

CHAPTER 240.

[H. F. No. 1039.]

AN ACT TO AMEND AN ACT APPROVED MARCH ONE (1), EIGHTEEN HUNDRED AND SIXTY-FOUR (1864), ENTITLED "AN ACT IN RELATION TO PUBLIC SCHOOLS IN THE CITY OF RED WING," BEING CHAPTER FOURTEEN (14) OF THE SPECIAL LAWS OF THIS STATE FOR THE YEAR EIGHTEEN HUNDRED AND SIXTY-FOUR (1864).

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

That an act approved March one (1), one thousand eight hundred and sixty-four (1864), entitled "An act in relation to public schools in the city of Red Wing," be and the same is hereby amended so as to read as follows:

SECTION 1. All of the territory which now is, or hereafter may be, embraced within the corporate limits of the city of Red Wing is hereby constituted one (1) school district, and all public schools organized therein shall be under the direction and regulation of the board of education hereinafter provided for, who shall have the powers and be subject to the liabilities and limitations prescribed in this act.

SEC. 2. The board of education shall consist of seven (7) members, each of whom shall be a resident elector of said district, and shall hold his office for three (3) years from the second (2d) Tuesday in May succeeding his election and until his successor is elected and qualified, except as hereinafter provided; *Provided*, that in case of an election to fill a vacancy the person elected shall be so elected only for the unexpired term.

Vacancies occurring in said board of education shall be filled by the board, such appointee to hold his office until the next city election.

SEC. 3. The members of the board of education shall be elected, by ballot, at the annual election for city officers for the city of Red Wing. There shall be three (3) members at large, to be chosen by the qualified electors of the district, and four (4) ward members, one (1) to be chosen by the electors of each ward; and a plurality of votes shall elect. Ward members shall be residents of the wards from which they are elected. There shall be elected at the annual city election in the year eighteen hundred and ninety-one (1891), one (1) member at large for one (1) year, one (1) member at large for two (2) years, and one (1) member at large for three (3) years. Also one (1) member from the first (1st) ward for one (1) year, one (1) member from the second (2d) ward for two (2) years, one (1) member from the third (3d) ward for three (3) years, and one (1) member from the fourth (4th) ward for three (3) years, and thereafter all members shall be elected for the full term of three (3) years, except as provided in section two (2) of this act.

The names of persons to be voted for as members of the board of education shall be upon a separate ballot, printed in the manner required by law, and indorsed "Board of Education." Said ballots, as voted, shall be deposited in a separate ballot box, canvassed and

returned by the officers of election upon a separate blank, inclosed separately in an envelope sealed and indorsed as returns of the election of members of the board of education, and delivered, with the ballot boxes, to the city clerk of the city of Red Wing, to be canvassed by the city council of the city of Red Wing at the same time and in the same manner as the votes for city officers; and the city clerk shall forthwith give notice to the members elected of their election. The city clerk and officers of election of the several wards of the city shall perform the duties in regard to the election of members of the board of education which they are or may be required to perform in regard to the election of the city officers.

SEC. 4. Every member elected or appointed under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the clerk of the board.

SEC. 5. The members of the board of education shall meet, on the second (2d) Tuesday in May in each and every year, for the purpose of organization. They shall elect from their number a president and vice president, and shall also elect a clerk and a treasurer, who may or may not be members of said board, who shall hold their respective offices for the term of one (1) year and until their successors are elected and qualified. The members of the board shall perform their duties without compensation, except that the clerk and treasurer may receive such compensation as shall be fixed by the board.

SEC. 6. The board of education, elected, qualified and organized as hereinbefore provided, shall be clothed with all the powers and duties of a district board under the present or future general school laws of the state of Minnesota, and such other powers as may be conferred upon them by the provisions of this act. They shall transact the business of the district in the name and style of the "Board of Education" for the Red Wing school district, and all agreements, contracts, orders upon the treasurer for the payment of money, and other official papers and records, shall be signed by the president and attested by the clerk. A majority of the whole number of members shall constitute a quorum for the transaction of business.

SEC. 7. The acceptance of office of the president, clerk and treasurer shall be made in writing and filed in the clerk's office, or orally in a meeting of the board and entered upon the record of said meeting. The president shall preside at all meetings of the board when present and perform such other duties as the board may prescribe; in case of the absence of the president, the vice president shall preside, and in case both be absent, a president *pro tempore* may be elected. The clerk shall faithfully discharge all the duties imposed by the general laws of the state upon district clerks, so far as the same are applicable to the Red Wing district; he shall attend all meetings of the board of education and keep a record of all their doings, and shall perform such other duties as the board may prescribe. The treasurer shall file his official bond and faithfully perform all the duties as prescribed for and imposed upon the treasurers of school districts by the general laws for common schools in the state of Minnesota.

SEC. 8. The board of education shall have power, and it shall be their duty, to establish and organize such and so many public schools in said district, having due regard to the convenience of the scholars and inhabitants thereof, as they shall deem requisite and expedient, and to alter and discontinue the same; to purchase or hire sufficient

school houses, rooms, lots and sites for school houses, and to fence and improve the same, and to build, enlarge, alter, improve and repair school houses upon lots and sites owned, leased or set apart by said district or said board for school purposes, and to sell and convey any school house or lot; *Provided*, that the board shall not purchase any lot or building, nor build any house the purchase or construction of which will increase the bonded indebtedness of the district, nor for any other cause increase the bonded indebtedness of said district, except as provided in this act, until the proposition for such purchase or building or issue of bonds has first been submitted to the electors of the district at some annual election and approved by a majority of the electors voting upon the same. If such proposition be so approved, then said board shall have full power to issue the negotiable bonds of the district for the purposes and in the amounts stated in the terms of submission of said proposition to the people.

SEC. 9. The board of education shall have the custody, safe-keeping and control of the school houses, lots, sites and appurtenances, books, furniture and all other school property belonging to the district; shall contract with and employ a superintendent and all necessary teachers in the public schools of the district and at their pleasure remove the same; *Provided*, that no teacher shall be employed unless the board shall have received satisfactory proof of his qualifications or of his successful experience as a teacher; may summon for re-examination any teacher, and after such examination, may, for satisfactory reasons, revoke his certificate. They shall also have power, and it shall be their duty, to make such reports as may be called for by the state superintendent of public instruction; to pay the wages of teachers; to defray the necessary contingent expenses of the board, including the salaries of the clerk and superintendent; to have, in all respects, the control and management of the public schools of the district, with the power to adopt, alter and repeal rules and regulations for their organization, grading and government; for the instruction and discipline of pupils, their admission, suspension and expulsion, and their transfer from one school or grade to another; to decide upon the text-books to be used, and generally to promote their good order, prosperity and public utility; to make all necessary by-laws for the government and manner of transacting the business of the board, its officers and committees, and for conducting and regulating the schools, and to alter and repeal the same as they may deem expedient; to prepare, and cause to be published at the end of each school year, a report showing the number and grade of schools; the length of time the schools have been taught; the number of male and female pupils who have attended school; the average attendance of pupils each term; the amount of public money received; the amount of tax levied and the amount realized; the amount of moneys realized from all sources and whence derived; the manner in which moneys have been expended, and such other information as said board may think proper to publish.

SEC. 10. All school houses, the property of the district, and all buildings and parts of buildings in said district used or occupied for public school purposes, shall be and remain under the exclusive care, management and control of said board of education, and shall not, nor any part thereof, without the consent of said board, be used, occupied or appropriated for any purpose whatever other than for the use

of the public schools of said district. No law of this state shall be so construed as in any manner to restrict the powers or rights of said board in regard to any such school houses and buildings, as such rights and powers are herein conferred and defined, unless such restriction be in terms expressed in such law.

SEC. 11. The county treasurer of Goodhue county shall pay over to the treasurer of said school district, when collected, all taxes levied or assessed by said district or board of education, together with all interest, costs and penalties which shall be collected on account of the same, and in the several statements of the funds to be paid over, as is or may be provided for by the general law, said county treasurer shall account for and pay over to said district treasurer such portions of the interest paid by banks or bankers with whom the funds of said county shall be deposited, as have accrued from taxes levied by said district or said board and so deposited with such county funds, or as part thereof. Whenever, previous to any of the settlements provided for by law, there shall be a lack of funds in the treasury of said district, and the affidavit of the treasurer of said district, stating that there is such lack of funds, shall be presented to the county treasurer, and there shall then be funds in the county treasury which shall have been collected on account of any taxes levied or assessed by said district or board, said county treasurer shall, upon presentation of such affidavit and application of the district treasurer, advance and pay over to him such sums as shall have been then collected on account of such taxes, and such advances shall be accounted for and adjusted at the next regular settlement of such funds.

SEC. 12. That for the purpose of refunding the bonded indebtedness of said district, said board of education is authorized, upon the affirmative vote of not less than five (5) members of the board, said votes to be taken by ayes and noes and entered upon the record of the proceedings of said board, at any time when they may deem it necessary or for the interest of the district to do so, to issue the negotiable bonds of said district, in such sum or sums as by said board may be determined; *Provided*, that the amount of the bonded indebtedness shall not thereby be increased.

SEC. 13. All bonds issued under the provisions of this act or of the authority of the district shall be in the principal sum of not less than five hundred (500) dollars, and not more than one thousand (1,000) dollars, and shall be payable at such times, not exceeding twenty (20) years from the date thereof, as may be by said board determined. Such bonds shall be made payable to the bearer and shall bear interest, payable semi-annually, at such rate, not exceeding five (5) per cent per annum, as said board may determine, which interest shall be represented by coupons to such bonds attached. Such bonds shall be sealed with the corporate seal of the district and signed by the president and clerk of said board, and the coupons shall be signed by said president and clerk.

SEC. 14. Said board of education shall have power, and it shall be their duty, on or before the fifteenth (15th) day of September in each year, to levy and certify to the county auditor of Goodhue county, a tax upon the taxable property within said district, in such sum as said board may deem necessary for the general and current expenses of the district for one (1) year.

SEC. 15. For the purpose of providing for the payment of the principal and interest of any outstanding bonds of the district, or of any bonds issued under any of the provisions of this act, the said board of education shall, on or before the fifteenth (15th) day of September in each year, levy and certify to the county auditor of Goodhue county a tax upon the taxable property within said district, in such sum as said board may deem necessary to pay the interest accruing upon such bonds in the then next ensuing year, and in addition thereto, shall, at the same time, unless provision has been made through a sinking fund for the payment thereof, levy and so certify a tax in such sum as said board shall think necessary to pay the principal of such bonds maturing within the then next ensuing year. Said board is hereby authorized to create a sinking fund for the payment of the principal of any or all bonds issued under the provisions of the act, and for that purpose may, at such time and whenever they may think it expedient so to do, levy and certify to said auditor a tax upon such property in such amount as said board may deem necessary; *Provided*, that the amount of the tax levied for any such purpose in any one (1) year shall not exceed a sum so proportioned to the total principal of such unpaid bonds as one (1) year is to the number of years between the time of such first (1st) levy and the maturity of such bonds.

SEC. 16. All moneys received from any and all taxes so levied shall be by said board set apart, used and appropriated for the purpose for which the same was so levied, and shall not be set apart, used nor appropriated for any other purpose whatever; nor shall the said moneys, nor any part thereof, be loaned to any other fund of said district of said board until such bonds are fully paid.

SEC. 17. No bonds issued under the provision of this act shall be negotiated or sold by said board at less than the par value thereof.

SEC. 18. In all legal proceedings against said Red Wing school district the process shall be served upon the clerk of the board of education; and whenever such suit or proceedings shall be commenced, it shall be the duty of the clerk forthwith to notify the president of the board, and at the next meeting of the board thereafter he shall communicate all information he may have in relation to such suit or proceeding.

SEC. 19. All acts and parts of acts inconsistent with the provisions of this act are, so far as they affect the said Red Wing school district, hereby repealed.

SEC. 20. The term of office of the present members of the board of education of the Red Wing school district shall expire on the second (2d) Tuesday of May, eighteen hundred and ninety-one (1891), or as soon thereafter as the board of education, as provided for in this act, shall have been elected and qualified.

SEC. 21. This act shall be deemed a public act, and shall take effect from and after its passage.

Approved April 8, 1891.