in the records of the Teachers' Retirement Fund, hereby created, and shall receive in full satisfaction of all rights under Chapter 199, Laws 1915, an annuity equal to the annuity being paid to her or to which she would be entitled under said Chapter 199 on the basis of pro-rating by the board in effect on the 31st day of December, 1931.
Retirement Fund, as may be determined by the board in accordance with the terms of this act, the balance remaining in such fund shall be apportioned to the accounts of the members of the Teachers’ Retirement Fund who were members of the Teachers’ Insurance and Retirement Fund, including annuitants, on the basis of the amounts which they have paid, together with the time such payments shall have been in the fund; provided that not more than four per cent compound interest shall be credited to active members of the Teachers' Retirement Fund. Any surplus remaining shall be apportioned to the accounts of the then annuitants, to be used in the payment of annuities to be paid as hereinafter provided.

Any surplus fund which may be needed to pay the annuities payable to such annuitants as hereinbefore provided shall be paid from state funds as hereinafter specified. (Apr. 25, 1931, c. 406, §7.)

(a) Any teacher who was not a member of the Teachers’ Insurance and Retirement Fund, as created by Chapter 199, Laws 1915 [§§2936 to 2950], but who rendered teaching service prior to August 1, 1931, in any public school or institution to which this act applies, and who has become a member of the Fund, shall have the right to pay into the Fund hereby created, and receive credit therefor as of the time paid, such sums as such teacher would have paid as assessments, had such teacher been a member of said fund as created by Chapter 199, Laws 1915, §2950-5, as of the time such services were rendered. Teachers from other states or other schools, Members who have withdrawn funds under Laws 1915, c. 199, cannot refund money drawn with interest under the said laws, but in lieu thereof, shall be permitted to retire from such fund and may be credited with the amounts paid to such an annuitant as hereinbefore provided. (Dec. 17, 1935.)

(b) Any teacher who rendered teaching service to the Teachers from other states or other schools. Teachers from other states or from public schools of this state to which this act does not apply who become members of the fund may be given credit for such previous teaching service by the board, and, after having acquired credit for 15 years of teaching service in schools or institutions to which this act applies, such teachers may then pay into the fund an amount equal to five per cent of the average yearly salary, not exceeding $2000.00, received during the five years immediately before making such payments, multiplied by the number of years of previous teaching service for which credit is given, together with interest thereon at the rate of four per cent per annum from the time of rendering such previous service.

The board shall provide in its rules and regulations the method and means for reinstatement as members of the fund of teachers who have withdrawn therefrom and who afterwards re-enter teaching service.

In computing the time of service of a teacher, the length of a legal school year in the district or institution where such service was rendered shall constitute a year under this act, provided such year is not less than the legal minimum school year of such state. No person shall be allowed credit for more than one year of teaching service for any calendar year. If a teacher teaches for only a fractional part of any year, credit shall be given for such fractional part of the year as the term of service rendered bears to the legal school year in such district or institution, but in no case shall the legal year be less than the legal minimum school year of such state. (Act Apr. 25, 1931, c. 406, §5.)


406-5. A teacher who rendered service prior to August 1, 1931, and makes application within two years after rendering teaching service after that date, is permitted to become a member of the new fund, and their accounts in the old fund may be transferred to the new. Op. Atty. Gen. (1955), Mar. 9, 1955.

Teacher is entitled to annuity under old fund from the date she first applied for retirement, at which time her application was rejected because of an erroneous interpretation of the law. Op. Atty. Gen. (1956a), July 20, 1956.

One who terminated teaching service in 1925 could not obtain money paid into Teachers' Retirement Fund before January 1, 1935, though she had been assured by secretary of old fund that she could leave her money in the fund indefinitely. Op. Atty. Gen. (1956), Sept. 11, 1956.

Members who have withdrawn funds under Laws 1915, c. 199, cannot refund money drawn with interest under the said laws, but in lieu thereof, shall be permitted to retire from such fund and may be credited with the amounts paid to such an annuitant as hereinbefore provided. (May 17, 1935.)

Tentative interest credit is to be used as additional annuity and shall not be paid in lieu of said teacher’s estate as such. Op. Atty. Gen. (1956a), June 16, 1956.
2. To purchase from the fund an annuity for a term of fifteen, twenty or twenty-five years, in such an amount as the teacher's age, the amount to her credit as teachers' savings and the mortality and interest tables in use by said fund will permit.

If such teacher shall elect to purchase a life or term annuity, as hereinafter provided, the state shall at the time of the payment of such annuity pay to said teacher an amount equivalent to such annuity, to be paid into the funds hereinafter provided; provided, however, that in case of a term annuity such payments by the state shall not continue after the death of such teacher. Provided further that the amount of the annuities so paid by the state shall not exceed in amount the term or life annuities which such annuitant could purchase with the money to her credit as teachers' savings for the first thirty-five years of teaching service, if she has a teaching service credit in excess of thirty-five years.

Annuities to be paid under the provisions hereof shall be payable quarterly on the first days of January, April, July, and October.

If, during the fifteenth or any subsequent year of teaching service, any member of the fund shall become totally disabled and the board shall determine that such member is permanently disqualified to render any further services as hereinafter provided, such member, on written application to the board, shall be paid the amount to her credit as teachers' savings, or may use said amount to purchase from the fund a life or term annuities as above provided. Provided, however, that in case of a term annuity such payments by the state shall not continue after the death of such teacher.

Every teacher retired under said total disability provision shall, if required by the board, submit to an annual physical examination by a physician designated by the board, who shall report his findings to the board, and the board's decision as to the teacher's continued total disability and right to further benefits under said total disability provision shall be final.

Annuity payee receiving total disability benefits as hereinafter provided, shall have the amount of said benefits, exclusive of the payments made from state funds, charged against the amount credit to her account as teachers' savings. (Act Apr. 25, 1931, c. 406, § 9.)

Teachers who have withdrawn funds under Laws 1915, c. 199, cannot refund moneys drawn with interest under Laws 1937, c. 112; payments from 1931 to date cannot be credited on arrears previous to 1931. Op. Atty. Gen. (1934), June 7, 1937.

Teacher who has ceased to teach and is drawing annuity may teach in other schools and continue to receive annuity payments. Op. Atty. Gen. (1932a), March 10, 1933.

2950-10. Rights not assignible.—The right of a teacher to a annuity under the benefits of this act is not assignable and shall not be assignible. All moneys to the credit of a teacher's account in the fund, or any moneys payable to her from the fund shall belong to the State of Minnesota until actually paid to the teacher, or her beneficiary, pursuant to the provisions of this act. Any assignment or attempted assignment of a teacher's interest in said fund or of a beneficiary's interest therein by a teacher, or her beneficiary, shall be null and void and the same shall be subject to garnishment or levy upon attachment or execution. Any beneficiary designated by a teacher under the terms of this act may be changed or revoked by the teacher at her pleasure in such manner as the board may prescribe. In every case, the duty of the teacher designating him dies and a new beneficiary is not designat-
ed, the teacher's estate shall be the beneficiary. (Act Apr. 25, 1931, c. 406, § 10.)

2950-11. Teachers to elect members of board.—At the time and place of the next annual meeting of the Minnesota Education Association, or its delegate assembly, those teachers who are members of the present Teachers' Insurance and Retirement Fund, or any other fund who have theretofore filed application in writing with the commissioner of education to become members of the Teachers' Retirement Fund, hereby created, shall meet at the call of the commissioner of education for the purpose of electing two members of the board of trustees of the fund, hereby created, and annually thereafter at the time and place of the annual meeting of the Minnesota Education Association, or its delegate assembly, the members of said fund shall also meet at a time and place to be designated by the commissioner of education for the purpose of electing one or more members of said board of trustees, as hereinafore provided, hearing the annual report of said board, and of transacting any other business that may properly come before them. (Act Apr. 25, 1931, c. 406, § 11.)


2950-12. Board to certify to state auditor.—The board shall from time to time determine the amount of money necessary and presently needed to meet the obligations under this act, and shall certify the amount so determined to the state auditor. In so certifying, the board shall certify separately the amount required to pay annuities to annuitants whose accredited teaching service was rendered for and in behalf of the schools and institutions located outside of said cities of the first class. In case any annuitant has rendered accredited teaching service in part for the state at large and in part for the schools and institutions located outside of said cities of the first class, the amount certified for the payment of her annuity shall be proportioned on the basis of the respective amounts contributed by such annuitant to her teachers' savings while rendering such respective teaching service.

The audit of the state auditor is hereby directed to include in each annual state tax levy the amount or amounts necessary to meet any operating cost for which the state is liable, and the amount required to pay annuities to annuitants whose accredited teaching service was rendered for and in behalf of the schools and institutions located outside of said cities of the first class. The proceeds of the tax levies so made are hereby appropriated for the payment of the certificates provided for in the following section. (Act Apr. 25, 1931, c. 406, § 12; Apr. 27, 1935, c. 301.)

Editorial note.—Act Apr. 20, 1939, c. 338, provided for levy for 1939 and 1940. It is omitted as temporary.

2950-18. Auditor may sell tax anticipation certificates.—The auditor, upon receiving from the board any certificate or certificates as in the preceding section provided is hereby authorized and directed, in anticipation of the taxes levied or to be levied as in the preceding section provided, to issue and sell cer-
certificates of indebtedness of the state in the aggregate amount of $100, for which certificates are issued, for all works of the state, however, exceeding the amount which will be produced by the maximum levy hereinbefore authorized, such certificates of indebtedness to be numbered serially and to be of such denominations and to bear such rate of interest, not exceeding five per cent per annum, as the auditor shall determine, and to mature at such date as the auditor shall fix, not later, however, than the thirty-first day of December of the year following the next annual tax levy made after the date of issue. The interest on such certificates of indebtedness shall be payable with the principal thereof, both principal and interest being payable exclusively from the proceeds of tax levies made as provided in the preceding section. Said certificates shall be in such form and upon such terms and conditions, not inconsistent with the terms of this act, as the state auditor shall determine, shall be signed by the governor and attested by the state auditor, and shall be sold for not less than par. Such certificates may be purchased by the state board of investment of the state at rates not exceeding the maximum rate of interest at which the state is authorized to borrow money, and the proceeds of the sale of certificates shall be used for the payment of the state's obligations under this act, provided, that if said proceeds in any year shall be insufficient to pay said obligations in full the amount available for the payment of annuities shall be prorated thereto. (Act Apr. 25, 1931, c. 406, §1.)

2950-14. Application.—This act shall not apply to any city of the first class of this state, except as provided in Section 1 [§2960-1] hereof. (Act Apr. 25, 1931, c. 406, §14.)

2950-15. Law repealed.—Chapter 199, Laws of 1915, as amended by Laws 1925, Chapter 404, Section 1 [Mason's Minn. Stats., 1927, §§2936 to 2950], is hereby repealed, except as herebefore provided; provided, that the present board of trustees of the Teachers' Insurance and Retirement Fund shall continue to serve and function as now provided by law until the board of trustees of the Teachers' Retirement Fund hereafter created, as herein provided. (Act Apr. 25, 1931, c. 406, §15.)

2950-16. Effective August 1, 1931.—This act shall take effect and be in force from and after August 1st, 1931, except as herebefore provided. (Act Apr. 25, 1931, c. 406, §16.)

2953-1. County superintendents eligible to membership in retirement fund.—That all county superintendents of schools now in office or who shall hereafter be elected or appointed thereto, and all former county superintendents of schools who have heretofore contributed to the Teachers' Insurance and Retirement Fund, as created by Chapter 199, Laws of 1915 [§§2936 to 2950-16], if otherwise eligible, are hereby made eligible to membership in said fund and shall be admitted to membership therein upon written application to the board of trustees of the Teachers' Insurance and Retirement Fund or to its secretary, shall thereafter be subject to all the provisions of said act and of all acts amendatory thereof. (Act Apr. 13, 1931, c. 146, §1.)

2953-2. To receive credits for payments.—All such superintendents or former superintendents of schools who have heretofore contributed to said Teachers' Insurance and Retirement Fund shall be entitled and who are members thereof as herebefore provided shall receive the same credit for payments made and for service rendered as if they had been members of said fund during the time of such payments. Any superintendent or former superintendent who has heretofore received or would be entitled to receive the benefits of such fund and who becomes a member thereof as hereinbefore provided shall be admitted to membership therein upon written application to the board of trustees of said Teachers' Insurance and Retirement Fund and who become members thereof as hereinbefore provided shall receive the same credit for payments made and for service rendered as if they had been members of said fund during the time of such payments. (Act Apr. 13, 1931, c. 146, §2.)

2953-3. Board of trustees may refund payment.—The board of trustees of said Teachers' Insurance and Retirement Fund shall refund to each county superintendent and each former superintendent of schools who has contributed to said fund and who does not become a member thereof as herein provided the amount of money so contributed, upon application therefor by such superintendent provided that such application shall be made on or before January 1, 1933. (Act Apr. 13, 1931, c. 146, §3.)

2953-4. Payment into fund may be deducted from salaries.—It is hereby made the duty of the county officials required by law to draw the warrants for the payment of annuities out of the proceeds of the contributions of schools to deduct and withhold from each month's salary due to each such superintendent the amount which such superintendent is required to pay into said Teachers' Insurance and Retirement Fund as herein specified, and the county treasurer shall pay the amount so deducted to the state treasurer at the time and in the manner of remitting moneys belonging to said fund received from boards of education or other managing bodies of school districts or other educational institutions, and shall report to the board of trustees of said fund the name of each superintendent from whose salary such deductions were made and the amount of such deductions. (Act Apr. 13, 1931, c. 146, §4.)

STATE BOARD OF EDUCATION

2958. State board of education.—Explanatory note.—The Attorney General has ruled that G.S. §2962, which is not repealed by this act (§§2958 to 2972), reads as follows:

"The superintendent of education shall prepare a uniform system of records for public schools; require reports from county and other superintendents and principals of schools, teachers, school officers, and other managing bodies of school districts or other educational institutions, to include such facts as he may deem of public value. He shall establish and carry into effect a uniform system of accounting by public school officers, and he shall have authority to supervise and examine all books, records, and other records of all public schools. (13, c. 550, §5.)"

Minneapolis home rule charter, c. 13, §4, held not to apply to a school building and hence the board of education is not required to submit the location and design of the building to the planning commission for approval. 1938, c. 586, §§2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967.

City charter provisions must be in harmony with legislative policy of state. State v. Erickson, 190 Minn. 216, 251 N.W. 515. See Dun. Dig. 6525, 6768, 8656.

2990. Organization and rules.—G.S. §1915, 2967, did not give state board of education any right to limit rights of a teacher under his or her certificate, and it would be unreasonable to make a requirement for classification as a recognized high school, based on basis of type of certificate held by teachers. Op. Atty. Gen. (172B), Jan. 31, 1939.

2992. State commissioner of education.—Minneapolis home rule charter, c. 13, §4, held not to apply to apply to a school building and hence the board of education is not required to submit the location and design of the building to the planning commission for approval. 1938, c. 586, §2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, 2969, 2970, 2971.

Where office of commissioner of education becomes void, an appointment to fill the vacancy for the unexpired portion of the term shall be made and a new commissioner should continue to hold office for six years. Op. Atty. Gen. (359a-20), July 28, 1934.

Division of rehabilitation and reeducation is not part of department of education, but is under control of board of education acting, not as board of education, but as state board for vocational education, and commissioner of education has no powers over the division of rehabilitation and reeducation. Op. Atty. Gen. (397), Jan. 3, 1935.

2992-1. Expenses.—The superintendent [commissioner] and other persons appointed by him shall receive their necessary expenses for traveling and other incidental expenses incurred in connection with the business of their office, to be paid from the contingent fund or from other appropriations made for such purposes. (*13, c. 550, §3.)

Editorial note.—Laws 1913, c. 550, was omitted from G. L. 1918, St. 1927 on the assumption that it was superseded by Laws 1918, c. 224. In view of 1928, post, and in view of the amendment of §6 of the omitted act, whatever powers were conferred on the commissioner of education by the 1913 act as to definitions of school premises and city schools by the state board of education have been transferred to the superintendent of education created by that act. Section 8 repeals §§1373 to 1377 of the Revised Laws of 1895 and all inconsistent acts.

2992-2. Powers and duties of superintendent [commissioner]—Biennial report.—Besides exercising general supervision over public schools and public education agencies in the state, the superintendent [commissioner] of education shall prescribe rules for the several classes of public schools receiving special state aid. He shall classify and standardize rural and other public schools and provide for the unified lines and suggestive courses of study. He shall, under the laws prescribed therefor, issue all certificates to those employed as teachers and supervisors in public schools.

For the purpose of considering matters affecting the interests of public education, he shall, upon notice, meet the several county and city superintendents and school principals at such times and places in the state as he shall deem most convenient and beneficial. On or before the first day of December of each even-numbered year he shall prepare and submit to the legislature, through the governor, a report containing:

1. An abstract of the reports of the several county superintendents showing such facts and giving such information as the said superintendent may require relative to public schools, including enrollment, attendance, and classification of pupils in public schools.

2. A statement of the condition of public schools and of public and other institutions of learning reporting to the state board of education.

3. The amount of moneys received and expended each year for public schools and public education, specifying the amount received from each source and the amount expended for each purpose.

4. The number, kind, and name of public schools of each class receiving state aid, and the estimated amount of aid for the ensuing two years, together with such facts relating to these schools as will show their progress and work. (*13, c. 550, §4.)

2992-3. Uniform system of records and accounting—Reports.—The superintendent [commissioner] of education shall prepare a uniform system of records for public schools, require reports from county and other superintendents and principals of schools, teachers, school officers, and the chief officers of public and other educational institutions, to give such facts as he may deem of public value. He shall establish and carry into effect a uniform system of accounting by public school officers, and he shall have authority to supervise and examine the accounts and other records of all public schools. (*12, c. 550, §5.)

2992-4. State Board of Education to provide plans and specifications for school buildings.—The State Board of Education shall prescribe rules and examine all plans and specifications for the erection, enlargement and change of school buildings, which plans and specifications shall first be submitted to the state board of education for the approval before contract is let, and no new school buildings shall be erected or any building enlarged or changed until the plans and specifications have been submitted and approved by the state board of education. The state board of education shall include in such rules those made from time to time by the state board of health, relative to sanitary standards for toilets, water supply and disposal of sewage in public school buildings. In all cases where the state board of education shall prescribe the rules as to public school buildings shall be vested in the state board of education, which board shall have the power to prepare and furnish to local school boards plans and specifications for school buildings of two classrooms or less. Under such rules and procedure as the state board of education shall prescribe, it may condemn school buildings and sites which are unfit or unsafe for use as such. (*13, c. 550, §6; Apr. 8, 1939, c. 172, §1.)

2992-5. Blanks for school use.—He [The commissioner] shall prepare and distribute, through the city superintendents, school registers, blanks for all reports required by this title, record books for district treasurers and clerks, and any other blanks necessary for school business. (1378.)

2993. Functions, powers and duties.


CITY SUPERINTENDENTS

2993-1. Term of Superintendent of Schools in certain districts.—In every independent or special school district within the limits of a city of the first class, the territorial limits of which school district coincide with the limits of such city, the board of education or other governing body is hereby authorized to enter into a term contract with its superintendent of schools for such time as it is deemed expedient, not to exceed a term of three years; provided, however, that this act shall not apply in any city of the first class where the city charter of such city provides for a definite term for such superintendent of schools. (Act Mar. 17, 1939, c. 61.)

VOCATIONAL EDUCATION

2998. State board of vocational education.


State department of education has authority to lend moneys for living expenses to selected individual persons eligible for reeducation and to charge interest thereon. Op. Atty. Gen., July 7, 1933.

2994. Appointment and salaries of employees.

Division of rehabilitation and reeducation is not part of department of education but is under control of board of education acting as the state board for vocational education, and commissioner of education has no powers over any division of rehabilitation and reeducation. Op. Atty. Gen. (397), Jan. 9, 1935.

HIGH SCHOOLS

2999. Composition.

High schools may request state examinations from State Board of Education in May. Laws 1939, c. 162.

2991-1. Optional state examinations for high school subjects.—Upon request of any Superintendent of any public or private school teaching High School courses in the State, the State Board of Education shall furnish a form for State Examinations in High School Subject during the month of May of each year; provided that such request shall be in writing and delivered to the Commissioner of Education before January first of such year. (Act Apr. 8, 1939, c. 162.)


2991-2. High school areas for transportation of pupils.—To facilitate and control the transportation of non-resident high school pupils, the state board of education may divide the state into high school areas, each such area containing at least one classified high school and such school districts and parts of districts as may conveniently be served by such
high schools; provided, however, that a school dis-
trict shall, upon a vote of its governing board in favor
thereof, be assigned to the area of any adjoining or
nearby district containing a classified public high
school. If the latter, by vote of its governing board,
is willing to have such district assigned to its area;
provided, however, that the voters of a district set
into a high school area by the governing board of
their district, may, if they so desire, call a special
election to decide which high school area they desire
to join, and provided, further, that if such pupils are
not transported to the nearest high school, the aid
shall be limited to the amount which would be paid if
they were maintained in such high school. School
board of education shall formulate such rules and reg-
ulations as may be necessary for establishing such
high school areas and for transporting non-resident
pupils.
The state board of education may appoint-
local advisory committees to assist in establishing
such high school areas and in carrying out the rules
and regulations pertaining to such areas and the
transportation of non-resident pupils; but such rules
or regulations shall not prevent or deny to any parent
the right to transport, or to provide for the transpor-
tation of his children, at his own expense, to the
high school of any district willing to receive them.
Any school district, or a county consolidated school
district, may make application to the state board of
education for the establishment of a junior college
work, to consist of not more than two years' work
beyond the twelfth year of the public school curricu-
Culum. Such application shall contain such data as the
state board of education may require.
(b) Upon receipt of such application the state
board of education shall make a careful survey of the
need, ability and facilities of such school district to
establish and maintain a junior college.
(c) If the state board of education approves such
application, and the school board of such district shall
submit the question of the establishment of such
junior college to the voters at a general or special
election, preceded by notice stating that such propo-
sition is to be considered after the expiration of the
session of the legislature. If such proposition is
approved by the voters of the school district, the school
board may determine the rate of tuition, or may decide to
provide transportation for students residing in such
(b) Two or more school districts may cooperate
in the establishment and maintenance of a junior col-
lege under the procedure as indicated for the estab-
lishment of a junior college in a single district; provided,
however, that the applica-
tion submitted to the state board shall in-
clude a statement of the procedure adopted by the
school boards of the districts concerned for the es-
tablishment and maintenance of such junior college
and, furthermore, that the proposition shall be
approved by the state board of education, be authorized
by a two-thirds vote of the electors in each district
voting thereon.
(f) Two or more school districts may cooperate
in the maintenance of a junior college already estab-
lished, or established pursuant to this act, under the
procedure as indicated in the preceding section: pro-
vided, however, that the proposition may be approved
by the school board of the district in which such
junior college is located and need not be referred to
the electorate of such district. (As amended Apr.
15, 1939, c. 281, §1.)

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Act relating to transportation of pupils to a junior col-
lege of a nearby district. (As amended Apr. 15, 1939,
c. 281, §2.)
A school board may not legally employ instructors
to give instruction in college subjects in a high school
of a nearby district. Laws 1931, c. 247, ante, 92822-2.
A school board may not legally employ instructors
to give instruction in college subjects in a high school
of a nearby district. (As amended Apr. 15, 1939, c. 281,
§2.)
§2992-7

Editorial note.—This section, as it appears in Mason's
Min. Stat. of 1937, dealt with Laws 1937, c. 247, §2822-2,
relating to the establishment of junior colleges in cities
of the first class. The amendment of 1939 superseded
Laws 1937, c. 247, §2822-2 and is now being maintained in
any independent or special school district the same is hereby legalized
and made effective as fully as it established under and
pursuant to the provisions hereof.

2992-3. State Board of Education to supervise.—
The state board of education shall have the same su-
pervision, control and powers over any such junior
college when established hereunder as it now has
over other departments of the public school system
of the state. (As amended Apr. 15, 1939, c. 281, §3.)

2992-4. To fix rate of tuition.—The school board
may discontinue such junior college at the close of
any school year by a majority vote of all members
of the school board in such district; provided, however,
that the voters of a district set
pursuant to the provisions hereof.

2992-5. To fix rate of tuition.—The school board
may discontinue such junior college at the close of
any school year by a majority vote of all members
of the school board in such district; provided, however,
that the voters of a district set
pursuant to the provisions hereof.

2992-6. To fix rate of tuition.—The school board
may discontinue such junior college at the close of
any school year by a majority vote of all members
of the school board in such district; provided, however,
that the voters of a district set
pursuant to the provisions hereof.

Editorial note.—This section, as it appears in Mason's
Min. Stat. of 1937, dealt with Laws 1937, c. 247, §2822-2,
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of the first class. The amendment of 1939 superseded
Laws 1937, c. 247, §2822-2 and is now being maintained in
any independent or special school district the same is hereby legalized
and made effective as fully as it established under and
pursuant to the provisions hereof.

Editorial note.—Sec. 7 of Act Apr. 15, 1939, cited, re-
peals §2822-2 and all other lawa in conflict.
SCHOOL FUNDS

3003. Apportionment of public school funds.—The State Board of Education to apportion current school fund. The State Board of Education shall apportion the available current school and endowment funds among the counties on the first Monday of March and of October in each year, in proportion to the number of scholars of school age entitled to apportionment therein. But no district shall be entitled to any portion of said fund that has not had at least eight months of school term, within the year, conducted pursuant to the provisions of this chapter. (R. L. '05, §1397; G. S. '13, §2895; '21, c. 467, §16; Apr. 24, 1938, c. 290, §1.)


An outline of municipal bond procedure in Minnesota. 20MinnLawRev583.

3004. Payment of school apportionment.—Upon receiving a copy of such apportionment, the state auditor shall draw warrants on the state treasury payable to the several counties, for the amount due each county. There is hereby annually appropriated from the current school fund the amount of such apportionments. (R. L. '05, 1398; G. S. '13, §2896; '19, c. 412, Apr. 24, 1931, c. 312, §1.)

3005. County auditor to make apportionment.—The county auditor, upon receiving the warrant from the state, shall forthwith apportion the amount thereof to the various school districts entitled thereto, and shall at the time of making the March and November tax settlements of each year apportion to the several school districts the amount received from liquor licenses, fines, estrays, and other sources belonging to the general school fund, upon the same basis provided for the state apportionment, and such money shall be used only for the payment of teachers’ wages; but no district shall receive any part of the money received from liquor licenses unless all sums paid for such licenses in such district are apportioned to the county school fund, and no district shall receive in any year from the apportioned fund, exclusive of special state aid, a greater amount than that appropriated by such district from its special and local one mill tax for that year, unless such district has levied for such year the maximum amount allowed by law for school purposes. The auditor shall include in such apportionment all amounts received from the state aid to schools—not theretofore apportioned. (R. L. '05, §1399; G. S. '13, §2897; '19, c. 412, §2; Apr. 24, 1931, c. 312, §2.)

A copy of apportionment; county auditor must notify each school district of the amount apportioned to it, but has some discretion as to the time and manner of making the payment. Op. Atty. Gen., Oct. 8, 1931.

County auditor is not to deduct amount due state on state loans before making distribution to school district. Op. Atty. Gen. (521L), Nov. 13, 1942.

3007-1. School district warrants where school funds deposited in closed banks.


3007-2. Funds from national forest to be used for school purposes in some cases.—The board of county commissioners of any county may, in its discretion, place the moneys, or any part thereof, received by such county from the federal government for and on account of any national forest lands situated therein, into the permanent school fund to be applied to any school district now or hereafter maintaining and operating any school wholly or partly within an area now or hereafter constituting a part of any auxiliary or non-chartered city, or to any school district not organized by resolution duly adopted by it, which resolution shall specify the terms and conditions under which said moneys shall be so paid over and disbursed to any school district or districts. (Act Apr. 25, 1931, c. 385.)

SCHOOL TAXES

3014. Tax levies for various funds in school districts over 50,000.

This section applied to school districts of Duluth but has been superseded by Laws 1921, c. 332. Board of Education v. E., 192M367, 256NW894. See Dun. Dig. 8669.

A school district may set up a sinking fund in anticipation of building expenses to be incurred at some future date, either by transferring money from general fund, which is not necessary to pay warrants, or by levy of special tax. Op. Atty. Gen. (539m) Jan. 8, 1936.

3014-6. Limitation of tax rate in school districts.

The rate of taxation of agricultural lands for school maintenance in any school district of the state maintaining a graded elementary or high school, and also in unorganized territory shall not exceed by more than 10% the average rate for school maintenance on similar lands in common school districts of the same county provided such county has 20 or more common school districts or shall such rate exceed one-half the rate for agricultural lands in non-chartered land fund school districts and in school districts organized by a territorial commission of the state and having less than 20 common school districts; Provided, that if the special state aids are not paid in full during any given year, an additional levy equal to the deficiency in such special state aids payable to such school district or unorganized territory may be levied, and such levy
shall be uniform on all property subject to taxation in such school district or unorganized territory; and
provided further that this act shall not apply to any special school districts, including the Albert Lea

School board may not reduce amount of levy after
taxation is levied, and the Board of Education, or other school
officers, or school authorities, or school board, to pay school purposes, there may be included and county one-mill tax and

School rates for towns or villages in independent
districts containing agricultural lands should be determined by
the following named school purposes; (1) An amount equal to six mills on each dollar
of the taxable property of the district for the purchase of books,
libraries, apparatus and other school furniture. (2) An amount
equal to three-fourths of one mill on each dollar of the taxable
property of the district for the maintenance of evening and sum-
er schools for elementary and high school grades. (3) An amount equal to one-half of one mill on
each dollar of the taxable property of the district in

Agricultural lands means lands which are used for agricultural purposes and which, before passage of act, were assessed at 15% of their true and full value pursuant to
Laws 1933, c. 356, §1, but also all intermediate acts enacted
during 1933-1934 special session which amended such

County auditor before levying tax must first determine
taxable lands, independent of any act or act for
school maintenance upon all the property in the school
district, and if the rate so determined is not in excess of average rate for
common school district in school district in the county, the whole of the tax
paid by such district on agricultural lands, the maximum rate
could be assessed upon agricultural lands, but not
rationally, and the remainder would be assessed against oth-

Where school district has agricultural lands in two counties, average rate of taxation on agricultural lands in common school districts of each county should be
determined separately, and rate of taxation for school
maintenance cannot be, assessed against the same
farmers in school maintenance purposes in school district by total
assessed valuation of district and if levy thus arrived at

Amendments at 1933 Special Session are not applicable to

School board may not reduce amount of levy after
taxes have been levied and extended nor can county
board and tax commission grant a blanket reduction on

Levy on non-agricultural lands established by school bond
issues to be reduced by statute. This reduction if imposed by him to state department of education should be used as
a basis for determining whether additional state aid should be

Common school districts mentioned in §3003-1 are not
thereby made independent school districts within meaning

In order to determine levy for school maintenance within meaning of §3006 of any independent school district
to which Laws 1933, c. 356, is applicable, commission
should give a reduction of the amount of tax levied in the school
maintenance purposes in school district by total
assessed valuation of district and if levy thus arrived at
exceeds 20 mills, then such additional state aid should be

This section as amended by Laws 1935, c. 282, applies
1921, 1922 and 1923 for the purpose of paying and discharging existing indebtedness arising from the maintenance and operation of the schools in such district.

(4) An amount equal to one-fourth of one mill on each dollar of the taxable property of the district for educational work among immigrants, candidates for naturalization and removal of illiteracy.

Provided that the total annual levy of taxes for school purposes in any such district, exclusive of the state and county school taxes therein, and exclusive of all levies authorized for the purposes mentioned in paragraphs 1, 2, 3, and 4 hereof, and exclusive of the levies authorized for interest and sinking fund purposes and for Teachers Retirement Fund Association purposes, and for the purposes mentioned in Chapter 166 of the General Laws for 1917, shall not exceed twenty mills on each dollar of the taxable property of the district, except that when the amount of a twenty mill levy upon each dollar of the taxable property of the district, plus an amount equal to the total income available for current operating expenses estimated that will be received in the fiscal period exclusive of apportionments on the district tax levy, exclusive of anticipated receipts from delinquent taxes, and exclusive of any receipts from federal funds, is not in any year equal to one hundred ($100) dollars for each student in kindergarten through Junior College (both inclusive but excluding school and night school students, based on the average number belonging in the previous school year, when there may be levied an amount, which, when added to an amount equal to the estimated income available for current operating expenses, exclusive of apportionments on the district levy, exclusive of anticipated receipts from delinquent taxes, and exclusive of any receipts from federal funds, will equal one hundred ($100) dollars for each student in kindergarten through Junior College (both inclusive but excluding post-graduate high school and night school students, based on the average number belonging in the previous school year), then such school board shall have authority to incur and be subject to a net debt as herein defined, except for the purposes of purchase of land for school purposes and erecting or enlarging necessary school buildings to properly provide for the educational facilities of the district. (21, c. 522; Mar. 23, 1937, c. 85, §1.)

This act is constitutional. Board of Education v. Mr. M367, 251NW86. See Dun. Dig. §669.

This act supersedes Mason's Stats., §3014, and applies to the special school district in the city of Duluth created by Sp. Laws 1891, c. 312. Id. See Dun. Dig. §669.

3014-8. Debt limit increased in certain school districts.—That whenever the properties of any School District of the state, in whole or in part, is mortgaged to the extent of at least sixty per cent in value of property which is exempt from local taxation, because taxes thereon are paid into the State Treasury, under the provisions of the Gross Earnings Tax Law, then such district shall have authority to incur and be subject to a net indebtedness of not more than forty per cent of its assessed value. (Act Feb. 28, 1925, c. 35, §1.)

3014-9. Purposes of debt.—That no School District as herein defined, shall have authority to incur or be subject to a net debt as herein defined, except for the purpose of purchase of land for school purposes and erecting or enlarging necessary school buildings to properly provide for the educational facilities of the district. (Act Feb. 28, 1925, c. 35, §3.)

3014-10. Existing laws to govern.—That all obligations issued under the terms of this Act, shall be issued pursuant to the provisions of any existing laws now in force. (Act Feb. 28, 1925, c. 35, §3.)

Sec. 4 of Act Feb. 28, 1929, cited, provides that the act shall take effect from its passage.

LIBRARIES

3015. Schools may provide libraries.

City charter provisions must be in harmony with legislative policy of state. State v. Erickson, 190M216, 251NW 219. See Dun. Dig. §35.

3017. Tax levy for library purposes.—In cities and villages of less than two thousand people, not levying a tax for public library purposes, the school board may maintain a public library for the use of the inhabitants of the district, and provide ample and suitable rooms for its use in the school buildings and in any independent school district embracing any such village, where a library building has been erected with funds donated for library purposes the school district may levy an annual tax of not more than one mill for the proceeds of which tax shall be used for the support and maintenance of said library and shall be known as the library fund.

Upon a library being so established in any such school district whose library building has been erected with funds acquired by gift or donation, the school board is empowered to appoint a library board of nine members of which each member of the school board shall be a member ex officio.

In any such school district by gift or donation, the school board is empowered to appoint a library board of nine members of which each member of the school board shall be a member ex officio. The remaining members of such library board shall be appointed by the school board, one of which remaining members shall hold office for one year, one for two years and one for three years, from the first Saturday of September following their appointment, the term of office of each being specified in such appointment; annually thereafter such school board shall appoint a member to the library board for a term of three years and until his successor shall qualify. Such school board may remove any member so appointed for misconduct or neglect. Vacancies in such board shall be filled by appointment for the unexpired term. Members of such board shall receive no compensation for their services as such.

Immediately after appointment such board shall organize by electing one of its members as president and one as secretary and from time to time it may appoint such other officers and employees as it deems necessary. The secretary before entering upon his duties shall give bond to the school district in an amount fixed by the library board conditioned for the faithful discharge of his official duties. The library board shall adopt such by-laws and regulations for the government of the library and reading room and for the conduct of its business as may be expedient and conformable to law. It shall have exclusive control of the expenditures of all money collected for or credited to the funds of the library and shall direct and control the rooms and buildings provided for library purposes. All moneys received for such library fund shall be kept in the treasury of the school district credited to the library fund and be paid out upon itemized vouchers approved by the library board. The library board may fix the compensation of employees and remove any of them at pleasure.

All books or other property given, granted, conveyed, donated, devised or bequeathed to or purchased by such library shall vest in and be held in the name of such school district. Every library and reading room established hereunder shall be free to the use of the inhabitants of such school district, subject to such reasonable regulations as the directors may adopt.

When so established, no such library shall be abandoned without a 2/3 majority vote of the electors cast at any annual or special school meeting called for the purpose.

When so established, in cases where the building has been erected with funds so donated, no such library shall be abandoned without a 2/3 majority vote of the electors cast at any annual or special school meeting called for the purpose. (21, c. 397, §2; Apr. 16, 1929, c. 210.)

Village cannot contract with school district for establishment and maintenance of public library or for operation of school district, but villages may place library...

3020. School and village libraries may combine. Member of school board cannot be employed jointly by district and municipality as librarian, but may be employed 'for, in view of S10305. Op. Atty. Gen., Sept. 9, 1931.


STATE AID

3021-11. Annual appropriation in aid of common schools.—There is hereby annually appropriated from the revenue fund of this state fifty thousand ($50,000.00) dollars in aid of the common schools of this state, available, the first annual appropriation, on or before May first, 1911, and each succeeding annual appropriation, on or before April first, of each succeeding year. (11, c. 341, §1.)

This section and sections 3021-12, 3021-13 and 3021-14 were omitted from the Compiled Laws 1925 presumably on the ground that they were repealed by §145, 4 Mason's Minn. Stat. 1935. But §3021-13 was amended by the legislative council in 1925, thus indicating that Laws 1911, c. 341, from which the sections are taken, is to be considered a subsisting law.

3021-12. Same—how distributed.—The amount so appropriated shall be annually divided among the several counties of this state for the use and benefit of and in aid of the common schools thereof, and the county treasurer of each county receiving such aid, shall divide and redistribute the same to and to the common school of his county in proportion to the acreage of lands owned by this state in each respective school district. It is further provided, however, that in calculating the acreage of unsold state lands in any county, lands which have heretofore been or hereafter may be leased by the state for mineral purposes, shall not be included in the calculation; and provided, further, that the amount received by any school district in any year shall not exceed the equivalent of five cents per acre for each and every acre of state owned lands situated within such school district after excluding such leased lands. Provided, that no school district shall receive under the terms of this act, in any one year, an amount in excess of $15.00 per pupil enrolled. ('11, c. 341, §2; Jan. 21, 1936, Ex. Ses., c. 61, §2.)

3021-13. Same—not to be used for sites or buildings.—The amount so appropriated shall not be available for or be used for the purchase of any school site or the erection of any school building. (11, c. 341, §3.)

3021-14. Same—duty of state auditor—plots of unsold state lands.—It shall be the duty of the state auditor to supply to the several county auditors of this state, plots with checkings thereon indicating the location and the description of all unsold land situated within the organized townships of his county. ('11, c. 341, §4.)


Federal aid to education may be accepted if authorized. Laws 1939, c. 266.

Federal funds received under Laws 1931, c. 416, may be used for any lawful school purpose, such as the payment of judgments against the district. Op. Atty. Gen., Oct. 5, 1935.


Distribution of aid to schools is subject to priorities by rules and regulations of state board of education, or students in district dealing with such high school would lose their school aid for tuition and transportation. Op. Atty. Gen. (370-o), Aug. 31, 1939.

3023. Districts must have school eight months to be entitled to apportionment.—The endowment fund shall be distributed annually by the State Board of Education to school districts whose schools have been in session at least eight months, in proportion to the number of scholars of school age who shall have been in average daily attendance during the preceding year, such number to be determined by dividing the aggregate daily attendance in a school district by the total number of days in the school year of that district. ('21, c. 457, §2; '22, c. 322, §1; Apr. 24, 1935, c. 290, §2.)

State board of education has authority only days that schools are actually in session in a given school district in determining average daily attendance, and need not count school days on which schools are closed for legal holidays, teachers' conventions, epidemics, or very stormy weather. Op. Atty. Gen. (168), July 23, 1935.


Definitions. (1) A graded elementary school shall be a school giving instruction in the first six years of the public school course and employing at least three teachers devoting their entire time to elementary school work, or a school giving instruction in the first eight years of the public school course, and employing at least four teachers devoting their entire time to elementary school work. In each such school, one teacher may be designated as principal. (As amended Apr. 18, 1935, c. 214.)

An ungraded elementary school shall be a school having instruction in the elementary course and employing one or more teachers, but not having the rank of a graded elementary school.

(3) A four-year high school shall be a school giving one or more four-year courses beyond the eight-year elementary course, and which shall employ a superintendent, a high school principal and one or more high school teachers. (As amended Apr. 15, 1929, c. 190, §1.)

A high school department shall be a school giving instruction in high school subjects beyond the eight-year elementary course, and which shall employ at least one teacher giving instruction in high school subjects. (As amended Apr. 15, 1929, c. 190, §1.)

A junior high school shall be a school giving instruction in the middle school course, and which shall employ at least one teacher giving instruction in the middle school course. (As amended Apr. 15, 1929, c. 190, §1.)

(5) A junior high school shall be a school having a separate organization and employing a principal and two or more teachers giving instruction in the seventh, eighth and ninth years of the twelve-year public school course. (As amended Apr. 15, 1929, c. 190, §3.)

(6) A senior high school shall be a school having a separate organization and employing a principal and two or more high school teachers giving instruction in the tenth, eleventh and twelfth years of the
twelve-year public school course. It shall be located in a school district which maintains a junior high school employing a superintendent for the entire system of public schools in such school district. (As amended Apr. 15, 1929, c. 190, $4.)

(7) A consolidated school shall be any school located in a school district organized by law as a consolidated school district. Such consolidated schools shall be paid under one of the six preceding headings of this section.

(8) A six-year high school shall be a school employing a superintendent, a high school principal, and two or more high school teachers giving instruction in the various branches of the public school course. (Added by Act-Apr. 18, 1935, c. 214.)


(2) Firing of unqualified teacher does not deprive school of its public nature, but does deprive school of right to apportionment aid while such teacher is employed. Op. Atty. Gen. (85), Oct. 6, 1937.

3027. Purposes of special state aid.

3028. State aid for equalizing educational opportunities.—(1) For transportation or board of resident pupils in consolidated school districts, the state shall reimburse such districts at rates to be determined by the State Board of Education, provided that no consolidated school district shall receive annually more than an average of thirty-six dollars ($36) per pupil transported or boarded.

(2) All the provisions of this act relating to state aid to consolidated school districts shall be equally applicable to the unorganized territory of any county to county school districts, and also to all school districts of ten or more townships.

(3) School districts may use their transportation equipment for the transportation of nonresident pupils in consolidated school districts, the state shall reimburse such districts for the transportation of nonresident pupils only to the extent of their actual cost if said transportation is for transportation of nonresident pupils. (Add. by Laws 1929, c. 209, §4.)

Payment of state aid to pupils in state agricultural schools under laws 1929, c. 209, has been and will be valid until legislature changes law. Op. Atty. Gen. (168a), March 30, 1938.

3028-1. State aid for transportation of non-resident pupils.—No special state aid shall be paid for any non-resident pupil transported or boarded illegally or contrary to the standards established by the State Board of Education. (Act Apr. 22, 1939, c. 437, §8.)

3029. State aid to assist in establishing minimum standards.—(1) For each graded elementary school of eight years or less school year with a school year of at least nine months, the state shall pay a school district one hundred dollars ($100) annually.

(2) For each graded elementary school of six years or less school year with a school year of at least nine months, the state shall pay a school district three hundred dollars ($300) annually.

(3) For each ungraded elementary school with a school year of at least eight months, the state shall pay a school district one hundred dollars ($100) for each first grade teacher employed; for each ungraded elementary school with a school year of at least nine months, the state shall pay a school district one hundred twenty-five dollars ($125) for each first grade teacher employed; provided that the total of such aid for an ungraded elementary school with a school year of eight months shall in no case exceed two hundred dollars ($200) and the total of such aid for any school year of nine months two hundred fifty dollars ($250); and provided further that such classification aid, when added to the funds received by a school district as apportionment aid, the other aid for transportation, and the general state mill tax for maintenance shall not exceed the total maintenance cost of the schools in such district.

(4) For each four-year high school with a school year of at least nine months, the state shall pay a school district five hundred dollars ($500) annually.

(5) For each high school department with a school year of at least nine months, the state shall
pay a school district three hundred dollars ($300) annually.

(6) For each junior high school with a school year of at least nine months, the state shall pay a school district three hundred dollars ($300) annually.

(7) For each senior high school with a school year of at least nine months, the state shall pay a school district six hundred dollars ($600) annually.

(8) For each six-year high school with a school year of at least nine months, the state shall pay a school district nine hundred dollars ($900) annually.

(9) The provisions of this section shall be limited to those whose supplemental aid under this section but such district's actual amount collected under the mill rate levied by such district for such previous years; and (4) any school district receiving aid under the provisions of Chapter 142, Laws of 1931 [$3036-17 to 3036-19], shall receive, in addition to such aid, supplemental aid which shall not be less per pupil in average daily attendance than such district has been granted on the average of its preceding twelve (12) month period ending on October thirty-first from taxes levied for school maintenance purposes in school district by total amount of taxes levied in such district for such previous years; and (4) any school district receiving aid under the provisions of this section shall include all funds collected during the immediately preceding calendar year.

**Sec. 4 of Act July 15, 1937, cited, provides that the act shall take effect from its passage.**

**State aid to certain school districts. Laws 1933, c. 78.**

Students enrolled in high school teacher training departments are to be counted as pupils in computing the supplemental aid to which such district may be entitled under this section. Op. Atty. Gen., Nov. 25, 1932.

In determining supplementary aid, state board of education may also consider as "proceeds" with respect to limiting the supplemental aid on the district's assessed valuation together with all funds received from state as apportionment or special state aid, except transportation aid, which proceeds of a tax of thirty (30) mill rate are not to be considered in arriving at special state aid. Op. Atty. Gen. (519m), Oct. 10, 1935.

Expenditures illegally made for transporting pupils are not to be included as "proceeds" but delinquent taxes levied in 1935 but paid in 1937 should be included. Op. Atty. Gen. (426a-2), Nov. 25, 1936.


3031. State aid for special classes in public schools. — (1) For established undertakings, state aid shall be granted to school districts on the basis of the number of special teachers employed, enrollment in classes and type of work done, and all under such rules as may be established by the State Board of Education. In school districts maintaining junior and senior high schools, such state aid shall be granted for either a junior or a senior high school, but not for both.

(a) For agriculture state aid to any school district for each school within the district maintaining such work shall not exceed five hundred dollars ($500).

(b) For general industrial training state aid to any school district for each school within the district maintaining such work shall not exceed four hundred dollars ($400).

(c) For home training state aid to any school district for each school within the district maintaining such work shall not exceed four hundred dollars ($400).

(d) For commercial training state aid to any school district for each school within the district maintaining such work shall not exceed four hundred dollars ($400).

(e) For special classes for defectives. Under such rules as the State Board of Education may establish, the state shall pay annually to any school district for the education of defective children the following amounts:

(a) For deaf children, two hundred fifty dollars ($250) for each such child, who is enrolled in a day school and who is a resident of a district maintaining such school, and four hundred dollars ($400) for each child who is a non-resident of the district maintaining such school and whose resident district does not maintain such school; the additional one hundred and fifty dollars ($150) to be paid for board and room of such non-resident child.

(b) For blind children, three hundred dollars ($300) for each such child.

(c) For subnormal children one hundred dollars ($100) for each such child.

(d) For children of defective speech, not to exceed fifteen hundred dollars ($1500) for each teacher engaged exclusively in this work.

(e) For crippled children, two hundred fifty dollars ($250) for each such child.

(f) For educational work not yet generally established.

(a) For stimulating progress and achievement in ungraded elementary schools, the State Board of Education shall adopt standards for a superior ungraded school. Such standards shall be based upon the length of the school term, qualification of teachers, regular school attendance and a curriculum adapted to present day needs, including health work. School districts meeting these standards shall receive, in addition to state aid, an amount equal to five dollars ($50) for each such school maintained.

(b) For evening schools for persons over sixteen years of age and not in attendance upon regular day schools, the state shall pay to any school district maintaining such schools in accordance with requirements established by the State Board of Education, one-half the salaries of all teachers who teach in such evening schools: and districts maintaining such evening schools shall also be entitled to state appropriation for all pupils of school age upon the same basis as that provided by law for day school pupils. (21, c. 497, §10; 23, c. 331, §1; 23, c. 382, §1; Apr. 24, 1935, c. 288, §6.)

Act Apr. 22, 1927, c. 345, makes an appropriation for crippled children's special summer schools.


3032. Teacher training in high schools.

Students enrolled in high school teacher training departments shall also receive a supplemental aid to which a district may be entitled under §3010. Op. Att'y Gen., July 25, 1935.

4 (a). Must be read in conjunction with method of conducting teacher training department, qualifications of teachers, curriculum to be taught and similar subjects. The State Board of Education shall promulgate rules determining number of teacher training departments that can be established and arbitrarily refuse to approve of establishment of a department if standards set are consistent with, and if teacher training departments established most standards adopted by board, they are entitled to aid notwithstanding refusal of state board to approve. Op. Att'y Gen. (1600, Mar. 19, 1935.

3031. State aid for special classes in public schools.

Amount.

Where an appropriation is insufficient to pay in full the amount authorized by the section and §3000-11, the amount of the appropriation is the same as that authorized and the rate of pro-rating should be applied to the amounts due under both acts. Op. Att'y Gen. (168d), July 25, 1935.

Any school district not maintaining such special classes in public schools shall be entitled to no special state aid for the tuition of non-resident high school pupils shall be distributed and paid in the amounts now provided in Chapter 467, Laws 1931, [§§3022 to 3036]; provided, however, that the act for any such teacher training department shall not exceed fifteen hundred dollars ($1500) annually, and provided further that aid for transportation of crippled children shall be paid as provided by Laws 1931, Chapter 280 [§§ 2822-3, 2822-4] (27, c. 396, §2; Apr. 24, 1935, c. 288, §5).


3030-7. Teachers training and tuition.—State aid for teacher training in high schools and state aid for the tuition of non-resident high school pupils shall be distributed and paid in the amounts now provided in Chapter 467, Laws 1931, [§§3022 to 3036], provided, however, that the act for any such teacher training department shall not exceed fifteen hundred dollars ($1500) annually, and provided further that aid for transportation of crippled children shall be paid as provided by Laws 1931, Chapter 280 [§§ 2822-3, 2822-4]. (27, c. 396, §2; Apr. 24, 1935, c. 288, §5).

Sec. 10 of Act Apr. 24, 1935, cited, provides that the act shall take effect Sept. 1, 1935.


3030-8. Transfer of funds to meet appropriation.—If the amount appropriated for the payment of said special state aids shall be insufficient in any year to pay the same as heretofore provided in full, the state auditor shall transfer from the current school fund an amount sufficient, together with the amount so appropriated for said year, to pay said special state aids as herein provided in full. Provided, however, that not more than $500,000 shall be so transferred from the current school fund in any one year. (27, c. 396, §3; Apr. 24, 1935, c. 288, §8.)


Distribution of aid to schools is subject to Laws 1939, c. 431, Art. II, §16(f), permitting commissioner of administration to withhold funds when collections are insufficient, subject to certain priorities by specific statutes.


3030-9. Prorating, appropriation—Exception.—If the amount appropriated and the amount transferred, as provided in Section 8 hereof [§3030-8], shall be insufficient in any year to pay said special state aids
as herein provided in full, the same shall be equally prorated among the school districts entitled to receive such aids, and the pro rata share thus received shall be paid as provided full of all obligations of the state to pay said aids for such year; provided, however, that this shall not apply to aids listed in Section 7 hereof. (Act Apr. 24, 1935, c. 288, §8.)

Sec. 10. (Act Apr. 24, 1935, cited, provides that the act shall take effect Sept. 1, 1932.

Laws 1935, c. 288, §8, amending this section, is valid, that is to say, the state to pay said aids for such year; for the purpose of this act, administrative to withhold funds when collections are insufficient, subject to certain priorities by specific statutes. Op. Atty. Gen. (289a), August 9, 1929.

3036-10. Special school aid in certain school districts.—Whenever in any school district the state since January 1, 1924, has acquired or may hereafter acquire title to real property by foreclosure of rural credits mortgages or in entire or partial discharge of any such mortgage, such school district shall be entitled to receive from the state, in addition to all other state aid, such an amount annually as would be produced by a tax at the rate for local school purposes for the last preceding year upon the valuation of such property in said district so held by the state as fixed by the last assessment thereon. (Act Apr. 20, 1929, c. 265, §1.)

Unconstitutional because of attempt to divert interest received from rural credit loans to the aid of school districts. 182M566, 225NW350. See Dun. Dig. 8848.

County cannot make an appropriation to pay the expenses of administration or to maintain an agency to determine the validity of such an act. Op. Atty. Gen., Jan. 4, 1930.

3036-11. County Auditor to certify.—The county auditor of any county or counties in which any school district entitled to aid hereunder is situated shall, on or before June 1, 1929, and on or before May 1, of each year thereafter, certify to the state board of education a statement of the facts entitling such school district to aid hereunder. Such certificate in addition to any other information required by such board shall contain a statement of the following facts:

(a) A list of the lands in such district to which the state has acquired title as hereinbefore set forth with the date title was so acquired.

(b) The valuation of each tract of such land acquired title as hereinbefore set forth with the date title was so acquired.

(c) The rate of the last annual tax levy in mills for local school purposes in said district. (Act Apr. 20, 1929, c. 265, §2.)

3036-12. Department of Rural Credits to check information.—Upon the request of the state board of education the information called for in such certificate shall be checked and certified by the department of rural credits. (Act Apr. 20, 1929, c. 265, §3.)

3036-13. State Board of Education to determine aid.—On or before July 15, 1929, and on or before July 1 of each year thereafter, the state board of education shall determine whether or not such school district is entitled to aid under the provisions of this act and the amount thereof and shall certify to the department of rural credit such determination. Said department shall thereupon as soon as practicable cause said amount to be paid to the school district out of the Rural Credit Expense Fund in the same manner as other expenses of said department are paid, and so much of said fund as may be necessary is hereby appropriated for the purposes of this act, not exceeding $40,000 annually. In the event that the total amount due such districts hereunder in any fiscal year as certified by the state board of education shall exceed the amount available therefor, such amount available shall be pro-rated among such school districts. (Act Apr. 20, 1929, c. 265, §4.)

3036-14. Payments to begin July 1, 1929.—The first payments of aid hereunder shall be made during the fiscal year beginning July 1, 1929. All lands, title to which was acquired by the state in the manner hereinbefore provided prior to January 7, 1929, and upon which the 1928 taxes shall not have been paid shall be included in calculating the amount of aid to which such district is entitled hereunder for the fiscal year beginning July 1, 1929. All lands, title to which was acquired by the state prior to the first Monday of January preceding the beginning of such fiscal year, and upon which taxes for the preceding year shall not have been paid shall be included in such calculation. (Act Apr. 20, 1929, c. 265, §5.)

3036-15. When title is acquired.—For the purposes of this act in the event of foreclosure of mortgages by the state title is acquired upon the expiration of the period allowed by law for redemption by the mortgagee or any lien claimant who has served notice of intention to redeem as provided by law. (Act Apr. 20, 1929, c. 265, §6.)

3036-16. Payment to discharge taxes against lands.—Payment of aid hereunder shall discharge to that extent any taxes which may have been levied against such land for local school purposes for such district for the year ending on December 31 preceding the beginning of the fiscal year for which such aid is paid, and no land upon which the local school taxes for such year have been paid shall be included in calculating the aid to which any such school district shall be entitled hereunder. (Act Apr. 20, 1929, c. 265, §7.)


3036-17. Certain school districts to receive state aid.—Any county school district organized under Laws 1929, chapter 8, in which the full value of all property which is exempt from local taxation because taxes thereon are paid into the state treasury under the provisions of the gross earnings tax laws exceeds the taxable value of all other non-exempt real and personal property, exclusive of moneys and credits, to be entitled to receive from the state treasury in addition to all other state aid or relief, such an amount annually as would be produced by computing a tax of one-fourth of the current tax rate for county road purposes upon the valuation of such property which is exempt from local taxation because of the provisions of the gross earnings tax laws. Provided, that no county school district receiving relief hereunder shall be entitled to receive any aid under Laws 1921, chapter 271 [§§3036-1 to 3036-5]. Provided further, that the amount which any county school district shall receive under this act shall not exceed $15.00 per pupil enrolled therein. (Act Apr. 13, 1931, c. 145, §1.)

Where an appropriation is insufficient to pay in full the aid authorized by §3036-1 and this section the same rate pro-rating should be made as provided under both acts. Op. Atty. Gen., Aug. 28, 1931.

3036-18. Must apply to department of education.—Any such county school district desiring to take advantage of this act shall apply in writing therefor to the Department of Education, and such application shall contain the following facts:

(a) The valuation of the property in said county school district not subject to local taxation because the same is subject to taxation under the gross earnings tax law. Railroad valuation shall cover all railroad property located in said county school district except rolling stock, main tracks, and fills or bridges supporting the same.

(b) The value of all real and personal property, exclusive of moneys and credits, within any such county school district, subject to local taxation.
The rate of taxation in mills for county school district purposes for the current and next preceding year.

(d) The total amount spent for all school purposes by any such county school district for the last preceding year, and an estimate of the expenses for the county school district purpose for the current year.

The information called for in paragraph (a) shall be ascertained and certified, upon the request of any such county school district, by the railroad and warehouse commission; and the information called for in paragraphs (b) and (c) shall be certified by the county auditor of the county in which such school district is situated; and the information called for in paragraph (d) shall be certified by the clerk of the county school district.

(As amended Apr. 5, 1939, c. 145, §2.)

3036-19. Department of education to fix amount.—

The Department of Education shall immediately consider said matter and determine whether or not any such school district is entitled to aid under the provisions of this act, and if it finds that any such school district is entitled to such aid, it shall determine the amount to which such school district is entitled within the limitations of this act, and shall certify said amount to the State Auditor, who shall draw a warrant upon the State Treasurer in favor of certifying said amount to the State Auditor, who shall prorate the respective amounts available to the various counties, districts, or city corporations, to the respective county and district purposes for the current and next preceding year.

The information called for in paragraph (a) shall be necessary to the end that there shall be no competition between school districts for the enrollment of students. (July 22, 1937, Sp. Ses., c. 81, §6.)

3036-20. Competition between districts for enrollment of students.—The State Department of Education shall formulate such rules and regulations as may be necessary to the end that there shall be no competition between school districts for the enrollment of students. (July 22, 1937, Sp. Ses., c. 81, §6.)


STATE ACCEPTANCE FEDERAL AID

3037. Appropriation.—There shall be appropriated biennially a sum of not less than the amount to which the state of Minnesota is entitled under sections 3 and 4 of an act of congress of the United States, approved February 25, 1917, and acts amendatory thereto, relating to the promotion of vocational education and for appropriations to the states for instruction in agriculture, trade and industrial education, home economics and distributive education, and for the training of teachers of vocational subjects. (As amended Apr. 5, 1939, c. 145, §1.)

Sec. 1. (1937, c. 145, §1) provides that the act shall take effect from its passage.

3038. Reimbursement of school districts and other agencies; state aid.—Whenever any school district shall have established a vocational school, department, or classes in accordance with the rules and regulations established by the state board for vocational education and the plan for vocational education adopted by that board and approved by the federal board for vocational education or other federal agency to which its functions are assigned, the state board for vocational education shall reimburse such school district for its expenditures for salaries of vocational teachers and funds appropriated from federal funds with such state aid as it may deem desirable under such rules as it may adopt, provided however that the total reimbursement from federal and state funds combined shall in no case exceed three fourths of the salaries and necessary travel expenses of such vocational teachers, and provided further that in the event of such funds not being sufficient to make such reimbursement in full, the state board for vocational education shall prorate the respective amounts available to the various districts entitled to reimbursement, in like manner and on like principles. The state board for vocational education shall have power to reimburse other governmental agencies for expenditures for salaries and necessary travel expenses of vocational teachers from federal funds available to an agency that does not exceed one half of such governmental agency's total necessary travel expenses provided such governmental agencies conduct such classes under public supervision or control in accordance with plans approved by said board. (As amended Apr. 5, 1939, c. 145, §2.)

3039. Reimbursement of teachers' training schools—Limitation on use of federal funds.—The state board for vocational education shall reimburse institutional and vocational training schools, etc., by teachers of vocational subjects to an amount of not to exceed one-half of the expenditures made for such training by said institutions, provided that no federal funds may be applied directly or indirectly to the purchase, erection, preservation or repair of any building or building equipment, or for the purchase or rental of lands or for the support of any religious or privately owned school or college. (As amended Apr. 5, 1939, c. 145, §3.)

3040. Appointment of officials and assistants.—The state board for vocational education shall have authority to appoint such officials or assistants as may be necessary to administer the federal act and sections 3037 to 3047, inclusive, Mason's Minnesota Statutes of 1927, and acts amendatory thereto, to fix the salaries of such persons appointed, and to make expenditures from the state funds appropriated for the salaries and necessary expenses of such officials and assistants, or to use a portion of such funds in matching federal funds available for the same purpose. (As amended Apr. 6, 1939, c. 145, §4.)

3041. Certain provisions of an act for promoting vocational education, etc., by Congress accepted.—The provisions of the act of congress of the United States entitled "an Act to provide for the promotion of vocational education; to provide co-operation with the states in the promotion of such education in agriculture and in the trades and industries; to provide for the co-operation of the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures," and approved February 25, 1917, and acts amendatory thereto, be and the same are hereby accepted, and the benefits of all funds appropriated under the provisions of such acts are hereby accepted as provided in such acts. (As amended Apr. 5, 1939, c. 145, §5.)

Division of rehabilitation and reeducation is not part of department of education but is under control of board of education acting as board of education, but as state board for vocational education, and commissioner of education has no powers over the division of rehabilitation and reeducation. (As amended Apr. 5, 1939, c. 145, §5.)

3042. State board of education designated as state board called for in congressional act.—The state board of education as established by chapter 334, laws of 1919 and acts amendatory thereto, is hereby designated the state board for vocational education as provided in such acts, and is charged with the duty and responsibility of co-operating with the federal board for vocational education or other federal agency in the administration of such acts and is given all power necessary to such cooperation. The state board for vocational education is authorized to make such expenditures as it may deem necessary to carry out the provisions hereof from moneys available for the purposes of this act. (As amended Apr. 5, 1939, c. 145, §6.)
3043. State treasurer appointed custodian of funds.—The state treasurer is appointed custodian of all funds for vocational education, as provided in such acts, and is charged with the duty and responsibility of receiving and providing for the proper custody and proper disbursement of moneys paid to the state from the appropriations made under the provisions of such acts. (As amended Apr. 5, 1939, c. 145, §7.)

3044. What districts and teachers' training schools entitled to federal moneys.—Any school district or any other governmental agency designated by the state board for vocational education which maintains a vocational school, department, or class shall be entitled to federal moneys under such acts for the salaries and necessary travel expenses of teachers; agriculture, trade and industrial education, home economics, and distributive education by meeting the requirements fixed by the state board for vocational education and approved by the federal board for vocational education or other federal agency to which its functions are assigned. Teacher training schools and departments shall be entitled to federal moneys for the preparation of teachers of agriculture, trade and industrial education, home economics and distributive education by meeting the requirements fixed by the state board for vocational education and approved by the federal board for vocational education or other federal agency to which its functions are assigned, for the preparation of such teachers. (As amended Apr. 5, 1939, c. 145, §8.)

3045. How disbursements shall be made.—All disbursements of federal moneys for the benefit of such teachers training schools or departments shall be made on the requisition of the state board for vocational education by the state treasurer to the legally constituted authorities having custody of the moneys of such training schools or departments. All disbursements of federal and state moneys for the benefit of such vocational schools, departments, or classes shall be made on the requisition of the state board for vocational education by the state treasurer to the legally constituted authorities having custody of the moneys of such training schools or departments. (As amended Apr. 5, 1939, c. 145, §9.)

3046. State treasurer to make report of receipts and disbursements.—The state treasurer as custodian for vocational education funds shall make to the legislature at each biennial session a report of the receipts and disbursements of moneys received by him under the provisions of such acts and the state board for vocational education shall make to the legislature at each biennial session a report of its administration of such funds and the expenditure of money allotted to the state under the provisions of such acts. (As amended Apr. 5, 1939, c. 145, §10.)

3047-1. Education of Indians.—The State Board of Education is hereby authorized to enter into contracts with the United States Department of the Interior for the education of Indians in Minnesota, to receive grants of money from the Federal Government, and to disburse the same in accordance with the terms of the contract and such rules and standards as the said State Board of Education may establish. (Apr. 5, 1937, c. 139, §1.)

Sec. 2 of Act Apr. 5, 1937, cited, provides that the Act shall take effect from its passage.

3047-2. Governor may accept federal aid.—In the event the Congress of the United States enact legislation providing educational assistance to the states for the purpose of (a) general improvement of public elementary and secondary schools, (b) improvement of school library service, (c) improvement of health, welfare, and recreational service in the public schools, (d) improvement of library services and kindergartens, (e) improvement of services for handicapped pupils, (f) improvement of educational and vocational guidance activities, (g) improvement of vocational education, (h) improvement of rehabilitation and placement services, (i) improvement of technical and vocational institutes of secondary grade, (j) stimulation and improvement of part-time, civic, vocational, and general adult education and recreational activities conducted by school systems, (k) purchase of books and instructional materials, (l) transportation of pupils, (m) provision of scholarships, (n) improvement of teacher preparation, (o) construction of school buildings, (p) facilitating administration in state departments of education, (q) stimulating and facilitating adequate rural library service, (r) making provision for educational research, planning and demonstrations, or for one or any combination of the above purposes, at a time when the legislature is not in session, the governor shall have power to accept the provisions of such act or acts of the Congress of the United States, or to accept such parts or provisions as may be separately acceptable, by executive order, upon recommendation of the state board of education and pending further action by the legislature. (Act Apr. 12, 1939, c. 206, §1.)

3047-3. State Board of Education to make plans.—Pursuant to such acceptance, the state board of education shall have authority to make and secure approval for plans to carry out the purposes of the provisions accepted. (Act Apr. 12, 1933, c. 206, §2.)

3047-4. State Treasurer to be custodian of funds.—The state treasurer shall be the custodian for all funds received from the United States government on account of such acceptance, and he shall disburse such funds on requisition of the state board for education for purposes consistent with the acts of the Congress and in accordance with the provisions of this act and of the order of acceptance. (Act Apr. 12, 1939, c. 206, §3.)

3047-5. Effective date.—This act shall take effect and be in force from and after the legislative day preceding adjournment of the present session of the legislature. (Act Apr. 12, 1932, c. 206, §4.)

TRAINING OF TEACHERS

3058. [Repealed].
Repealed by Act Apr. 26, 1929, c. 188, §14, ante, §2990-14.

3064. State Teachers Colleges.
Act appropriating money for erecting, equipping and furnishing certain buildings at State Teachers' College at Moorhead. Laws 1931, c. 3.

3069. Tuition in State Teachers Colleges.—There shall be a charge for tuition for students in State Teachers' Colleges. The Board shall fix rates of tuition for pupils in the model schools and the Board shall fix rates of tuition for students in State Teachers' Colleges within the minimums and maximums, following, to-wit:

Not less than $5.00 nor more than $15.00 during each of the first six quarters.
Not less than $10.00 nor more than $20.00 for each quarter thereafter.

A session in the summer school is to be regarded as a quarter within the meaning of this Act.

Non-resident students at the time of matriculating shall pay an additional tuition fee of $5.00 per quarter. (R. L. '05, §1438; G. S. '13, §2969; Apr. 17, 1933, c. 294, §1.)


3069-1. Same—effective date.—This act shall take effect on September 1, 1933. (Act Apr. 17, 1933, c. 294, §2.)
3070. Normal school board.

Officer of board on director of state teachers college
and may be employed in the position of director of state
teachers college board. 1d. Commissioner of education is
(397), July 19, 1935.

3071. Annual meeting and officers.

(34-41) Jan. 1937.

3072. Duties of board.

Administrative authorities may permit students to
make course selections which are not directly related to
educations. Instruction not necessary under church law
and member of Duluth Board of Education are not in-
cluded, to use such lands for agricultural, domestic or
Industrial purposes; and the ownership of the state is
vested only in the state. Consumer archaeology of the University of
Minnesota from
archeological and vertebrate
paleontological features within the state of Minne-
nesota, subject to the rights of the owners of any pri-
vately owned lands upon which the same may be situ-
ated, to use such lands for agricultural, domestic or
Industrial purposes; and the ownership of the state is
hereby expressly declared in any and all articles, an-
tiques, fossils remains, implements or material found or
discovered by virtue of such investigating, exploring,
excavating or surveying. (Act Apr. 12, 1929, c. 207, §3.)

3080. Children must attend school.—When excused.

School board need not regard a certificate of illness
determined by a medical doctor, a chiropractor, or an
osteopath, as sufficient evidence to justify a child's
absence from school on such days as child attends upon
instruction in the church. However, if the school board
(1600), Dec. 19, 1934.

Subdivision 3 pertains to a different class of religious
instruction than subdivision 4; in the latter case the
school board may refuse to excuse child for any period.

3081. Right of exploration, etc., reserved to state.

School district in maintaining school building exercises
its sovereignty over lands upon which school building sits,
and all other archaeological and vertebrate
paleontological features within the state of Minne-
nesota, subject to the rights of the owners of any pri-
vately owned lands upon which the same may be situ-
ated, to use such lands for agricultural, domestic or
Industrial purposes; and the ownership of the state is
hereby expressly declared in any and all articles, an-
tiques, fossil remains, implements or material found or
discovered by virtue of such investigating, exploring,
excavating or surveying. (Act Apr. 12, 1929, c. 207, §3.)

3082. License for exploration.—Any person or
persons desiring to obtain a license for the purposes
set forth in section 1 of this act shall present an
application therefor to the archaeologist, who shall be
appointed by the department of anthropology and
archaeology of the University of Minnesota from
among its staff and be attached to the department of
the commissioner of conservation, describing the lo-
cation where the lands for the investigation, exploring, excavating
or surveying is to be done, and such other informa-
tion as the archaeologist shall require, accompanied by
an annual license fee of $25.00 except said ar-
cheologist or his authorized representative shall, who
may receive a license without fee with the consent
and approval of the commissioner of conservation.
Thereupon the commissioner shall investigate the lo-
cation of such proposed work and if satisfied as to the location and as to the scientific fitness of the applicant, and upon application by the applicant, or, if not so applied, upon investigation, exploration or excavations, may issue a license to the applicant for that purpose. Each license shall expire at the end of the calendar year in which issued, but may be renewed for another calendar year or years in the discretion of the commissioner upon payment of said fee of $20.00 per year. Any license may be revoked by the commissioner at any time upon being convinced that the explorations or excavations authorized by the permit of license shall be conducted unethically or improperly. (Act Apr. 12, 1939, c. 207, §2.)

3109-3. Fifty per cent to go to licensee.—50 per cent of all articles, antiquities, fossils remains, implements and material found or discovered by such investigations, explorations or excavations shall be and become the property of the licensee and the remaining 50 per cent shall remain the property of the state of Minnesota to be kept in or at such state buildings or institutions as the commissioner may prescribe. The division thereof shall be made by the commissioner in the case of disputes, the commissioner's decision shall govern and control such division. (Act Apr. 12, 1939, c. 207, §3.)

3109-4. Who shall enforce act.—It shall be the duty of the employees of the division of game and fish, the division of forestry and the division of lands and minerals of the department of conservation to assist the commissioner of conservation in carrying out and enforcing the provisions of this act. (Act Apr. 12, 1939, c. 207, §4.)

3109-5. License fees paid into state treasury.—All license fees collected under the provisions of this act shall be paid into the state treasury and credited to the department of conservation contingent fund and any expenses in connection with the administration and enforcement thereof shall be paid from the same fund upon the approval of the commissioner and auditor's warrant, but the expenses so paid shall in no case exceed the fees so collected. (Act Apr. 12, 1939, c. 207, §5.)

3109-6. Violation a misdemeanor.—Any person violating any of the provisions of this act shall be guilty of a misdemeanor. (Act Apr. 12, 1939, c. 207, §6.)

UNIVERSITY

3110. Board of regents of university.

University of Minnesota approp. Laws 1933, c. 437, 1933, c. 438. The management of the University is constitutionally independent of all other existing state and local funds, and, in the exercise of its powers of government, is an unconstitu- tional in so far as it attempts to subject the control of University finances to the commission of administration and finance, in view of Laws 1851, c. 3, 175M269, 220NW651. Board of Regents of the University may appropriate net earnings of the dormitory and pledge rentals and earnings to the payment of money advanced for dormitory construction and undertake that they shall be so applied, and may evidence its pledge by bonds. Fanning v. U., 183M222, 226NW217. See Dun. Dig. 8694.


The attempt to create the elective office of president of Board of Regents was unauthorized and without ef- fect, and chancellor of University need not give a bond. Op. Atty. Gen., Dec. 8, 1933.

3129. Farmers' institutes.


3132-3. Department of agriculture.


3132-2. University may receive agricultural aid.— Whereas the Congress of the United States has passed an act approved by the President, May 22, 1928, entitled "An act to provide for the further development of agricultural extension work between the agricultural extension work between the colleges in the several states receiving the benefits of the act, entitled an act donating public lands to the several states and territories which may receive under the provisions for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto and the U. S. Department of Agriculture," and vested.

Whereas it is provided in Section 1 of the Act aforesaid that the grants of moneys authorized by this Act shall be paid annually "to each state which shall by action of its Legislature assent to the provisions of this Act," enacted.

But it is resolved by the House of Representatives, the Senate concurring, of the Legislature of the State of Minnesota that assent be and is hereby given to the provisions and requirements of said Act, and that the University of Minnesota be and it is hereby
authorized and empowered to receive the grants of money appropriated under said Act, and to organize and conduct agricultural extension service, which service shall be carried on in accordance with the terms and conditions expressed in the Act of Congress aforesaid. (Act Apr. 5, 1929, c. 140.)

3138. Department of pedagogy.

Editorial note.—Amendment by Laws 1927, c. 592, was a duplicate, and was not section 3138 in the 1935 supplement. The legislature evidently intended to amend §161, which was later amended.

3139-1. [Repealed.]

Repealed by Act Mar. 30, 1933, c. 128, §1.

3139-2. University building fund transferred to general revenue fund.—All moneys now in the University building fund and all moneys that may be coming into said fund by virtue of levies heretofore made are hereby appropriated to the general revenue fund, except as to outstanding certificates of indebtedness that may have been issued pursuant to the terms of said act and except as to outstanding contracts and obligations. (Act Mar. 30, 1933, c. 128, §2.)

Sec. 3 of Act Mar. 30, 1933, cited, provides that the act shall take effect from its passage.

3139-3. University of Minnesota may bond employees.—The Regents of the University of Minnesota shall have authority to indemnify the officers or employees of said University of Minnesota against liability arising out of the operation of motor vehicles or other equipment by them, while engaged in the performance of their duties as such public officials or employees, and to pay out of the public funds the premiums on the indemnity insurance policies insuring such governmental agency against such liability. The Regents of the University of Minnesota may defend any such officer or employee in any suit brought against him to enforce a claim, whether groundless or otherwise, arising out of the operation of a motor vehicle or other equipment by him while in the performance of his official duties, and may compromise and settle such claim or suit and may pay out of public funds, the amount of such settlement or compromise, or the amount of any judgment against such officer or employee based on any such claim, without first requiring such officer or employee to settle or pay any such claim. (Act Apr. 15, 1935, c. 173, §4.)

3139-4. Regents may pay premiums.—The Regents of the University of Minnesota may, in their discretion, pay the premiums on said indemnity insurance policies referred to in Section 1 hereof, insuring such officers or employees against liability for or injury to persons or property, within the limits of Section 1 hereof, and such payment of insurance premiums out of public funds shall not be deemed a part of the University tax levy. (Act Apr. 15, 1935, c. 173, §2.)

3139-5. Payments heretofore made validated.—The payment of any insurance premiums heretofore made by the Regents of the University of Minnesota for such indemnity insurance mentioned herein is hereby approved and validated. (Act Apr. 15, 1935, c. 173, §3.)

Sec. 4 of Act Apr. 15, 1935, cited, provides that the act shall take effect from its passage.

3139-6. Power of eminent domain.—The Board of Regents of the University of Minnesota may use any money not specifically appropriated for other purposes for acquiring land by purchase or condemnation. In case it is desired to use the funds for the acquisition of land, the power of eminent domain may be exercised either in accordance with General Statutes 1894, Sections 4055 to 4091, inclusive, or Revised Laws 1905, Chapter 41. (July 22, 1937, Sp. Ses., c. 81, §2.)

3190-7. School for instruction in law enforcement.—The University of Minnesota may establish and conduct a school for the instruction of persons in law enforcement, and the governing body of any political sub-division of this state may authorize the attendance upon such school of any law enforcement officer within its jurisdiction and may provide for the payment of the expenses of such person while in attendance at such school from the general funds of such political sub-division. To each person satisfactorily completing the prescribed course of instruction in the school so established shall be issued a certificate of graduation or diploma stating that the holder has graduated therefrom. (July 22, 1937, Sp. Ses., c. 81, §2.)

MANAGEMENT OF STATE UNIVERSITY AND NORMAL SCHOOLS

3146. Authority of board of control.—New buildings.

Laws 1921, c. 522, provided that the Regents of the University of Minnesota may use any money not specifically appropriated for Bemidji State Teachers College, Laws 1939, c. 55, app. March 7.

Sections 1 to 10, in part, of Act Mar. 30, 1933, c. 128, §1, amended §1 of c. 357, to apply to counties with assessed value exceeding $200,000, 000,000, and area of over 5,000 square miles.

Laws 1912, c. 448, providing that the voters of the district at their annual town meeting may fix the salaries of their school officers in ten-town school districts having less than thirty schools and a high school, is unconstitutional. 175M316, 221NW231.

Haverud v. Board of Education of Duluth, 1928 Minn. 256, 254 NW217. See Dun. Dig. 8669.

Laws 1921, c. 322, Amended Mar. 23, 1937, c. 85. To Jan. 30, 1938, c. 6, §1, amends §1 of c. 357, to apply to counties with assessed value exceeding $200,000,000,000, and area of over 5,000 square miles.

Laws 1912, c. 448, providing that the voters of the district at their annual town meeting may fix the salaries of their school officers in ten-town school districts having less than thirty schools and a high school, is unconstitutional. 175M316, 221NW231.

Laws 1921, c. 322, §1, par. 1, board of education of Duluth may make expenditures for libraries, including textbooks, magazines and instructional supplies, as they comprise a part of school libraries, and equipment and furnishings of a more or less permanent character, but cannot undertake such expenditures for fuel, water, light, power, janitor's supplies, telephone service and engineer's or janitor's salaries. Op. Atty. Gen. (914m), Oct. 10, 1934.

Board of education of Duluth may not contract any debts or incur any pecuniary liability for payment of either principal or interest of which during current or any subsequent years it shall be necessary to levy a rate of taxes higher than maximum prescribed by Laws 1921, c. 322, and Mason's Stats., §1002. Op. Atty. Gen. (1610b-10), Dec. 3, 1934.

Laws 1921, cc. 332 and 357, Duluth School District having levied less than 30 mills for school operating purposes, was not entitled to participate in apportionment of proceeds of special school tax levied under Laws 1921, c. 357, §2, though such school district levied special taxes for such other purposes as building fund, fund for interest and retiring bonds, fund of teachers' retirement fund association, etc., amounting in all to 35 mills. Op. Atty. Gen. (619m), Aug. 12, 1935.

