

CHAPTER 155.

AN ACT FOR THE ESTABLISHMENT AND REGULATION OF THE
PUBLIC SCHOOLS IN THE CITY OF WINONA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the territory within the corporate limits of the city of Winona, shall constitute one school district for the regulation and management of the public schools in said city, and shall be under the direction and control of a board of education, and shall have the powers and shall be subject to the liabilities and limitations prescribed in this act.

SEC. 2. The present members of the board of education shall hold their offices the time for which they were elected; and annually hereafter, at each charter election, there shall be elected one school director in each ward, who shall be a resident of the ward for which he shall be elected. The persons so elected, within ten days after their election, shall qualify by taking an oath to support the constitution of the United States and of this State, and to faithfully discharge the duties of their office, and shall file the same with the clerk of the board of education. The term of office of directors shall be two years and until their successors are elected and qualified; and vacancies occurring fifteen days prior to any charter election, shall be filled at such election.

SEC. 3. In case of vacancy in the office of any director by death, resignation, or removal from his ward, the city council of said city, shall have power to appoint his successor, who shall qualify as provided in section two of this act, and shall continue in office until the next succeeding charter election; and any election to fill a vacancy shall be for the unexpired term only.

SEC. 4. The school directors thus chosen and qualified, shall constitute the board of education of the city of Winona; which shall be a body corporate in relation to all the powers and privileges conferred on them by the provisions of this act, and may sue and be sued, in any court of this State having competent jurisdiction. A majority of the board shall form a quorum. Their official term shall commence on the third Monday of April, in the year of their election.

SEC. 5. An annual meeting of the board of education shall be held at the usual place of meeting of the board, on the third Friday in April at half-past seven o'clock P. M.; at which meeting the board shall elect a president and clerk of schools. The president and clerk shall be chosen from the directors elected by the people. The members of the board shall perform their duties without compensation.

Provided, That the clerk shall receive such compensation as may be fixed by the board.

SEC. 6. The official term of the president and clerk, shall be one (1) year.

Provided, That the board may, at any time, for satisfactory reasons, remove any officer and fill vacancies.

SEC. 7. The president shall preside at the meetings of the board; shall sign all orders upon the treasury and perform such other duties as the board may prescribe.

SEC. 8. The clerk shall keep the records and accounts of the board, and shall perform such other duties as the board may prescribe; and such records, and all books and papers of his office shall at all times be open to the inspection of the public; and a copy thereof, or any part thereof, certified by the clerk, shall be *prima facie* evidence in all courts of this state of the facts therein set forth.

SEC. 9. It shall be the duty of the clerk, at such time as the board shall designate, each year, to prepare and transmit to the State Superintendent of Public Instruction, a report in writing, showing for that year:

First. The number and grade of the city public schools.

Second. The length of time the schools have been in operation during the preceding year.

Third. The number of male and female pupils who have attended such schools.

Fourth. The average attendance during the session.

Fifth. The amount of public money received.

Sixth. The estimated special school tax levied.

Seventh. The amount of special tax realized.

Eighth. The amount of moneys received from all other sources and from whence derived.

Ninth. The manner in which all moneys have been expended; and moneys devoted to special purposes shall be stated separately in the report.

Tenth. Such other information as may be required by the state superintendent of schools.

SEC. 10. The superintendent shall hold a public examination of all persons making application to teach in the city schools, who shall be designated for that purpose by the board, with regard to moral character, learning, ability and aptitude to teach, and shall give certificates to those so examined, who may by him and the board on his report, be deemed suitably qualified. He shall superintend the grading of the schools and examinations for promotion, and shall perform such other duties as the board may prescribe.

SEC. 11. The board of education shall have power, and it shall be its duty—

First. To establish and organize such and so many public schools in the several wards of the city, having due regard to the convenience of the inhabitants thereof, as it shall deem requisite and expedient, and to alter or discontinue the same, at its pleasure.

Second. To purchase or hire sufficient school houses, rooms, lots and sites for school houses; to fence and improve the same; and to build, enlarge, alter, improve or repair school houses upon lots or sites owned, or leased, or set apart, for school purposes; *Provided*, That no contract for the purchase of any site for the purpose of building thereon, shall be valid and binding, until the city council shall approve and ratify the same.

Third. To purchase, sell, exchange, improve or repair school apparatus, furniture and appendages; to provide books for indigent pupils, and fuel for the schools, and to defray the contingent expenses of the schools and of a text book and reference library.

Fourth. To have the custody, safe-keeping and control of the school houses, lots, sites and appurtenances, the books, furniture, and all other school property belonging to the city, and to sell and convey the same at pleasure.

Fifth. To contract with and employ a superintendent, all teachers in the public schools of the city, and janitors for the school buildings; to fix their salaries, and at their pleasure to remove them; but no teacher shall be employed until he shall have procured a certificate of qualification from the superintendent.

Sixth. To pay the wages of such teachers out of the public moneys apportioned and appropriated to said district as far as the same may be sufficient; and the residue thereof from the moneys raised, or to be raised, for that purpose by special tax or otherwise.

Seventh. To defray the necessary contingent expenses of the board, including the salary of the clerk and superintendent.

Eighth. To have in all respects the control and management of the public schools in said city, with power, from time to time, at its pleasure, to adopt, alter, modify, or repeal rules and regulations for their organization, grading, government, instruction, course of study, and discipline; for the reception of pupils, their suspension or expulsion; their transfer from one school or grade to another; and to decide upon the text books to be used in the schools.

Ninth. To allow the children of persons, not residents within the city, to attend any of the schools under the control of the board, and to prescribe and collect such tuition fee, from such pupils, as they may deem just and proper; and may make vaccination a condition of attendance in the schools.

Tenth. To make all necessary rules and regulations, for the transaction of the business of the board; and to alter or repeal the same.

Eleventh. To prepare and report, to the city council, such ordinances and regulations as it may deem necessary and proper for the protection of the real and personal property, appertaining to the schools; and to suggest proper penalties for the violation of such ordinances and regulations.

SEC. 12. The board of education may establish one or more reference libraries, in connection with the schools; provide a library room or rooms, with suitable fixtures and furniture, and may appoint a librarian, or librarians, make selections and purchases of all books for the libraries; make rules for the government of the librarians, and for the use of the books, as it may deem proper.

SEC. 13. On or before the first day of June, annually, the board of education shall make an estimate of the whole amount of moneys required to defray the expenses of the schools, during the ensuing financial year, and of the probable income, from all sources, for school purposes; in which estimate they shall set forth in detail, the objects of expenditures, and the sources of income, and shall state therein any deficiency of income, to be supplied by special school tax, together with any deficiency of the preceding year, arising from a failure to realize from any source the amount estimated; and shall file a copy of such estimate with the city council. If the city council shall disapprove such estimate, or any part thereof, as provided in section nineteen of this act, it shall particularly specify the items of expenditure disapproved; and, in such case the board shall not be authorized to proceed in the expenditure so disapproved; but in no case shall the city council modify the estimate for any items, otherwise than by an entire rejection of such item; *Provided*, That in case of disapproval of any item or items, in the manner herein provided, if the board, by a vote of three-fourths of all its members, to be entered upon the minutes of the board, decide to proceed therein, it may proceed in such expenditure; in which case, on the action of the board being certified to the city council, the tax for such item or items, as provided in section twenty of this act, shall be levied. The financial year shall commence on the first day of September, annually.

SEC. 14. The board of education, in all their expenditures and contracts, shall have reference to the amount of moneys provided and authorized for the particular expenditure in question, and shall not exceed the same, and no order upon the treasurer shall be issued until the same shall be authorized by a vote of the board.

SEC. 15. Whenever the board of education shall deem it expedient to purchase any lot or site, or to build or purchase any house for school purposes, they shall cause an estimate to be made, covering all expenses of such purpose or building, and shall report the same in detail, to the city council, and no contract for the purchase of any lot, site or building, or for the erection of any building, shall be binding, until such estimate shall have been approved by said council.

SEC. 16. Whenever the board of education shall deem it advisable to sell any school house, lot or site used for school purposes, it shall have power to sell such house, site or lot, and when sold, the proceeds thereof, without diminution, shall be paid to the city treasurer, to the credit of the board of education, who shall use the same for the purchase of other houses, lots or sites, if needed for that purpose, and if not, then for incidental expenses. Deeds of conveyance shall be in the name of the city of Winona, as grantor, and shall be signed by the mayor, countersigned by the city recorder, and attested by the seal of the city; and such deed shall recite that the property thereby conveyed is school property.

SEC. 17. The title of the school houses, lots, sites, furniture, books, apparatus and appurtenances, and all other school property in this act mentioned, shall be vested in the city of Winona, and the same,

while used for school purposes, shall not be subject to levy or sale by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever; and the said city, in its corporate capacity, shall be able to take, hold and dispose as aforesaid, of any real or personal property transferred to it by gift, grant, bequest or devise, for the use of the common schools of said city, whether the same shall be transferred to said city by its proper style, or in the name of the board of education, or by any other designation, or to any person or persons, or body for the use of said schools.

SEC. 18. The board of education shall be subject to the rules and regulations of the State Superintendent of schools, and the provisions of the general school law of the State, so far as the same may be applicable to them, and not inconsistent with the provisions of this act.

SEC. 19. Whenever the estimates of expenses, provided for in sections thirteen and fifteen of this act, shall be presented to the city council, said council shall proceed to consider the same, and shall have power to approve or reject, as provided in section thirteen, any part of such estimates as may require a special school tax, and shall certify their action therein to the board of education.

SEC. 20. The said council shall have power, and it shall be its duty, once each year, to cause a special school tax to be levied upon all the taxable real and personal property in said city, sufficient in amount to cover all deficiencies as estimated by the board of education, and approved for ordinary school purposes; *Provided*, That the said tax levy shall not, for any financial school year, exceed five mills upon the dollar of valuation; and said council shall also have the power, and it shall be its duty from time to time, to levy such taxes as may become necessary to provide school houses, lots and sites, and books for the reference library, in accordance with the estimates of the board of education, approved as aforesaid; and to satisfy all judgments against said board; and all taxes authorized by this act shall be assessed and collected at the same time and in the same manner as other city taxes, and shall be equally binding upon persons and property.

SEC. 21. Said council shall have power to pass such ordinances and regulations as the board of education may report to be necessary and proper, for the preservation of all property belonging to, or connected with the schools of said city, and to impose suitable penalties for the violation thereof; and all such penalties shall be enforced and collected in the same manner that penalties for a violation of other city ordinances are enforced and collected; and all moneys thus collected, shall be paid to the treasurer of said city to the credit, and subject to the order of the board of education.

SEC. 22. The officer whose duty it shall be by law to collect the taxes in said city, shall receive for taxes levied by virtue of this act, lawful money of the United States only; and shall pay the same to the city treasurer quarterly, at such times as may be fixed by the board of education; and for the faithful discharge of his duties under this act, he shall be liable upon his official bonds, as

for other moneys by him received, and for any violation of his duties under this act he shall be subject to like penalties, as are or may be provided by law for a violation of his duties in collecting and accounting for other moneys, which it is or may be his duty to collect.

SEC. 23. All moneys raised pursuant to the provisions of this act, and all school moneys appropriated to, or provided for, said district by any law of this State, shall be paid to the treasurer of said city, who, together with the sureties upon his official bond, shall be accountable therefor in the same manner as for other moneys of said city; and said treasurer shall also be liable to the same penalties for any official misconduct in relation to the said moneys, as for any similar misconduct in relation to other moneys of said city.

SEC. 24. The treasurer of said city shall keep all moneys by him received by virtue of this act, separate and distinct from any other fund which he is, or may be, authorized to receive; and shall keep separate accounts of moneys raised for special purposes, as certified to him by the board of education, and shall from time to time, when required thereto by said board, or by the city council, certify the amount of moneys so held by him.

SEC. 25. All school moneys in the hands of the treasurer shall be drawn out upon orders of the president of the board of education, countersigned by the clerk, which orders shall be paid from the particular fund upon which they are drawn, in the order of their presentation; and if, at the time of presentation, there shall be no money with which to pay them, the treasurer shall, in a suitable book, record the times of presentation, and note the same upon the order, and thereafter such orders shall be paid in the order of such record, and all orders when paid, shall by the treasurer be forthwith cancelled, by writing thereon, over his signature, the word "cancelled," with the date of payment.

SEC. 26. Upon the final settlement of the treasurer with the city council, and at such other times as the council may require, said treasurer shall exhibit his accounts, vouchers and funds, and shall render a statement, setting forth under the proper dates, all moneys by him received by virtue of this act, and from whom received, and to what special fund they belong, and all payments made therefrom; and at his final settlement, in a separate statement, shall exhibit the balance that may remain in his hands, due to each particular fund, a copy of which last statement he shall deliver to his successor in office, together with all moneys, books and papers belonging to his office, relating to his duties under this act; *Provided*, That in his said settlement, said treasurer shall receive credit only for properly canceled orders of the board of education, and for lawful money of the United States; and such canceled orders shall forthwith be filed with the clerk of the board of education, by the city recorder, and for his compensation, the treasurer shall be paid from the city treasury such sum as the city council may determine, not exceeding one half of one per cent. upon the moneys that may come to his hands by virtue of this act.

SEC. 27. The board of education may cause a suit or suits to be prosecuted in the name of the city of Winona, upon the official bond of the treasurer, or of any collecting or disbursing officer, having to do with the moneys authorized to be raised, or coming to his hands by virtue of this act, for any fault, delinquency or official misconduct in relation to the collection, safekeeping or payment of any moneys appertaining to the school funds of said city.

SEC. 28. In all legal proceedings against the board of education, the process shall be served upon the clerk of the board, and whenever such suit or proceedings shall be commenced, it shall be the duty of said clerk to forthwith notify the president of the board, and at the next meeting of the board thereafter, shall communicate all information he may have in relation to such suit or proceeding.

SEC. 29. When any judgment shall be recovered against the board of education, no execution shall issue thereon; but when such judgment shall become final, and on the application of the plaintiff, his agent or attorney, the board shall audit the same, as other claims are audited, and shall pay the same from any moneys in the treasury not otherwise appropriated; and if there shall be no such moneys, they shall include such judgment, with lawful interest, in their next estimate of expenses; and it shall be the duty of the city council to cause a special tax to be levied sufficient to satisfy the same.

SEC. 30. This act shall supersede an act entitled, "An act for the establishment and better regulation of the common schools of the city of Winona," approved March seventh, (7th,) one thousand eight hundred and sixty-two, (1862). *Provided*, That nothing herein contained shall be construed to abrogate or defeat any of the rights or powers of the board heretofore existing.

SEC. 31. This act shall not be repealed or affected in any manner by any subsequent act, unless specifically named or mentioned therein.

SEC. 32. All acts and parts of acts, so far as they relate to the city of Winona, inconsistent with this act, are hereby repealed.

SEC. 33. This act shall be construed as a public act, and shall take effect and be in force from and after its passage.

Approved March 6th, 1878.