

CHAPTER 47.

AN ACT TO AMEND AND CONSOLIDATE THE SEVERAL ACTS RELATING TO THE BOARD OF EDUCATION OF THE CITY OF SAINT PAUL.

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

SECTION 1. That the city of Saint Paul shall constitute [one (1)] school district, and all schools organized therein in pursuance of this act, shall, under the direction and regulation of the board of education, as hereinafter established, be public and free to children residing within the limits thereof, between the ages of six (6) and twenty-one (21) years inclusive, subject to such rules and limitations as the said Board may establish.

SEC. 2. The territorial limits of said board of education shall be co-extensive with the limits of the city of Saint Paul, as now existing, or as the same may be hereafter enlarged or altered, and in all cases whereby such enlargement or change in the said city limits, any other school district or part thereof may be included in the territorial limits of said board of education, the organization of such other school district, or part of the same, may be continued by the said board of education, in its discretion and under its supervision, and for such time and under such regulation as said board of education may prescribe, and said board of education may appropriate, in such case, to the use of such organization so continued by said board, that part of the school fund, and of the fund raised by taxation for school purposes, which would accrue to said board of education by reason of the accession of territory, occupied in whole or in part by such other school district, or make such suitable provision for the same out of the funds under the control of said board of education as said board may deem expedient.

SEC. 3. That at the annual city election to be held on the first (1st) Tuesday of May, one thousand eight hundred and eighty-three (1883), there shall be elected one (1) school inspector in each of the even-numbered aldermanic districts of said city, and that at the annual city election to be held on the first (1st) Tuesday of May, one thousand eight hundred and eighty-four (1884), there shall be elected one (1) school inspector in each of the odd numbered aldermanic districts of said city, and that annually thereafter there shall be elected six (6) school inspectors in the districts where the school inspector's term of office will expire on the first (1st) of June next succeeding, all of which said school inspectors shall hold their office for two (2) years from and after the first (1st) day of June next succeeding his election, and until their successors are elected and qualified; each of said school inspectors shall be a qualified elector of the district for which he may be elected, and shall continue to reside in the district during the time he shall serve as such school inspector. The city clerk of said city shall give notice of the election of school inspectors, as in the case of elective city officers.

SEC. 4. Whenever a vacancy shall occur in the office of school inspectors of said board, such vacancy shall be filled by the appointment

of the board of education of said city until the next annual city election, and the successor of such person so appointed to fill any vacancy, shall be elected at the next annual city election for the unexpired term.

SEC. 5. It shall be the duty of the board of education to meet on the last week day in May each year, and close up as far as practicable all old or unfinished business belonging to the said board, to audit all proper bills and order the same paid, and to do all such other business as may properly appertain to said board. *Provided*, That at such meeting no new business whatsoever shall be transacted, and that at said meeting no person whatsoever shall be nominated, chosen or elected to fill any vacancy in the board.

SEC. 6. Every person who shall hereafter be elected to fill the office of school inspector of said city, shall, before he enters upon the duties of his office, take and subscribe an oath, to the effect that he will support the constitution of the United States, and of the State of Minnesota, and faithfully discharge the duties of his office; and file the same with the secretary of said board of education, and in case any person so elected to said office, shall omit to take and subscribe such oath for the period of twenty (20) days after the commencement of his term of office, the said board may declare his office vacant. *Provided, always*, That if it shall appear to the said board, that the person so elected was prevented by absence from the city, illness, or the failure to receive proper official notice of his election, from taking and subscribing his official oath within the time and in the manner herein prescribed, he shall, notwithstanding such omission, on taking and subscribing such oath, be entitled to his seat in said board.

SEC. 7. The school inspectors aforesaid shall constitute and be a corporation as heretofore existing, and hereby continued by the name of "The Board of Education of the City of St. Paul," and in that name shall be capable of suing and being sued, contracting and being contracted with, and holding, buying or selling, and conveying real and personal property, as the interest of said public schools may require, and as said board may deem expedient, and may adopt a seal, and shall have charge of the public schools and educational interests of the state, within the limits of said city of St. Paul. All conveyances of property made by said board of education, shall be under the seal of said board, and subscribed by the president and secretary thereof, and countersigned by the comptroller of said city.

SEC. 8. The board of education, a majority of the members elect of which shall form a quorum, may meet from time to time, at such place in said city as they may designate.

SEC. 9. The board of education shall have full power and authority, and it shall be their duty to purchase, lease or erect such school-houses as may be necessary, to keep the same in repair, and provide for the payment of such buildings or repairs, and apply for and receive from the county treasurer, or other officers, all moneys appropriated for the public schools, and designate a place where the library shall be kept; the said board shall have full power and authority to make by-laws and ordinances relative to the preparing of the enrollment of all scholars between the ages of six (6) and twenty-one (21) years, and enrolled in said public schools, the making all necessary reports, and

transmitting the same to the proper officers, as designated by law, so that the said city may be entitled to its proportion of the public school fund; relative to the employment and examination of teachers, their powers and duties; relative to visitation of schools; relative to the length of time schools are to be kept, which shall not be less than three (3) months in each year; relative to the regulations of school, and the books to be used therein; relative to the appointment of necessary teachers, janitors and other employees, and may prescribe their powers and duties; relative to any and everything whatever that may advance the interests of education, the good government and prosperity of the public schools in said city, and the welfare of the public concerning the same.

SEC. 10. The board of education shall also, whenever in their judgment additional means may be necessary for the support of public schools in the city of St. Paul, or for the purpose of paying the interest on any bonds now made by said board of education, on or before the first day of June of each year, present to the common council of the city, a statement to the amount of money beyond that in their treasury needed for such purposes, and said common council shall levy a tax sufficient for such purposes, on all real and personal property within said city, according to the city assessment roll, which shall be collected in the same manner as the money to defray the general expenses of said city, and when collected, shall be subject to the order of said board of education, and such levy of the full amount of any such statement so presented and claimed by said board is hereby made mandatory upon said common council. *Provided*, That the levy of such tax shall in no one (1) year exceed the maximum of four (4) mills on the dollar, of the property in said assessment roll. *Provided*, however, That when said levy shall exceed three (3) mills on the dollar of the property assessed, the excess shall be set apart in the treasury as a building fund. *Provided, also*, That the board of education shall have no power or authority to increase the debt of the city, or of said board of education, by the issue of bonds or otherwise, unless expressly authorized by law.

SEC. 11. The said board of education shall meet, for the purpose of organizing and electing its officers, on the first (1st) Monday in June of each year, and provided such organization shall not be completed at that time, it may be so completed at a future meeting, and immediately after their organization shall proceed to elect from their number, a president, vice-president, and secretary; the president shall be the president of the said corporation, and shall preside at all meetings of said board. The vice-president shall preside at all meetings of said board when the president shall be absent. The secretary shall keep a true record of the proceedings of said board; he shall see that the enumeration of scholars, as required by this act, and by the general laws of the state, is properly taken and duly returned to the proper state officer, and perform all such other duties as said board may require of him by its by-laws or otherwise; he shall be entitled to receive a salary for his services of not more than five hundred dollars (\$500) per annum. In case of the absence of the president and vice-president the inspectors present at any meeting may elect one (1) of their number president *pro tempore*, who shall act as president aforesaid during the absence of the president and vice-president. The said board shall have

power to appoint a superintendent, and such other school officer or officers, teacher or teachers, as said board may deem expedient, and to fix the term of office for said school officer or teacher, and their compensation or salary, if any; and the said board shall have power to dismiss, or dispense with the services of any teacher or other employee, and also to abolish any office created by said board aforesaid. *Provided*, That the term of any such officer created by the board aforesaid, shall not continue longer than one (1) year, except as may in this act be provided.

SEC. 12. The board shall annually furnish to the common council of Saint Paul, a statement of the number of schools in said city, the number of pupils instructed therein the year preceding, the several branches of education pursued in them, and the expenditures for all the preceding year.

SEC. 13. The term of office of superintendent of schools of the city of St. Paul, shall be two (2) years, and until his successor is elected and qualified, but the person so elected can at any time, by a vote of two-thirds ($\frac{2}{3}$) of the board of education, be removed from office on ten (10) days notice for cause. *Provided*, That no minister of any religious denomination shall hold the office of superintendent of public schools of said city.

SEC. 14. All school moneys collected by any officer or officers of the city of St. Paul, or the county of Ramsey or of the State of Minnesota, or which may be coming to or owing, or due, or that may become due or owing to the board of education of the city of Saint Paul, shall be paid to the treasurer of the city of Saint Paul who is hereby declared to be *ex-officio* treasurer of the board of education of the city of Saint Paul, and who shall receive the same and keep a detailed and exact account thereof in such a manner as to show at all times the exact financial condition of said board. He shall pay the same out from time to time, upon warrants signed by the president and secretary of the board of education and countersigned by the comptroller of the city of Saint Paul. He shall exhibit to the board of education at their first meeting in July in each year, and as often as the said board may require, a full and detailed account of all moneys received and paid out since the date of the last annual report, or for any required payment.

SEC. 15. All the funds of the board of education of the city of St. Paul shall be deposited daily by the treasurer of said board in one (1) or more designated national banks, or state banks, or private bank or banks in the name of the board of education of the city of St. Paul; such bank or banks or bankers shall be designated by the board of education in their discretion after advertising in one (1) or more daily newspapers published in the city of St. Paul, for at least ten (10) days, for proposals, and receiving proposals, stating what security should be given to said board for such funds so deposited, and what interest would be paid on the daily balances of the amount so deposited, upon condition that said funds, with accrued interest, shall be held subject to draft and payment at all times on demand. *Provided*, That the amount deposited in any bank or banking house, shall not exceed the assessed capital stock of said bank or banking house as shall appear on the duplicate tax list. Before any national, state or private bank or banker shall be designated as such depository,

such bank or bankers shall deposit with such treasurer a bond payable to said board of education, and signed by not less than five (5) freeholders of the city of Saint Paul, as sureties, which bond shall be approved by said board of education, and shall be in such amount as said board shall direct, which amount shall be at least double the amount of funds to be deposited with said bank or bankers. Whenever any portion of the funds of said board of education shall be deposited by the treasurer of said board in the manner provided in this act, such treasurer, and the sureties on his bond, shall be exempt from all liability thereon by reason of the loss of any such deposited funds from the failure, bankruptcy, or any other act of such bank or banker, at the time of such failure or bankruptcy. *Provided*, That if no bank or banker shall be designated as aforesaid, the city treasurer shall keep said funds, and be responsible therefor.

SEC. 16. The said treasurer shall give bond with two or more sureties, freeholders, to be approved by the board of education, and in such sum as they may direct, not exceeding the sum of fifty thousand dollars (\$50,000), payable to the state of Minnesota, conditioned that such treasurer shall faithfully execute the duties of his office as such treasurer of said board of education, and for the safe keeping and paying over according to law, of all moneys which come into his hands belonging to said board of education, or under the provisions of this act, which bond shall be filed in the office of the secretary of said board and shall be properly kept by him.

The expense of the schools and the time of their continuance, shall be limited to the amount of appropriations made therefor; and no deficiency shall be created to be made up by the following year's taxation; and no change in the school books shall be made except by a vote of three-fourths ($\frac{3}{4}$) of all the members of said board elect. *Provided, always*, That nothing herein contained shall be so construed as to prohibit the board from borrowing money to meet the current expenses of the year, but all moneys so borrowed, if any, must be repaid out of the appropriations made for such year, as the same shall from time to time be collected, and shall not exceed the amount of said appropriation.

SEC. 17. And the interest and principal of all school bonds, notes, obligations, debts, liquidated accounts, or demands now due or owing and growing out of the school system of the city of Saint Paul, shall be payable, and paid by and through the treasury of the board of education of the city of Saint Paul, after the same shall have been duly examined and audited by the said board of education of the city of Saint Paul, and the faith and credit of the city of Saint Paul is hereby irrevocably pledged for the payment of the principal and interest of such notes, bonds and obligations aforesaid. No part of the real or personal property, held for school purposes, shall be subject to execution or sale, for any debt or liability against the said school board or school corporation, or for any liability due by the city of Saint Paul, but the same exemption from execution and sale, as is now provided by the charter of the city of Saint Paul, shall apply to all the school property, real, personal and mixed, and all liens heretofore created, either express or implied, on any of the school property, on

account of school bonds now issued, shall remain inviolate, and shall be kept, held and enforced.

SEC. 18. All claims against the board of education of the city of Saint Paul must be sworn to by the claimants, and no claim shall be allowed unless authorized by a two-thirds ($\frac{2}{3}$) vote of all the members elect, after which all such claims shall be transmitted to the city comptroller of the city of Saint Paul for auditing, and the said city comptroller, after having found the same to be correct and audited by him in a book entitled "Audited Claims," shall transmit all such claims to the secretary of the said board, who shall draw a warrant upon the treasurer of said board for each claim in favor of the party or parties entitled to receive such, and the said warrant shall be signed by the president and secretary of the said board of education, and countersigned by the comptroller of the city of Saint Paul, after which the said secretary shall deliver the said warrant to the party or parties entitled to receive such, taking a receipt therefor upon the stub of the book from which such warrant was taken.

Provided, That orders may be drawn for the payment of all claims for the salaries of the officers, teachers and janitors of said board when the same shall have been certified to by the president and secretary and the superintendent of schools, and audited by the city comptroller.

SEC. 19. No warrant on the treasurer shall be drawn or issued until there shall be funds sufficient to pay the same, together with the warrants that may be then outstanding, and the city comptroller is prohibited from countersigning any such warrant until there shall be sufficient funds in the treasury to meet such warrants which may then be outstanding. *Provided*, That this prohibition shall not apply to any warrant to pay for fuel, printing and stationery, and the salaries of teachers and all other employes of the board of education. The board of education is prohibited from borrowing any money for any purpose whatever, other than for the purpose of paying the interest on the bonded debt, and to pay for fuel, printing and stationery, and the redemption of any notes or certificates of indebtedness that may be outstanding at the present time, together with the salaries of teachers and all other employes of the said board; but in no instance shall the said board be allowed to borrow money for any of the said purposes unless the funds in the treasury are so depleted as to warrant the same. Furthermore, the said board shall not have the power, and is hereby prohibited from diverting for any purpose whatever, any money that may be paid into the treasury from the collection of taxes, state school apportionment, or from all other sources of revenue, other than for the purpose of paying the legitimate expenditures as required by the annual tax levy estimate, to pay interest on the bonded debt, salary of teachers, fuel, printing and stationery, general expenses, and bonds maturing for which taxes are annually levied.

SEC. 20. The funds for which a tax levy must be made, shall be as follows: Interest and sinking fund, building fund, salary fund, and general fund.

SEC. 21. No certificate of indebtedness or note for money borrowed shall be issued unless authorized by a two-thirds ($\frac{2}{3}$) vote of all the members elect of the board of education, and shall not draw a greater rate of interest than eight (8) per cent. per annum, payable semi-

annually. All certificates or notes shall bear the official seal of the board of education, and shall be signed by the president, secretary and treasurer of the said board and countersigned by the city comptroller of the city of Saint Paul, after which the said city comptroller shall deliver the said certificate of indebtedness or notes to the treasurer of the said board, taking his receipt therefor and charging him with the proceeds.

SEC. 22. The city comptroller shall at all times have access to the report, books, papers, vouchers and accounts of the treasurer of the board of education, and shall adjust all accounts between the said treasurer and the said board, giving the said treasurer a receipt for all vouchers for all money legally disbursed; all such settlements, if correct, must be approved by the board of education, after which the committee on ways and means of said board in the presence of the treasurer of the said board, and the city comptroller, shall destroy all such vouchers so allowed, and receipt to the city comptroller for the same. The city comptroller shall keep regular books of accounts in which he shall enter all indebtedness of the said board of education. He shall countersign all bonds, warrants drawn on the treasury and other evidences of indebtedness of the said board, and shall keep an exact account thereof, stating to whom and for what purposes issued, and shall keep an account with the treasurer of said board, showing the amount received from all the different sources of revenue, and the amount disbursed under the direction of the board of education. All contracts and leases shall be signed by the president and secretary of the board of education, and countersigned by the city comptroller, after which the same shall be kept on file in the office of the said comptroller.

SEC. 23. Any vote or act of any member of the board of education, or of the treasurer, secretary and other officers of the said board, together with the city comptroller of the city of Saint Paul, made or done with the willful intent to evade the provisions of this law, or to divert the funds raised by taxation or otherwise, to a specific purpose, is hereby declared to be a misdemeanor, and upon conviction thereof, such officer shall be punished by a fine not exceeding five hundred dollars (\$500), and by imprisonment in the county jail of Ramsey county not exceeding six (6) months. *Provided*, the board of education may by a two-thirds ($\frac{2}{3}$) vote of all the members elect, divert money from any fund to the interest and sinking fund, whenever such interest and sinking fund requires it, for the purpose of paying the interest on the bonded debt and the redemption of bonds. It shall be the duty of the city comptroller to annually submit to the board of education at their first (1st) regular meeting in the month of August in each year, an itemized report of the financial condition of the said board. He shall make a list of all outstanding bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they may respectively bear. The fiscal year of said board shall commence on the first (1st) day of June in each year.

SEC. 24. The proceedings of all regular and special meetings, and the annual report of the city comptroller shall have one publication in the official paper of said board, and said publication, together with all additional job work and printing, shall be paid at a rate not exceed-

ing the sum paid by the city of Saint Paul under the contract for city printing.

SEC. 25. On the first (1st) Monday of each and every month, the treasurer of the board of education of the city of Saint Paul shall report to the secretary of said board of education, which report shall be laid before the said board at their next meeting, the amount of all public funds under his control as treasurer of the board of education, and where placed or deposited, which report said treasurer shall cause to be published in the official newspaper of said board, on the next publication day of said newspaper.

SEC. 26. No purchase of supplies shall be made except upon the requisition of the secretary and approval of the president of said board and the committee on property, nor shall any payment be made or order issued therefor, until such claim has been allowed by the board.

SEC. 27. No school inspector shall directly or indirectly be a party to, or interested or concerned in, any contract or job with the said board of education, or in any work, merchandise, or in the supplying of any books or supplies, done or furnished for the use of said board of education, or the public schools of the city of Saint Paul; and any contract or transaction prohibited aforesaid shall be void, and all moneys which may be paid thereon by said board may be recovered back, and the office of any such school inspector so offending, shall become thereby vacant.

SEC. 28. The said board of education shall be the judge of the qualifications of its members, and shall have power, by a vote of two-thirds ($\frac{2}{3}$) of the members of the board, to declare the seat of any school inspector vacant, for violation of any of the provisions of this act, or in case of non-residence of any school inspector in the ward for which he was elected, or for other good sufficient cause, on fifteen (15) days' notice and hearing all such vacancies shall be filled as hereinbefore provided.

SEC. 29. All parts of acts, so far as they relate to the city of Saint Paul, inconsistent with this act, are hereby repealed, and the general laws of the state, so far as the same require the election of district school trustees, shall not apply to the said city of Saint Paul; but no such repeal shall supersede any inspector heretofore elected, or other officers of said board heretofore elected or appointed, or affect any contracts, bonds, actions, proceedings made, issued or had by the said board.

SEC. 30. This act shall be in force from and after its passage.

Approved March 1, 1883.