

CHAPTER 169—H. F. No. 538

An act relating to education and repealing, except as herein provided, Mason's Minnesota Statutes of 1927, Sections 958 to 962, 2741 to 2747, 2748-1, 2750, 2754 to 2780, 2781 to 2800, 2801-1 to 2802-11, 2803, 2804, 2810 to 2818, 2819 to 2843, 2846 to 2848, 2850 to 2865a, 2868 to 2883, 2884 to 2935-14, 2951 to 2953, 2954 to 2980, 2983 to 3014, 3022 to 3036-5, 3063-1 to 3063-6, 3074 to 3076, 3080 to 3103, 5656 to 5660 and 7899, all section numbers inclusive; Mason's Supplement 1940, Sections 960, 2748, 2753 to 2780-15, 2780-17a to 2793-1, 2802 to 2802-4j, 2803-1 to 2807-1, 2814 to 2816-10, 2822 to 2839-2, 2844, 2849-1 to 2866½, 2867 to 2883-7, 2900-1 to 2903-1, 2962-1 to 2962-5, 2991-1 to 3013, 3014-6, 3021-11 to 3021-14, 3023 to 3047-5, 3073, and 3086, all section numbers inclusive; General Statutes 1913, Sections 2719 to 2724, 2891 and 2892, all section numbers inclusive; Laws 1915, Chapter 111; Laws 1917, Chapter 306; Laws 1917, Chapter 387; Laws 1921, Chapter 414, and Laws 1935, Chapter 209.
Be it enacted by the Legislature of the State of Minnesota:

ARTICLE I

STATE DEPARTMENT OF EDUCATION

Section 1. State Department of Education created—members—appointment.—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. All vacancies in the said board shall be filled for unexpired terms by appointments by the governor. The members of said board shall receive as compensation for their services the sum of \$10.00 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. One member shall be chosen annually by the members of the board as president, but no member of the board shall serve as president longer than two years during a term in office. The 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.

Sec. 2. Members to take oath of office.—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.

Sec. 3. Contracts to be signed by president and secretary.—All contracts made by the said board shall be in writing and shall be signed by its president and attested by its secretary.

Sec. 4. Duties.—The state board of education is authorized to make complete organization of the department of education, and to adopt all necessary rules, not in conflict with the provisions of law, for the conduct of its affairs; and shall have authority 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 reasonable and effective regulations which shall promote the educational interest of the state and safeguard the finances appropriated for the support thereof.

Sec. 5. Shall maintain offices in Capitol—shall appoint Commissioner of Education and other employees.—The state board of education shall be provided with suitable offices at the seat of government, and may provide all records, files, and office supplies required in the transaction of its business. It shall have power to appoint a commissioner of education, at a salary not to exceed \$5,000 per annum, and other necessary employees subject to the provisions of the Civil Service Law and the amount appropriated by the legislature for that purpose. The board shall designate the working title of each employee except that of the commissioner of education.

Sec. 6. Shall elect State Commissioner of Education—qualifications—duties.—The state board of education shall elect a state commissioner of education who shall be the executive officer and secretary of the board and whose term of office shall be six years. He shall be a person who possesses educational attainment and breadth of experience in the administration of public education and of the finances pertaining thereto commensurate with the spirit and intent of this article. The term of service of the first commissioner of education shall begin August 1st, 1919. The commissioner of education shall have authority to nominate, for approval by the state board of education, such officials and employees as may be necessary to perfect and to maintain the organization of the department

of education as recommended by the commissioner of education and as adopted by the state board of education. He shall perform such duties as the law and the rules of the state board of education may provide, and he shall be held responsible for the efficient administration and discipline of the various offices and divisions in the organization of the department of education. He shall be required to make recommendations to the state board of education which shall facilitate all of the work of the board, and he shall be charged with the execution of powers and duties which the state board of education may prescribe, from time to time, to promote public education in the state, to safeguard the finances pertaining thereto and to enable the board to carry out conclusively, the provisions of this article.

Sec. 7. State Board shall administer laws.—The state board of education shall administer all laws relating to the state commissioner of education, libraries, and other public educational institutions, except such laws as may relate to the state university, and to the state teachers colleges.

Sec. 8. Shall require bonds from certain employees.—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 as it may direct, and each bond shall be approved and filed as provided in Mason's Supplement 1940, Section 9667-1.

Sec. 9. Shall appoint a supervisor of physical and health education.—The state board of education shall appoint a supervisor of physical and health education and training, competent and qualified to, and who shall under the commissioner of education, administer, supervise and direct the program of physical and health education and training, provided for in Section 11, Subdivision 14 of this article and Article XI, Section 13.

Sec. 10. Shall receive traveling and incidental expenses.—The members of the state board of education and other persons appointed by it shall receive their necessary expenses for traveling and other incidental expenses incurred in connection with their official duties, to be paid from appropriations made for such purposes.

Sec. 11. Powers and duties of State Board of Education.—**Subdivision 1.** All the functions, powers and duties which were, prior to the passage of Laws 1919, Chapter 334, by law vested in, or exercised by, the state superintendent and his appointees, the state high school board and its appointees,

and the state library commission and its appointees, are hereby vested in, and shall be exercised by the state board of education, and it shall also serve as the state board for vocational education.

Subdivision 2. The state board of education shall, under the laws prescribed therefor, issue all certificates to all persons employed in a public school to give instruction or supervision of teaching.

Subdivision 3. To facilitate and control the transportation of nonresident high school pupils, the state board of education may divide the state into high school areas, each such area containing at least one classified public high school and such school districts and parts of districts as may conveniently be served by such high school; provided, however, that a school district 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 transported to such high school. The state board of education shall formulate such rules and regulations as may be necessary for establishing such high school areas and for transporting nonresident 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 nonresident pupils; but such rules and regulations shall not prevent or deny to any parent the right to transport, or to provide for the transportation of his children at his own expense, to the high school of any district willing to receive them. Any school district dissatisfied with the areas recommended by the advisory committee or established by the state board of education shall have the right of a hearing before the advisory committee and the state board of education.

Subdivision 4. The state board 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.

Subdivision 5. The state board 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 it may deem of public value. With the cooperation of the public examiner it shall establish and carry into effect a uniform system of accounting by public school officers, and it shall have authority to supervise and examine the accounts and other records of all public schools.

Subdivision 6. Authorized representatives of the state board of education shall visit the elementary and secondary schools and junior colleges and report their findings and recommendations.

Subdivision 7. The state board of education shall exercise general supervision over public schools and public educational agencies in the state, shall classify and standardize public elementary and secondary schools and prepare for them outlines and suggestive courses of study. The board shall establish rules relating to examinations, reports, acceptances of schools, and courses of study and other proceedings in connection with elementary and secondary schools applying for special state aid.

Subdivision 8. In order to insure satisfactory completion of subjects in the elementary field the state board of education may require that examinations be given in any elementary school, such examinations to be designated or prepared under the direction of the state board of education. The purchase and distribution of examinations as provided herein shall be in accordance with Section 12 of this article.

Subdivision 9. Upon the request of any superintendent of any public or private school teaching high school courses in the state, the state board of education shall designate or prepare uniform forms for state examinations in each 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. The purchase and distribution of examinations as provided herein shall be in accordance with Section 12 of this Article.

Subdivision 10. Under such rules as may be prescribed by the state board of education the county superintendent of schools shall conduct the state board of education examinations in the schools of his county other than high and graded. For this purpose he shall hold the same relation to the state

board of education as the superintendent or principal of a district maintaining a graded elementary or high school. He may designate the points at which such examinations are to be held. He may also appoint assistants for grading the papers of such examinations, and such assistants shall be paid by the county at the rate of \$3.00 per day, but the number of assistants shall not exceed one for each 20 schools, or major fraction thereof in the county, nor shall the amount of money expended for this purpose exceed \$100.00 in any one year. The superintendent of schools of the county in which the examinations are given may extend the privileges of such examination to any school in his 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.

Subdivision 11. 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 state board of education may establish.

Subdivision 12. The public evening schools established under the provisions of Section 14, Article IX, and the general conduct thereof shall be under the direction and control of the state board of education, and it is hereby authorized and directed to make such investigations as may be necessary to advance the purposes of said Section 14 and to carry out its provisions.

Subdivision 13. The state board of education shall prescribe rules for school sites, and for the mechanical equipment, erection, enlargement and change of school buildings. All plans and specifications for the erection, enlargement and change of school buildings shall first be submitted to the state department of education for approval before the 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 to and have been approved by the state department 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 other respects the authority to make rules for public school buildings shall be vested in the state board of education which board shall have 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, the state department of education may condemn school buildings and sites which are unfit or unsafe for use as such.

Subdivision 14. The commissioner of education shall supervise the administration of Section 9 of this Article and Section 13 of Article XI, under such rules and regulations as may be established by the state board of education, which board 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 the state board of education may deem necessary or suitable to carry out the provisions thereof.

Sec. 12. **Shall prepare standard forms and blanks for all school reports.**—The state board of education shall prepare or designate standard forms for school registers, uniform blanks for all reports required by this title, uniform record books for district treasurers and clerks, and any other blanks necessary for school business. Said uniform forms may be purchased through the department of education, subject to its approval, and provided that the requests therefor shall conform to the rules and regulations established by the department of education. The purchase of said forms on behalf of said districts by the department of education shall be made through the department of administration, division of printing, and subject to all the rules and regulations provided by statute for the purchase of such forms for the state of Minnesota. The purchase of said uniform forms may also be made by the school districts directly from vendors.

Sec. 13. **Shall make biennial report to Governor—shall make biennial report to legislature—contents of report.**—Subdivision 1. On December 1 of each even-numbered year, the state board of education shall make a report to the governor, which shall cover the biennial period ending June 30 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 including summaries of receipts and disbursements, and such other matters as it may seem advisable to include in such report, or as shall be required by the governor.

Subdivision 2. On January 1 of each odd-numbered year or as soon thereafter as possible, but not later than February 1,

the state board of education 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 state commissioner of education may require relative to public schools, including enrollment, attendance, and classification of pupils in public schools.

2. A statement of the conditions of public schools and of public and other institutions of learning reporting to the state department of education.

3. The amount of money 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 and kind 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.

Sec. 14. Shall recommend to Governor and Legislature changes in laws.—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.

Sec. 15. Not to apply to University of Minnesota, State Teachers Colleges, or Board of Regents.—Nothing in this article shall be held to apply to the university of Minnesota, or to the state teachers colleges, or to the powers, functions and duties vested by law in the board of regents of the university, or in the state teachers college board.

Sec. 16. Board presumed to have powers in certain cases.—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 Sections 7 and 11 (1) and those conferred by this article 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 the board.

Sec. 17. Shall submit questions to Attorney General.—If any difference of opinion arises between school officers as to their powers or duties, or if there is any doubt as to the proper construction of any part of the state school laws administered by the state board of education, the commissioner of education, at the request of any such officer shall submit such question to the attorney general, who shall give his written opinion thereon to such commissioner of education, and such opinion shall be binding until annulled or overruled by a court.

Sec. 18. May establish circulating libraries.—The state department of education may purchase collections of books, to be the property of the state, and used as a state circulating library, from which any town, village, or community may borrow, under prescribed regulations. It may also loan books to individuals residing in areas where other public library service is not available. It shall divide such books into groups to be known as traveling libraries, catalogue and prepare them for circulation, and make rules for the conduct of this business, such as shall insure the care, preservation, and safe return of all books loaned. Suitable rooms shall be provided in the capitol for its use.

Sec. 19. May advise and instruct managers of public libraries.—The state department of education shall give advice and instruction to the managers of any public library, and to the trustees or agents of any village, town, or community entitled to borrow from the collections of books, upon any matter pertaining to the organization, maintenance, or administration of libraries. It shall assist, by counsel and encouragement, in the formation of libraries where no library exists and may send its members to aid in organizing the same, or in improving those already established.

Sec. 20. Shall keep statistics of public libraries.—The state department of education shall keep statistics of the free public libraries of the state, and a record of the work done and the books loaned by it, and report the same to the legislature at each regular session thereof, together with a statement of its expenditures, relating to such work, the use made of the traveling libraries, and such other matters as it deems proper.

Sec. 21. Teachers' employment bureau established.—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 education, under the direction of the state board of education.

Sec. 22. Who may enroll.—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 teachers' employment bureau upon complying with the regulations referred to in Sections 21 to 24, and upon the payment of such fee as may be determined by the state board of education, which fee shall not exceed \$5.00 per year and shall entitle the person so enrolled to the privileges and services of said bureau.

Sec. 23. Duties of state teachers' employment bureau.—It shall be the purpose of the state teachers' employment bureau to furnish to boards, superintendents, principals, or other proper authorities of public schools, upon request, information 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 nor be 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 payment and acceptance of the enrollment fee be construed as a guarantee for securing through the bureau employment to teach.

Sec. 24. Appointment of director of state teachers' employment bureau.—The commissioner of education shall nominate and the state board of education shall appoint a director of the state teachers' employment bureau, who shall perform his duties under the general supervision of the commissioner of education, and who shall be furnished necessary office rooms in the state capitol. The state board of education may appoint such clerical and other assistants as may be required to carry out the purposes of Sections 21 to 24, but the expense therefor shall not exceed the money available therefor. The state board of education shall make the necessary rules and regulations for conducting this bureau. The commissioner of education shall designate one employee of this bureau who shall collect and receipt for all fees provided for in Section 22 and report and pay the fees to the state treasurer as provided by law.

Sec. 25. Trustees of incorporated colleges, etc., may prescribe course of study—shall make annual report to state com-

missioner of education.—The trustees of any incorporated college or seminary, in addition to their other powers, may prescribe its course of study and discipline, grant such literary honors and degrees as are usually granted by similar institutions, and give suitable diplomas in evidence thereof. They may make all rules, ordinances, and by-laws necessary and proper to carry into effect its powers. They may require the treasurer and other officers and agents to give bonds. Every such college shall be subject to visitation and examination by the state commissioner of education: They shall annually, on or before January 1, report to the state commissioner of education the name of each trustee, officer, and student, the amount of stock subscribed, donated, and bequeathed, and the amount actually paid in.

Sec. 26. Commissioner to meet with school boards, etc.—For the purpose of considering matters affecting the interests of public education, the commissioner of education or his representative shall, upon notice, meet with the several school board members, county and city superintendents, school principals, and teachers at such times and places in the state as he shall deem most convenient and beneficial.

Sec. 27. Shall provide for teachers' institutes.—The state commissioner of education shall provide for teachers' institutes in the several counties of the state for the professional instruction and training of teachers. He shall designate the county or counties for which such institutes are to be held, and the times and places of holding the same. The state board of education shall have authority to employ institute instructors and lecturers for the purposes of conducting such institutes. Each institute shall continue for not to exceed one week. In the discretion of the commissioner and in cooperation with the county superintendent of schools, institute instructors may visit schools in the county for not to exceed four days in connection with any institute.

Sec. 28. County superintendent to give notice to teachers.—The superintendent of each county for which such institute is designated shall give notice thereof to the teachers of the ungraded elementary schools of his county, and may require their attendance. He shall make all necessary arrangements and shall attend and take part in the work of such institute.

Sec. 29. Teachers of ungraded schools must attend institutes—excuses.—It shall be the duty of every teacher in an ungraded elementary school in the county to attend such insti-

tute during the entire duration, unless excused by the county superintendent for cause. Every teacher who has been in attendance at such institute shall receive from the county superintendent a certificate indicating the days attended, which, when presented to the clerk of the school district in which the teacher is employed, shall entitle the teacher to full pay for the time school has been closed on account of actual attendance at such institute.

Sec. 30. Institutes must have free use of school houses or school rooms.—The school board in any district in which an institute is designated to be held shall allow the free use of any schoolhouse or schoolroom 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.

Sec. 31. County boards to pay expenses—limitations.—The board of county commissioners of any county for which an institute is designated 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 \$50.00 in any one year. The board may also appropriate out of the county revenue fund a reasonable sum for expense of the institute to be expended under direction of the county superintendent, who shall file with the county auditor within a month an itemized statement of the disbursement thereof.

Sec. 32. Division of vocational rehabilitation established.—There is hereby established under the direction and control of the state board for vocational education in the state department of education, a division of vocational rehabilitation 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 state board for vocational education 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. The employees of the division shall be appointed by the state board of education functioning as the state board for vocational education.

Sec. 33. State board of vocational education may form a plan of cooperation.—The state board for vocational education and the department of labor and industry, or any agency

which may succeed it in the administration or supervision of the Workmen's Compensation Act, shall formulate a plan of cooperation with reference to the work of the division of vocational rehabilitation. Such plan shall be effective only when approved by the governor.

Sec. 34. Duties of division of vocational rehabilitation.—The division of vocational rehabilitation shall aid persons who are incapacitated as described in Section 32 herein, in obtaining such education, training and employment as will tend to restore their capacity to earn a livelihood. The division of vocational rehabilitation may cooperate with the United States government, and as part of such cooperation may extend the benefits of Sections 32 to 34 to any civil employee of the United States disabled while in the performance of his duty, without regard to the residence or 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 of vocational rehabilitation may, of its own accord, establish, or maintain, or in cooperation 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 Sections 32 to 34.

Sec. 35. May receive information from railroad and warehouse commission of injured persons—disclosure of information prohibited.—The employees of the division of vocational rehabilitation shall have the right to receive from the Railroad and Warehouse Commission, under Mason's Minnesota Statutes of 1927, Section 4704, the names and addresses of persons injured. No information obtained from such reports, nor any copy of the same 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 vocational rehabilitation to the persons injured.

Any disclosure so prohibited is hereby declared to be a misdemeanor and punishable as such.

ARTICLE II

ADMINISTRATION AND SUPERVISION

Section 1. Duties of county superintendent.—In addition to their other duties, county superintendents shall visit and instruct each school in their counties, except those under the immediate charge of a city or district superintendent, at least once in each term. They shall 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 health 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 commissioner of education, 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 commissioner of education.

Sec. 2. County superintendents to keep records.—County superintendents shall record in their office in a book provided by the board of county commissioners for such purpose, all material facts concerning teachers' certificates presented for recording purposes and shall certify to each holder of such certificate that such recording has been made.

Sec. 3. May call meetings.—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 school statistics, methods of organization of schools, and other matters relating to the educational interests of the public schools.

Sec. 4. Shall forward blanks and circulars to teachers and clerks.—The county superintendent 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 board of education.

Sec. 5. Shall make reports as required by commissioner of education.—The county superintendent shall make such reports as may be required by the state commissioner of education. These reports shall be made on or before dates fixed by the state board of education and shall include tabu-

lated extracts from the reports of the teachers and clerks, and such other matters as may be called for in the blanks. When the clerk of a common school district has failed to render his report at such time as may be specified by the state board of education, the county superintendent shall be empowered to employ help to compile such report, the expense to be paid by the local school board from district funds which amounts may be deducted from the annual salary of said clerk.

Sec. 6. Shall file report of number of pupils with county auditor annually.—On or before the first Monday in October of each year the county superintendent of schools shall file with the county auditor an abstract of the number of pupils in each district entitled to be counted for apportionment of school funds, and on or before December 15th, he shall file with the county auditor an abstract of the number of children in each district entitled to be counted in the distribution of the income tax school fund.

Sec. 7. Not to draw salary until reports are filed.—No warrant shall be drawn for the payment of the salary of the county superintendent for the months of October and December of any year until the reports specified in Sections 5 and 6 shall have been filed, and proof made of the filing of such superintendent's reports to the commissioner of education.

Sec. 8. May appoint deputy superintendent—limitations.—Any superintendent physically unable to visit his schools may appoint a deputy superintendent for not more than 60 days in any year, to be paid by such county superintendent.

Sec. 9. Salaries of county superintendents.—Salaries of county superintendents, except as hereinafter provided, shall be fixed by the board of county commissioners and shall not be less than a sum equal to \$15.00 or \$12.50, as herein provided, for each organized public school in the county, to be reckoned, pro rata for the year from the time when a new school, organized in any district begins. It shall be fixed at not less than \$15.00 for each public school in the county, until the salary, reckoned on that basis, reaches \$1,000, and in counties where the salary, reckoned at \$15.00 per school, shall exceed \$1,000 it shall be reckoned on the basis of not less than \$12.50 for each public school in the county, until the salary reaches \$2,000, but in no county shall the salary, reckoned on the basis of \$12.50 for each school, be less than \$1,000. Provided: that when one or more school districts are hereafter discontinued in any county as a result of consolidation, or when school in any school building is or has been discontinued as a result of consolidation

and the children usually attendant thereat are transported to another school in the same or adjoining district by the school authorities, then thereafter the salary of the county superintendent shall be reckoned, and an assistant or assistant superintendent, if any, shall be appointed, on the basis of the number of schools before such consolidation or discontinuance was made. In any county, except as otherwise provided in this act, the salary of the county superintendent may be fixed by the county board at such sum higher than \$2,000 as the county board shall determine.

The provisions of this section shall apply to all counties in this state excepting: (1) those having a population of 150,000 or more, in which the salary of the county superintendent and the appointment and salary of his assistant shall remain as now fixed by law referring to such counties; and (2) other counties where the salary of county superintendent is now fixed by special law in which last-named counties the salary of the county superintendent shall be fixed by such special law, but all other provisions of Sections 9 and 10 shall apply to such last named counties.

The term "school" as used in Sections 9 and 10 shall be understood to mean a school building in which a public school is held.

Sec. 10. County Board to pay expenses.—The board of county commissioners of each county shall pay itemized and verified bills for postage used in official correspondence and in forwarding official documents; express, telegraph and telephone charges in official business; necessary bills for printing notices, circulars, examination questions, annual reports required in the proper grading of schools; and necessary and proper expenditures in connection with county graduation exercises, or such reports and classification records as may be required by the commissioner of education, together with necessary stationery in the examination of pupils and for official correspondence; also the local expense in connection with teachers' institutes.

Sec. 11. Clerk hire in certain counties.—In counties containing not less than 45 nor more than 74 schools the county superintendent may be allowed annually, such sum for clerk hire as the board of county commissioners shall determine, not exceeding the sum of \$500.00. In counties containing not less than 75 nor more than 124 schools the county superintendent may be allowed annually such sum for clerk hire as the board of county commissioners may determine not exceeding the sum of \$600.00. In counties having 125 schools, but less than 240, the county superintendent may be allowed annually such sum

for clerk hire as the board of county commissioners shall determine, not exceeding the sum of \$650.00, and shall appoint one assistant, and in counties having 240 schools or more, he shall appoint two assistants, and the assistant or assistants shall give their entire time to their duties as such assistant superintendents and shall serve during the pleasure of the superintendent. The salaries of assistants appointed to serve for full time shall be fixed by the board of county commissioners. Assistants so appointed to serve for full time shall have had at least 18 months' experience in public schools, and be the holders of teachers' certificates equivalent to diplomas from a Minnesota state teachers college, except that in counties having two assistants, it shall be sufficient if one of them possesses the teaching experience and the certificate herein referred to. Any assistant at the time of his appointment may or may not be a resident of the county for which he is appointed. In each case the assistant county superintendent shall assist the superintendent in the performance of his general duties, as directed, and report to him. Clerk hire shall be paid to the persons actually rendering such clerical services, out of the county treasury, upon the order of the county auditor accompanied by a certificate of the county superintendent that the service has been rendered, and no allowance for such clerk hire shall be made or received in any case except for services actually rendered.

Sec. 12. Not to apply to counties operating under special law.—Section 11 shall not apply to any county now operating under a special law, nor to any county where the provisions for county superintendent's clerk hire or assistant county superintendent is fixed on a classification other than the number of schools.

Sec. 13. To deliver records to county auditor upon retirement.—Every county superintendent on retiring from office shall deliver to the auditor of his county, for his successor, the records of his office, a list of the clerks of all school districts of the county, with their postoffice addresses, and of all persons under contract to teach in the ungraded elementary schools of the county, together with all blanks, registers, copies of laws, and other state or county property in his possession; and no auditor shall make full payment of salary to any such county superintendent until he has complied with the requirements of this section.

Sec. 14. County superintendent to be allowed traveling expenses.—The board of county commissioners of each county of the state shall audit and, if found correct, allow duly itemized and verified claims of the county superintendent of schools

for actual and necessary traveling expenses, incurred by him or his assistants in the discharge of their official duties. If the county superintendent of schools or his assistant uses his own automobile or other conveyance owned by him in the performance of his official duties, the board of county commissioners shall likewise allow him therefor not to exceed five cents per mile necessarily traveled in such automobile or other conveyance in the performance of his official duties.

Sec. 15. Certain districts may employ high school superintendent—duties—reports.—All districts maintaining a classified high school shall employ a superintendent who shall be ex-officio a member of the school board but not entitled to vote therein. The superintendent in such districts shall visit the schools of the district, and exercise a general supervision 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 make recommendations to the board concerning the employment and dismissal of teachers. He shall superintend the grading of the schools and examinations for promotions, and shall perform such other duties as the board shall prescribe. He shall make, either directly to the commissioner of education, or through the county superintendent, such reports as shall be required.

ARTICLE III

SCHOOL DISTRICTS; ORGANIZATION; CONSOLIDATION; DISSOLUTION

Section 1. Organization of school districts—classification.
—For school purposes the state is divided into common school districts, special school districts, independent school districts, consolidated school districts, ten-or-more-township school districts, county school districts, and unorganized territories, each of which shall be a public corporation. All school districts shall be numbered consecutively in each county, and each shall be known as school district No. of county. A district, when situated in two or more counties, shall be known as joint school district No. of county and No. of county. Special school districts shall be known by the names or numbers given them at their organization.

Subdivision 1. A common school district is a district organized as such, with a board of three members, in which the electors determine the length of the school term and amount of the tax levy.

Subdivision 2. A special school district is a district established by a charter granted by the legislature. In such districts the number of board members and the powers and duties are prescribed by the charter. Unless otherwise provided the board of such district has the powers of a board in an independent district.

Subdivision 3. An independent school district is a district organized as such, having a board of six members, which board is vested with the authority to determine the length of school term and the tax levy.

Subdivision 4. A consolidated school district is a school district organized as such, having power of independent district, containing at least 12 sections of land, and is entitled to receive reimbursement aid for the transportation or board of pupils.

Subdivision 5. A joint school district may be any one of the above lying in two or more counties.

Subdivision 6. A county school district is a district comprising the entire area of the county with a board of five members which has the power to levy taxes.

Subdivision 7. A ten-or-more-township district is a common school district containing ten or more townships and operating under the provisions of one or more specific acts of the legislature.

Subdivision 8. Unorganized territory comprises portions of a county which have not been included in organized districts, in which the schools are administered by a county board of education for unorganized territory, consisting of the county superintendent of schools, chairman of board of county commissioners, and county treasurer, each acting as ex-officio member of the board, which board is vested with the authority to levy taxes.

Sec. 2. **Certain school districts deemed legally organized.**—Every school district which for one year shall have exercised the powers and franchises of a school district shall be deemed legally organized.

Sec. 3. **Composition of districts.**—All districts shall be composed of adjoining territory and any part of a district not

so situated, and not containing a schoolhouse used as such, shall be by the board of county commissioners, upon notice as in other cases, attached to a proper district.

Sec. 4. County auditor to keep plat of school districts.—The county auditor shall keep in his office books containing a correct plat and description of each school district, whether wholly or partly in his county, and of the unorganized territory. The county auditor shall submit on or before December 31st of each year to the state department of education a description and plats showing changes made in school district boundaries during the calendar year.

Sec. 5. Petition for new districts.—A majority of the freeholders, qualified to vote at school meetings, or elections, residing in an incorporated village wherein there is no schoolhouse, or upon any territory not less than four sections in extent, and in which reside not less than 20 children of school age, whether or not such territory be in whole or in part included in any existing common, independent, or special school district, may petition the board of county commissioners of the proper county to make such territory a school district, common or independent.

Sec. 6. Contents of petition.—The petition 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 petition shall be acknowledged by the petitioners and submitted to the county superintendent, and if he shall approve the same he shall endorse his approval in writing upon said petition, stating his reasons therefor; and if he shall disapprove of same he shall endorse thereon in writing his reasons for such disapproval.

Sec. 7. County Board to have hearing on petitions.—Upon the presentation of such petition, the board of county commissioners 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 county auditor's certificate shall be proof of the mailing.

Sec. 8. To make order.—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 particularly describe the district, 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.

Sec. 9. May change boundaries of districts.—Upon petition of the majority of the freeholders of each district affected, qualified to vote at school meetings, and elections, and otherwise proceeding in the manner prescribed for the formation of districts, the boundaries of any existing district may be changed or two or more districts united, or one or more districts annexed to an existing district.

Sec. 10. Limitations.—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 without at least one schoolhouse used for school purposes and without at least four sections of land if not a consolidated district and not less than 24 sections if a consolidated district. No change of districts shall in any way affect the liabilities of the territory so changed upon any bonded indebtedness; but any such real estate shall be taxed for such outstanding liability and interest, as if no change had been made.

Sec. 11. Claims against districts.—If, in case of the union or annexation or change of boundaries of districts, under the provision of any law, an action is brought by or against the new or remaining district upon any cause existing in favor of or against any discontinued district, any money collected in behalf of the discontinued district shall be placed in the treasury of the new district, but any 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, however, that if there are any debts or obligations chargeable against the discontinued district, any funds collected in behalf of the discontinued district shall be applied on such debts or obligations.

Sec. 12. May enlarge boundaries of school districts in certain cases—procedure.—When any incorporated borough, village or city of 7,000 or less inhabitants, has within its limits a school district, however organized, or is wholly or partly 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 7,000 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, city, or village or so as to include lands within and outside of such 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 district 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 a special meeting, to set a time and place for hearing upon such petition, and it shall cause a copy of the notice of such 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 said districts, at least ten days before the time appointed for such hearing. The posting of such copy of notice shall be proved by the affidavit of the person posting the same, which 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, 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 or detaching contiguous territory to or from any of such districts,

in such manner as in their judgment the best interest 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 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 board of county commissioners of all such counties affected.

Sec. 13. Re-hearings.—When the boundaries of any district have been changed by order of the board of county commissioners, 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 present the same to the board at its next meeting. 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.

Sec. 14. Procedure when two or more counties affected.—When the territory affected by the change of boundaries of school districts lies in two or more counties, proceedings as in the formation of new districts or change of boundaries 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.

Sec. 15. Transfer of property from one district to another—procedure.—When any freeholder shall present to the board of county commissioners of any county a petition, verified by him, stating that he owns land adjoining any district, or separated therefrom by 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, annexed to such adjoining district, and his reasons for asking such change, the board, upon notice and hearing as in the case of the formation of a new district, 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 the case of the formation of a new district; provided, that if the land or any part thereof, sought to be annexed and the adjoining district lie in different counties, such annexation shall not be effective until such petition has been

presented to the board of county commissioners of each county and each such board has made its order granting the same, in the manner herein provided.

Sec. 16. Districts may be united in certain cases—procedure.—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 united to form one district in the manner hereinafter provided.

Subdivision 1. Whenever a petition signed and acknowledged by at least 25 per cent of the legal voters of each school district affected shall be presented to the state commissioner of education requesting that the said district be united to form one district, and requesting the said state commissioner to call an election within each affected district, to vote upon the union of such districts, the state commissioner of education shall make proper inquiry as to the advisability of such proposed union and if he shall deem it for the best interest of education therein and of the territory affected, he shall order an election to determine the question of such proposed union to be held within 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 Union of School Districts" or "Against Union of School Districts."

Subdivision 2. 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 union, such districts shall be united 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 union, 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.

Subdivision 3. After the formation of any school district so united according to the provisions of this section, any person aggrieved may appeal from said order to the commissioner declaring such union to the district court of the county as now provided by law in connection with the formation of other school districts.

Subdivision 4. Nothing in this section shall be construed to transfer the liability of existing indebtedness from the district or territory against which it was originally incurred.

Subdivision 5. A district formed under the provisions of this section shall not be entitled to state aid as a consolidated district unless it conforms in all respects to the legal requirements for consolidated school districts.

Sec. 17. County board to make division of money upon division of districts.—Subdivision 1. When the boundaries of any school districts are changed, by formation of new districts, union of districts, annexation, enlargement or otherwise, the board of county commissioners shall make a division of all money, funds, credits, and property belonging to such districts and shall make an award of such money, funds, credits, and property to the district or districts affected by such change. The board of county commissioners shall also apportion outstanding obligations other than bonded indebtedness as they may deem just and equitable.

Subdivision 2. When the board of county commissioners has, by resolution, made a division of the money, funds, credits, and property belonging to such districts, the auditor of the county shall be required to make a division of all the money, funds, credits, and property evidenced by the records in his office pursuant to and as required by said resolution.

Sec. 18. What included in school districts.—For purposes of consolidation under the provisions of Sections 18 to 27, inclusive, the words "school district" shall mean school districts however organized as well as unorganized territory.

Consolidation of districts or parts of districts may be effected by consolidation of (a) two or more school districts, or (b) one or more school districts and parts of one or more school districts, or (c) parts of two or more school districts.

Sec. 19. Approval of plat by State Commissioner of Education.—A consolidated district established after June 30, 1941, must contain not less than 24 sections of land. Before any steps are taken to organize a consolidated school district, the superintendent of the county in which the major portion of territory is situated, from which it is proposed to form a consolidated school district, shall cause a plat to be made showing the size and boundaries of the proposed district, the location of schoolhouses in the several districts, the location of other adjoining school districts and of schoolhouses therein, and the assessed valuation of property in the proposed district, together with such other information as may be required,

and submit the same to the state commissioner of education, who shall approve, modify or reject the plan so proposed, and certify his conclusions to the county superintendent of schools.

Sec. 20. Petition for consolidation—signatures required.—After approval by the commissioner of education of the plan for the formation of a consolidated school district, an election on consolidation shall be held upon presentation to the county superintendent of a petition asking for the formation of a consolidated school district in accordance with the plans approved by the commissioner of education, signed and acknowledged by at least 25 per cent of the resident freeholders of each school district and each portion of a district affected, who are qualified to vote at school meetings or elections, and who have been such freeholders for at least 30 days immediately preceding the signing and acknowledging of the petition.

Sec. 21. Notice of consolidation—election ballot.—The county superintendent shall, upon receipt of such petition, within ten days, cause ten days' posted notice to be given in each district or portion of district affected, and one week's published notice, if there be a newspaper published in such 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. The county superintendent shall act as temporary chairman and shall preside at such meeting until the electors shall have elected a chairman and clerk. 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 or election shall be conducted as are annual meetings or elections. 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 a majority of residents of such new district reside and deliver to him for safekeeping all marked ballots in a sealed container. Provided, however, that in the case of consolidation of one or more rural districts or parts of districts with a school district in which there is maintained a state high or graded elementary school, election on consolidation shall be effected by a vote of the rural school districts or portions of districts only, in the manner provided by this section, and by the approval of such consolidation by the school board of the district in which is maintained a state graded or high school.

Upon the submission of a plat and its approval by the state commissioner of education, any portion of an unorganized territory of a county may be consolidated with an existing district in which is maintained a state graded elementary or high school, by a vote of the board of education for unorganized territory in the county in which is located such unorganized territory and by the approval of such consolidation by the school board of the district in which is maintained a state graded elementary or high school.

After the formation of any consolidated school district, appeal may be taken as now provided by law in connection with the formation of other school districts.

Sec. 22. Order of consolidation.—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 thereafter 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 state commissioner of education. The order shall specify the number assigned to such district.

Sec. 23. Consolidated independent districts—election of board—transfer of records and property.—When consolidation is effected by a vote of two or more districts or parts of districts, the new district shall thereby become an independent district with the powers, duties and privileges now conferred by law upon independent districts. The county superintendent of schools shall cause a 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 district. The new board shall be elected in the same manner as now provided when a common district changes to an independent district. Provided, however, that when such consolidation is with a district maintaining a graded elementary or high school, the school board of the latter shall continue to govern the consolidated district until the next annual school election, when the successors to the members whose terms then expire shall be elected by the legally qualified voters of the consolidated school district. Within ten days after election and qualification of members of the school board in the consolidated school district, the officers of the several districts dissolved by the forming of the consolidated school district shall 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 graded elementary or high school, all records, funds, credits, buildings, property and other effects of their several districts.

Sec. 24. Existing district may become consolidated.—Any existing school district having the required area may be granted the rights and privileges of a consolidated school district upon formal application to the commissioner of education pursuant to resolutions adopted by a vote of not less than two-thirds of the full school board, accompanied by a plat prepared by the county superintendent of schools of the county in which the school is located. Provided that this article shall not affect the rights or status of any consolidated school district now organized.

Sec. 25. Division of assets upon consolidation.—When a portion of a district is included in a consolidation, the board of county commissioners shall make a division of all the money, funds, credits, property, and obligations of such districts divided by consolidation as in the case of change of boundaries as provided in Section 17 of this article.

Sec. 26. Bonded indebtedness—transfer of liability.—Nothing in Sections 18 to 27 shall be construed to transfer the liability of existing bonded indebtedness from the district or territory against which it was originally incurred. Provided, however, that

(1) When a district or part of a district consolidates with a district which has incurred a bonded debt for the construction of buildings and purchase of equipment, such new territory shall become liable for its proportionate share of such indebtedness upon a majority vote of the electors of such new territory voting upon the question at a special election called at the request of 25 per cent of the resident freeholders of such new territory. The result of such election shall be filed with the county auditor.

(2) When a school district or part of a school district not located in an incorporated city or village shall become a part of a consolidated district and is bonded for the erection of a school building, the proceeds from the sale of said building and site, if sold, shall be applied on the payment of said bonds.

(3) The voters of a consolidated district, may, after its formation, by a majority vote take over and assume liability for the payment of the bonded debt of each district or part of a district entering into the consolidation except the bonded debt of any district containing in whole or in part an incorporated city or village. The clerk of the consolidated district shall, in case such bond assumption vote carries, give proper notice thereof to the auditor of each county in which any part of such consolidated district is situated.

Sec. 27. Indebtedness old district—how paid.—When any school district or part of a school district has 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:

Subdivision 1. Tax levy for bonded debt.—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 installment 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 installment 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 installment of principal, then the amount so remaining unpaid for such year shall be included in the levy to be made the following year.

Subdivision 2. Tax levy for other indebtedness.—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, excepting bonded indebtedness, as such outstanding liability 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 school district 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.

Subdivision 3. Claims to be verified.—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 by tax levy, and the county auditor, county treasurer and consolidated district treasurer shall take the same procedure and perform the same duties and acts as in subdivision 2 hereof provided.

Subdivision 4. Refunding bonds.—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 20 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 installment of principal that may be due in the following year. Such tax for the first year shall be 50 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 50 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 installment of principal, and shall file with the county auditor receipts therefor, together with the cancelled bonds so taken up. The state board of investment may invest the funds under its control in refunding bonds so issued under the provisions of this subdivision.

Subdivision 5. Actions when claims are disallowed.—When 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 subdivision 3 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 such action in behalf of the territory affected. In case 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 subdivision 2 hereof and the money so received from such tax levy shall be paid by the county treasurer in payment of such judgment.

Subdivision 6. Liability of county and district treasurers.—Such money so received by the county treasurer and by the treasurer of the consolidated district shall be considered as county and school district money 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.

Sec. 28. Dissolution of districts—failure to maintain schools.—Any district in which for two years no school has been held and no provision made by it for the education of its pupils may be dissolved by the board of county commissioners on its own motion; or such district, or any other district, may be dissolved by the board of county commissioners on a petition signed by a majority of the resident freeholders of the district, or on presentation of resolutions passed by a majority vote at a legal meeting of the electors of the district. The territory of a district so dissolved shall be attached by order of the board to one or more existing districts, or to unorganized territory, upon notice as in other cases of change of boundaries, as in its judgment shall seem most equitable having regard to the convenience of the inhabitants. If there be no unorganized territory in the county, the board may by such dissolution create unorganized territory to be governed by the laws relating to such territory.

Sec. 29. Dissolution of districts—no taxable lands.—**Subdivision 1. Procedure.**—When all of the taxable lands within 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 therein for more than 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 may be sold and disposed of by such board without notice, to the state of Minnesota or the United States as such board may determine; a certified copy of the resolution of dissolution adopted by such board shall be filed with the county auditor of the county wherein such district

is located; provided, however, that no such dissolution shall become effective unless all of the obligations or liabilities of such district shall have been paid and discharged.

Subdivision 2. Disposition of funds.—The remaining funds thereupon shall be paid to the county treasurer and the same placed to the credit of the unorganized district. If there is no unorganized district within such county such funds shall be proratably distributed by the county treasurer to the school districts within such county adjoining such dissolved district.

Subdivision 3. Statement of assets and liabilities.—The school board shall attach to such certified copy of resolution dissolving such district a statement setting forth all of the obligations or liabilities and property of such district before such resolution was adopted, the disposition made of such property, and receipts from the creditors of such school district showing that all such obligations or liabilities have been paid.

Sec. 30. Change of common or special to independent district.—Any common or special district may be changed to an independent district as hereinafter provided.

Subdivision 1. 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, then and there to vote by ballot upon the question of organization as an independent district.

Subdivision 2. 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."

Subdivision 3. 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 20 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.

Sec. 31. Change of independent to common district.—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.

Sec. 32. Appeal from order of county board.—Any school district officer or any other person aggrieved by any order of the board of county commissioners made pursuant to the provisions of this article, may appeal from such order to the district court of the county upon the following grounds:

- (1) That the board of county commissioners had no jurisdiction to act;
- (2) That it has exceeded its jurisdiction;
- (3) That its action is against the best interest of the territory affected.

Such appeal shall be taken by serving upon the county auditor within 30 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 \$100.00, 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 board of county commissioners.

ARTICLE IV

SCHOOL DISTRICTS: TEN OR MORE TOWNSHIPS: COUNTY UNITS: UNORGANIZED TERRITORY

Section 1. Election of school boards with ten or more townships.—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 on April 14, 1909, the trustees and members of the school board shall continue to hold their

respective offices as follows: the chairman until July 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 these terms of office or either of them so existing on April 14, 1909, shall expire prior to July 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 in Sections 3 and 4 of Article 6. 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 July 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 section, 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 July 1 after such election and one year from July 1 after such election, the term of office 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. 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 section, 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 general election laws of this state, including the primary election law, shall so far as possible, be applicable hereto, and the candidates for these 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 such general election law and 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.

Sec. 2. Common school districts with ten or more townships and less than ten schools—meetings and elections.—In each common school district in the state, now or hereafter, containing ten or more townships and less than ten schools, the school board shall consist of five 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 directors to fill the offices of directors whose terms expire on August 1, 1937. At the annual meeting held in July, 1938, two directors shall be elected to fill offices of directors whose terms expire on August 1, 1938. All annual meetings thereafter shall be held on the last Tuesday in June. At the annual meeting held in June, 1939, one director shall be elected to fill the office of the director whose term expires on July 1, 1939. Each such director as above set forth shall be elected for a three 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 years. Provided: that directors now holding office shall hold office until the expiration of the terms for which they were heretofore elected, but not longer than until July 1 of the year in which their terms expire.

Sec. 3. 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 at 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 15 days after the vacancy, on petition of 15 freeholders of the district and ten 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.

Sec. 4. Organization.—On the first Saturday in July, or as soon thereafter as practicable, each year, the board shall meet and organize, by choosing a chairman, clerk and treasurer who shall hold offices for one year and until their successors are elected and qualify.

Sec. 5. Schools defined.—Schools, as mentioned in Sections 2 to 8 shall mean school buildings wherein classes are regularly maintained.

Sec. 6. Tax limitations.—Common school districts having ten or more townships and less than ten schools, shall have the same tax limitations as those of independent school districts.

Sec. 7. School districts continue operation.—Any common school district of ten or more townships and less than ten schools, operating under Laws 1927, Chapter 84, during the years 1927 to 1933, and which school district continued to operate pursuant to and under Laws 1927, Chapter 84, after said laws were amended by Laws 1933, Chapter 391, shall continue to operate and exist as herein set forth.

Sec. 8. Powers.—Except as herein provided, a common school district having ten or more townships and less than ten schools shall have and exercise all powers and be subject to the same laws as common school districts of ten or more townships.

Sec. 9. Common school districts with ten or more townships and over thirty schools—trustees—election—vacancies.—In each common school district containing ten or more townships, and more than 30 schools upon the passage of Sections 9 to 15 herein, 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 by 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 the 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.

Sec. 10. **Annual and special meetings.**—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 townships 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 township when the business to be transacted relates exclusively to affairs of such townships and the convenient vicinity. The board may be authorized by the voters at the annual or any special meeting, generally or specifically, to designate the sites for schoolhouses, provide for building or otherwise placing schoolhouses thereon, or change any such sites. The board may, in their discretion or shall, on petition of 25 voters of the district, filed with the clerk within ten days after their action on any such specific proposition, submit their said action to the voters for approval at a special meeting to be held at a convenient point in the township or village where the site or schoolhouse exists or is proposed; and in such event the vote of a majority of those voting at this meeting shall be sufficient to ratify the action of the board—or, if the board so determines or if 100 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 11 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 Article VI, Section 8, Subdivision 6, the letting of the contract therefor 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.

Sec. 11. Division of districts into precincts.—At least 30 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 30 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.

Sec. 12. 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 special meetings of common school districts, but need not specifically designate the polling places, otherwise designated, as hereinbefore provided, in each precinct.

Sec. 13. Officials of 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 election 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.

Sec. 14. 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 60 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 in the petition, 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 30 days, by resolution filed 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 holdover trustees, as aforesaid, and the fixing of the terms of two or four 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 neces-

sary 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 90 days after the creation of said subdivisions, and the candidates shall be nominated under General Statutes 1913, Sections 371 to 374 inclusive, 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 treasurer, as such, shall become vacant, and the board shall choose at their first meeting annually from among their number a chairman, and from among or without their number, a clerk and a treasurer, and may also choose a business manager who may be the same person as the chairman, clerk or superintendent. The appointive officers shall have the functions and powers now or hereafter vested in such or like officers by law, and such others as may lawfully be delegated to them by the board—except that, unless elected as such, they shall not be members of the board. Each member of the board as such shall receive as compensation the sum of \$5.00 for each day's attendance at board or committee meetings, together with his actual traveling expenses which may include not to exceed five cents per mile for use of his own automobile in going to and from such meetings; and the appointive officers such compensation and expenses as shall be determined by the board by contract or otherwise. Provided; unless specifically authorized by the voters, by ballot, the aggregate annual compensation of the board and such appointive officers, including the superintendent, shall not exceed the lawful and reasonable compensation of the trustees of a three member board of a like district, and of the superintendent thereof.

Sec. 15. **Laws applicable.**—All laws applicable to school districts containing ten or more townships shall continue to apply to like general school districts, except as far as inconsistent herewith and except as hereafter repealed or amended.

Sec. 16. School boards to have rights of boards of independent school districts.—The school board in a common district containing ten or more townships shall have and exercise all powers, and be subject to the same laws and regulations as school boards in independent and consolidated school districts.

Sec. 17. Compensation of officers.—In all common school districts composed of ten or more townships each member of the school board in such districts shall receive as annual compensation for his services as a member of such board the amounts herein stated, to-wit:

\$200.00 a year where such district contains 30 public schools; \$400.00 a year where such district contains 31 public schools but less than 61; \$600.00 a year where such district contains 61 public schools but less than 91; \$800.00 a year where such district contains 91 public schools or more; provided, that in such common districts containing less than 30 public schools and in which is maintained a high school, the annual compensation of the members of the school board shall be fixed at the annual school meeting.

Sec. 18. Compensation for expenses.—In addition to their salaries the members of the school board in such school districts shall be paid their actual and necessary traveling expenses incurred and paid by each of them in the conduct of his official duties, including the visitation of schools. Such expenses shall be paid upon duly itemized and verified vouchers approved by the board and filed with the clerk and made a part of the official records of the school board; provided, that the traveling expenses incurred by the members of the school board in any such district in any year shall be limited to the following amounts, as hereinafter provided: \$150.00 where the number of schools in such district does not exceed 30; \$300.00 where the number of schools does not exceed 60; \$450.00 where the number of schools does not exceed 90; \$500.00 where the number of schools is in excess of 90. Such salaries and expenses shall be paid monthly by the treasurer of such school district on the order of the clerk, countersigned by the chairman.

Sec. 19. Tax levy to be made.—A levy shall be made in such common school districts to pay the salaries and expenses of the members of the school board in the same manner as is now provided by law for making levy for the support of public schools in common school districts composed of ten or more townships.

Sec. 20. Publication of proceedings.—In all school districts embracing or containing ten or more townships, the school board shall publish in a legal newspaper in the district, or if there be no such newspaper published in the school district, in a legal newspaper published in the county, to be designated by said board annually, the proceedings of such board within 30 days after such proceedings are had.

Sec. 21. Meaning of proceedings.—The term “proceedings” as used in Section 20 herein shall include a statement of all propositions submitted by motion or resolution, or otherwise, to such board, including the number of votes for or against all reports made to such board, and its action thereon, and an abstract of all claims allowed, giving name of claimant and amount and general purpose of the claim.

Sec. 22. Public Examiner to make annual inspection.—The state public examiner shall, at least once in each year, make examination of the books and records of all ten or more township districts and the school district shall pay the costs and expenses of making such examination.

Sec. 23. Formation of county school districts.—Any county having less than seven organized school districts may consolidate such districts into one county district which 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 of the then last 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 30 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 relating to school business of the ensuing

school year in the same manner as if no consolidation had been voted until July 1 next following, at which time all records, money, 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 Sections 23 to 30 herein shall be construed to apply to counties affected by Laws 1919, Chapter 271, or acts amendatory thereto relating to a ten mill county school tax levy.

Sec. 24. County school board — elections — terms. — The school board of any such county district shall consist of five members, to be elected at the same time and in the same manner as board members in a ten or more townships district, but for a term of four years. The board of county commissioners shall appoint the members of such board on or before March 1 following the general election at which time the question of consolidation was submitted, the length of each term for which they are to be appointed being such as to cause the term of one member of said board to expire on August 1 following the next general election and one member on each August 1 thereafter. The school board of the county district shall meet within ten days after the appointment by 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 thereafter shall organize in the same manner and at the same time as boards of independent districts. Provided, however, that if within the county there is a school district of ten or more townships with an area greater than one half the area of the county the members of said board of said district shall continue to serve as members of the school board of the county district for the full term and for the same office for which he or she was elected and until his or her successor has qualified, and the board of county commissioners shall appoint such additional members for such terms that the term of all the members of said school board shall expire in consecutive order as above provided. After April 29, 1935, the members of such school board shall be elected and their terms of office shall be as hereinafter provided:

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 now exist-

ing. Thereafter the term of such office shall be four years, and the election for such office shall be held at the first general election of county officers immediately preceding the year 1941.

The term of office of the member of such school board to commence on August 1, 1938, shall expire on Sunday preceding the first Monday in January, 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, 1939, shall expire on the Sunday preceding the first Monday in January, 1943. 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 1943.

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, 1943. 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 1943.

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.

Sec. 25. Election district.—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.

Sec. 26. Meetings and organization of board.—School boards in such 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. It shall organize in the same manner as the board of an independent school district.

Sec. 27. Duties of 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

schoolhouses, leasing schoolrooms, transporting said children to the nearest school, boarding said children within convenient distance of school at the expense of said board or otherwise and to provide necessary supplies, texts 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 Sections 23 to 30, herein, the school board of any such county district shall have and shall exercise all of 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 territory shall apply to said county district including Laws, 1921, Chapter 467.

Sec. 28. 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 shall 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 \$300.00, the clerk 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 a county having an assessed valuation of less than \$5,000,000 which shall be in lieu of any allowance for office clerk hire.

Sec. 29. Office of county superintendent 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.

Sec. 30. County attorney to serve as attorney for board.—When any county organizes as a county district, the county attorney shall serve as attorney for the county board of education without additional compensation from said board of the county district, but the board of county commissioners of such

county may allow such additional compensation for legal services rendered to said county board of education as said board of county commissioners shall deem proper.

Sec. 31. Counties may pay bonds of dissolved districts.—Any county organized under the Laws 1929, Chapter 9, having a population of less than 10,000 inhabitants, may by unanimous vote of the county board of education pay bonded indebtedness incurred prior to July 1, 1929, of any or all of the school districts which were in existence prior to the organization of said county school district, out of any funds that may be on hand with the school treasurer, in an amount the total of which shall not exceed \$10,000.

Sec. 32. Indemnity for school officers in case of accidents.—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 on indemnity insurance policies out of funds of such county school districts.

Subdivision 1. Actions—defense by county board of education.—The county board of education may also, at the expense of such county school districts, defend any such officer or employee in the name 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. It may compromise and/or settle any such claim or suit, and 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 any such claim, without first requiring such officer or employee to settle and/or pay any such claim or judgment.

Subdivision 2. Indemnity insurance.—The county board of education may at its discretion pay the premiums on said indemnity insurance policies referred to in this section, insuring such officers or employees against liability for injury to persons or property as provided in this section 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.

Sec. 33. 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.

Sec. 34. Members.—The chairman of 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. The chairman of the county board of commissioners shall be the chairman of the county board of education for unorganized territory; the county treasurer shall be treasurer of said board; the county superintendent of schools shall be the clerk of said board of education.

Sec. 35. 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 as provided in Mason's Minnesota Statutes of 1927, Section 659.

Sec. 36. 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.

Sec. 37. Duties of board to furnish school facilities—clerical help.—It shall be the duty of the county board of education for unorganized territory to furnish school facilities to every child of school age residing in any part of said unorganized territory, either by building schoolhouses, leasing school rooms, 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.

The county board of education for unorganized territory 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.

Sec. 38. Tax levy.—The said board of education for unorganized territory 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, 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 so spread on the tax lists by the county auditor.

Sec. 39. Powers and duties of board.—When not otherwise provided in Sections 33 to 57, the powers and duties of the county board of education for unorganized territory shall be the same as those of school boards and annual elections of independent and consolidated school districts.

Sec. 40. Duties of clerk.—It shall be the duty of the county superintendent as clerk of the county board of education for unorganized territory to make reports similar to those made by the clerk of organized districts.

Annually on the first Friday after the first Monday in July, the clerk of such board shall make a full and accurate statement of the receipts and disbursements of such board for the preceding school year, which shall contain a full and correct description of each item, from whom and on what account received, to whom paid and on what account expended, together with an accurate statement of the finances of said county board of education at the end of such year, including all debts and liabilities and the assets to discharge the same, and within 30 days thereafter the said county board of education for unorganized territory shall cause the same to be published once in a legal newspaper published in the county, which paper, in counties having over 100,000 population, shall be a daily paper.

Sec. 41. Compensation.—For their services performed under the provisions of Sections 33 to 57 the chairman of said board of education shall be paid \$3.00 per day for the time actually employed by him as such chairman, and five cents per mile for distance actually traveled by him in performance of his said duties not exceeding the total sum of \$400.00 in any one year for such mileage and per diem; the treasurer of said board shall be paid one per cent and the clerk one per cent of the cash disbursements for the year, but the compensation to be paid to the treasurer and clerk in counties having less than 55 schools in its unorganized territory shall not exceed for each officer in any one year the total sum of \$800.00, but only after all reports required by law have been made in conformity thereto; provided, that this section shall not apply to counties having a population of more than 200,000.

Sec. 42. Dissolved district may become unorganized territory.—Whenever a school district is dissolved and such dissolved district is not annexed to an existing district and there

is no unorganized territory in the county, the board of county commissioners may by such dissolution create unorganized territory to be governed by the laws relating to such territory.

Sec. 43. Dissolution of common or independent districts.—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 the 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 become fewer than ten, said school district may be automatically dissolved by resolution of the board of county commissioners and shall become a part of the unorganized territory of said 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.

Sec. 44. Hearing—notices.—Upon the presentation of such petition approved as provided for in Section 43 herein, 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.

Sec. 45. Hearing—procedure.—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.

Sec. 46. Old districts dissolved—disposition of property.—If said petition is granted by the board of county commissioners, 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 for unorganized territory of said county and shall thereafter be managed by said county board of education in the same manenr 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 money and school funds to the account of the county board of education for unorganized territory of such county. The county treasurer shall hereafter credit to the account of said county board of education for unorganized territory all money and school funds thereafter collected from any previous tax levy made by said school district, except such money 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.

Sec. 47. Outstanding obligations of dissolved districts.—All incurred and outstanding obligations of any district so discontinued and vacated shall be and remain a charge upon the property formerly within 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 60 mills, 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 levied by the county board of education for unorganized territory 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 the county board of education for unorganized territory 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 such incurred 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 for unorganized territory, in the same manner as though said indebtedness had been originally incurred by said county board of education for unorganized territory.

Sec. 48. Organization of school districts.—When in the opinion of the county board of education for unorganized territory, 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 board of county commissioners, 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.

Sec. 49. Annexation of unorganized districts to adjoining districts.—When any organized school district has heretofore been dissolved, and the territory thereof has become unorganized territory, the school board of any school district adjoining such unorganized territory may have the same annexed to such district, and the indebtedness created by such organized school district before the same became dissolved assumed by the school district annexing such territory in the manner hereinafter provided.

Sec. 50. Annexation—special elections.—When the school board of such existing school district shall adopt a resolution with the consent and approval of the county board of education for unorganized territory proposing to annex such unorganized school district territory, the clerk of the school board adopting such resolution shall within 60 days thereafter in the manner provided by law cause notice to be given of a special election within such existing school district upon the proposition of annexing the territory of such dissolved school district and assuming the indebtedness of such unorganized school district before the same became unorganized, 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 the taxable property within the unorganized school district and such existing school district shall be liable for the indebtedness of both of said school districts.

Sec. 51. Conveyance and control of assets after annexation.—After such annexation, the governing body of the existing school district shall have control of all of the school property within the territory of such unorganized school district, and the county board of education for unorganized territory shall by appropriate action transfer and convey to the school board all of the school property used for or in connection with school purposes in the territory of such unorganized school district to such existing school board. Such county board of education for unorganized territory shall also by appropriate action transfer all existing funds available for school purposes in the territory of such unorganized school district at the time of such annexation, and thereupon the money so transferred shall become a part of the funds of the school district annexing

such territory. After such annexation the school board of such existing school district shall have the power and authority provided for by law for the issuance of bonds or other evidences of indebtedness to fund or refund any existing indebtedness of the territory so annexed, and such obligations when so issued shall become a lien upon all of the property in the unorganized as well as the existing district so annexing such unorganized territory.

Sec. 52. Issue of bonds by unorganized territory.—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, and teacherages, 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; said bonds to be payable in such amounts and at such times, not exceeding 20 years, as the board may determine, with interest thereon not to exceed six per cent 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 territory shall at no time exceed seven and one half per cent of its assessed valuation. Any bonds issued hereunder shall be sold conformable to the provisions of Mason's Minnesota Statutes of 1927, Section 1943. Provided that in any county of this state now or hereafter having unorganized territory with an assessed valuation of all taxable real and personal property, including money and credits, of more than \$2,250,000, and having at any time an area of more than 3,500 square miles, and in any county in this state having a population according to the 1930 federal census of not more than 16,000 nor less than 15,000, and having not more than 77 nor less than 75 full and fractional congressional townships, and having not more than 2,105 nor less than 2,103 square miles in land area, the board of education of such unorganized territory shall have authority, and is empowered, by the unanimous vote of such board, to issue and sell the bonds of such unorganized territory as above provided, for the purpose of providing school sites and school buildings, funding or refunding any floating indebtedness or bonds now or hereafter existing as authorized by the provisions of this section, not exceeding 15 per cent of the assessed valuation of said unorganized territory, and not exceeding \$350,000 in the aggregate of such bonds, the sale of said bonds to be conformable to the provisions of Mason's Minnesota

Statutes of 1927, Section 1943, or by contracting with the United States government for the purchase of said bonds without calling for bids therefor. Provided that no bonds shall be authorized or sold under the provisions of Sections 33 to 57, herein, unless notice shall have first been given to the electors of such unorganized school district setting forth the proposal to issue such bonds, the amount thereof, the rate of interest, the maturity dates thereof and the purpose for which the proceeds of such bonds will be used; and also a description of the project or projects to be undertaken and completed, the estimated cost of each and the estimated total cost, which notice shall be in writing, and signed by the members of the county board of education for unorganized territory and addressed to the electors of such district; and shall specify the date, time, and place of meeting of the county board of education for unorganized territory when such proposal shall be considered, and published in one issue of three legal newspapers of general circulation in said district. Said notice shall require any electors having objections, to appear and show cause, if any, why such bonds should not be authorized and sold. The county board of education for unorganized territory at the time and place mentioned in said notice shall hear all objections and thereafter shall decide whether such bonds shall be authorized and sold.

Sec. 53. Tax levy for bonds and interest.—Every county board of education for unorganized territory issuing bonds under the authority of Sections 33 to 57, herein, 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.

Sec. 54. County board of education may issue refunding bonds in certain cases.—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 issue such bonds shall remain in said county board of education for 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 20 years. The first refunding bond shall be due in not 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 nor 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 such refunding bonds and any installment of principal that may be due in the following year. Such tax for the first year shall be 50 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 50 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 installment of principal, and shall file with the county auditor receipts therefor, together with the cancelled bonds so taken up. The state board of investment may invest the funds under its control in any refunding bonds so issued under the provisions of this section.

Sec. 55. New counties—division of assets.—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 Sections 33 to 57, herein, and lying partly within the old and new counties, or wholly within the new county, the county boards of education for unorganized territory of the old and new counties shall meet upon the written 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 for unorganized territory of the counties affected at least five days before the time of such meeting and make a division of all the money, 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 money, funds, credits, and property shall be divided and apportioned to the respective unorganized territory in the old and in the new county in proportion to assessed valuation of taxable property in such unorganized territory, respectively, in such old and new county, at the last assessment thereof.

Sec. 56. Failure to make division of assets—procedure.—In cases provided by Section 55 of this article and in case the county boards of education for unorganized territory of the old and new counties shall fail to meet pursuant to the notice provided in Section 55 of this article, the county superintendents of the old and new county or counties and the state commissioner of education, or his deputy, shall constitute a board of apportionment, and, upon the written application of the county board of education for unorganized territory of either county affected, shall make a division of all the money, funds, credits and property as provided in Section 55 of this article, which apportionment shall be in writing and verified by the state commissioner of education or his 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 55 of this article, shall transmit to the treasurers of the counties affected by said apportionment a certified copy of such apportionment and application, if any.

Sec. 57. County officials to carry out terms of agreement.—The county boards of education for unorganized territory 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 provided in Sections 55 and 56 herein.

ARTICLE V

SCHOOL DISTRICTS, MEETINGS AND ELECTIONS

Section 1. Annual meetings of common school districts.—The annual meeting of all common school districts shall be held on the last Tuesday in June, at 8:00 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, or the organization as an independent district. The annual school meeting of any com-

mon 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 meeting or the business transacted thereat. At the annual meeting in a common school district five legal voters shall constitute a quorum. The chairman and clerk of the school board shall officiate in their respective capacities at all meetings of the electors of the district. In the event of the absence of the chairman or clerk, the voters shall elect a chairman or clerk pro tem. The voters shall have the power at an annual meeting to repeal and modify their proceedings in accordance with the powers therein conferred and may adjourn from time to time. The polls at all school meetings shall be open at least one hour.

Sec. 2. Annual election of independent school districts.—The annual election in all independent school districts shall be held on the third Tuesday in May at eight o'clock p.m., unless a different hour has been fixed by the school board and set forth in the posted notice, provided that in any independent district which does not maintain a graded elementary or high school the annual election shall be held on the last Tuesday in June.

Subdivision 1. Districts maintaining one school.—Ten days' posted notice shall be given by the clerk, specifying the items to be submitted to a vote of the electors, but failure of the clerk to give such notice shall not prevent the annual election of school officers at the hour and day specified above. The polls shall be open at least one hour and may be open for a longer period, not to exceed 12 hours, if so designated in the posted notice; provided, that if the polls are open for more than one hour the school board may pay the election officials not to exceed fifty cents per hour for the time actually served by them in the performance of their duties as election officials. The voting at any annual or special election shall be by ballot and the clerk shall prepare ballots and necessary stationery. Each proposition or question submitted shall be stated separately in the notice and on the ballots. The school board shall choose three election judges, who shall also act as clerks of election and shall canvass the ballots cast and thereafter submit the same to the school board which shall meet immediately following the time of the close of the polls.

Subdivision 2. Districts maintaining two or more schools.—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. Where more than one polling place is provided, the annual school election shall be conducted as follows:

(a) Ten days' posted notice shall be given by the clerk, specifying the matters to be voted upon at such annual 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.

(b) The school board shall, at least 30 days before the date of the annual election, determine the number of voting precincts and the polling 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, which judges shall also 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.

(c) 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.

(d) The polls shall be open for at least one hour; and may be open for a longer period, not to exceed 12 hours, if so designated in the posted notice.

At the first election of a newly organized independent school district, six directors shall be elected, two to hold until July 1 following the next annual election, 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.

Sec. 3. Change in time of holding annual meeting.—In any school district in this state, whether organized under a general or a special law, where the annual meeting is required by law to be held on the first Monday of September in each year, the time of such annual meeting is hereby changed to the last Tuesday of June in each year.

Sec. 4. Election of officers in special school districts.—
Subdivision 1. When time is not specified.—Unless otherwise provided by law, the election of officers in all special school districts shall be held at the same time and in the same manner as provided for annual elections in independent districts, and the school board of the special district shall in such case have the same powers and duties with respect to the election as the school board of an independent district.

Subdivision 2. When held at time of village election.—In all special school districts where the election of school officers, by the provisions of any special law, is held at the same time and place 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 place and in the manner as the election of city officers in the city, and the judges of the city election shall act as judges of the school district election.

Sec. 5. Candidates for school district offices—ballots.
Subdivision 1. Filing of candidates.—Any person desiring to be a candidate for a school district office at the annual meeting or election 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 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 application shall be filed not more than 30 nor less than 12 days before the annual school district meeting. The clerk of the district in his notice of annual meeting or election 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.

Subdivision 2. Ballots.—The clerk shall prepare at the expense of the district, necessary ballots for the election of officers, placing thereon 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 or election in the election of officers of said district; provided that nothing in this section shall apply to or affect school districts employing but one teacher.

Sec. 6. Nomination of candidates in districts employing only one teacher.—At the annual meeting of common school districts employing only one teacher, nomination of candidates for school district offices may be made from the floor by any qualified voter.

Sec. 7. Special school meetings in common school districts.—Upon written request of five freeholders and voters of a common school district, specifying the business to be acted upon, or upon the adoption of a proper resolution, so specifying, 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 and the time and place of the 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 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 provided in this section.

Sec. 8. Special school election in independent school districts.—The school board of an independent district may, and upon petition of ten or more voters of the district, shall by resolution call a special election to vote on any matter requiring approval of the voters of the district, including issuance of bonds, designation and purchase of sites, erection of buildings, and establishment of joint recreation programs. The election shall be called by the clerk upon ten days' posted notice and one week's published notice if there be a newspaper published in such district. The notice shall include a copy of the resolution and shall specify the time and place of the election, and no questions shall be submitted to the voters at the election except those named in the notice. Such special election shall be held in the same manner as provided for annual election.

Sec. 9. Powers of annual meetings or elections.—The annual meeting or election shall have the following powers:

Subdivision 1. Election of officers.—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 balloting and canvass the votes.

Subdivision 2. School houses and sites.—To designate a site for a schoolhouse, and provide for building or otherwise placing a schoolhouse thereon, when proper notice has been given; but a site on which a schoolhouse stands or is begun shall not be changed except by vote therefor, designating a new site of three-fifths of the legal voters of the district voting on the question, who have resided therein not less than one year prior to the vote.

Subdivision 3. Bonds.—To authorize the issuance of bonds as provided by Mason's Minnesota Statutes of 1927, Chapter 10.

Sec. 10. Additional powers of meetings in common school districts.—At the first meeting of each common school district embracing or containing less than ten townships, the chairman shall be elected to hold office until July 1 following the next annual meeting; the treasurer until one year from such date, and the clerk until two years from such date.

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 the 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 direct the school board to make designated improvements to school property, and to provide free textbooks for the schools.

Sec. 11. Special school elections in cities of fourth class.—The provisions of this section 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, and are supplementary and additional to all other powers conferred by law on any such school district.

Subdivision 1. School board—clerk defined.—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.

Subdivision 2. Resolution calling election.—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 electors of a school district at a special school election or meeting, including the proposition or question of issuing the school district's bonds under any applicable law.

Subdivision 3. Election precincts and polling places.—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.

Subdivision 4. Notice of elections.—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.

Subdivision 5. Conduct of election.—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.

Sec. 12. Elections in districts containing two or more villages.—Subdivision 1. **Election precincts.**—In all independent school districts in this state, having within their boundaries two or more organized villages, the school board shall at least 30 days before the next annual school election, to be held in such districts after April 12, 1915, by resolution in writing divide the district into precincts for the purpose of electing members of the school board, voting on the issue of bonds, and on all other matters specifically submitted for vote by ballot; and may thereafter change the boundaries of such precincts, consolidate two or more, or establish new ones, as the convenience of the voters shall require. Such resolutions shall describe the precincts, giving the boundaries thereof, fix the polling place at some school building in each precinct most convenient and accessible to the majority of voters therein, and shall be filed in the office of the district school clerk, and a copy thereof forthwith filed in the office of the county auditor of the county wherein the district is located.

Subdivision 2. **Time of election.**—The regular elections in said precincts shall be held at the same time as annual elections in independent districts. The polls shall be opened and closed at the hours fixed by the school board.

Subdivision 3. **Notice of election.**—Notice of such elections shall be given in each precinct in the same way and for the same length of time as provided by law for annual school elections, stating the time and place, the matters to be voted on; and no proposition, except the election of officers, shall be voted on unless specified in the notice.

Subdivision 4. **Appointment of election officials.**—At least 20 days before the next annual school election of such district, said school board shall, by resolution filed with the clerk of the board, appoint from the resident electors a moderator or judge of election and two clerks from each precinct. The clerk of said school board shall immediately notify in writing each person so appointed, of his appointment, and such person if present at the hour set for opening the polls, shall qualify, open the polls and conduct such elections the same as elections are conducted at annual school elections. If any of such 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.

Subdivision 5. **Conduct of election.**—Each voter shall after marking his ballot, fold the same so as not to disclose

any markings thereon, hand the same to the moderator, who shall deposit it in the ballot box. The election officers shall keep a poll list in which they shall write the name of each elector voting, numbering the same in consecutive order. At the time fixed the polls shall be closed, and the officers of election in each precinct shall forthwith count the votes and certify the results of the vote to the clerk of the district, place the certificate, poll list, ballots and all other records of such election, in an envelope, securely seal, and mail or deliver the same forthwith to the clerk of the district. The school board shall canvass the votes and declare the results thereof.

Subdivision 6. Special elections.—Special elections may be called and held in such districts in the same manner as annual elections. Notice of such special elections shall be given in the same way and for the same time as is now provided by law for special elections in independent school districts. The election officers appointed for the regular election shall preside at such subsequent special elections, and vacancies by reason of absence or failure of any such officer to act, may be filled in like manner as at regular elections. Such special elections shall be conducted and the records thereof certified to the school board the same as for regular elections. The school board shall canvass the vote and declare the result thereof within three days after the receipt of such returns from all the various precincts.

Subdivision 7. Application of general laws.—Except as herein specifically provided, the general laws relating to the holding of annual and special elections, in independent school districts, shall be applied, construed and used by said school boards and by said officers of elections in carrying out the provisions of this section.

Sec. 13. Acceptance and oath of office.—A school board member elected at an annual meeting or election shall on or before the first Saturday in July file with the clerk or secretary of the district his acceptance of the office and his official oath. Any person appointed by the school board or elected at a special meeting to fill a vacancy shall file his acceptance of the office and his official oath within ten days after notice of such appointment or election. A person who fails to qualify prior to the time specified shall 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.

ARTICLE VI

SCHOOL BOARDS, POWERS AND DUTIES

Section 1. School board—membership—term.—The care, management and control of common and independent school 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. The school board of each common school district shall consist of a chairman, a treasurer, and a clerk. The membership of the school board of each independent school district shall consist of six elected members together with such ex-officio member as may be provided for by law.

Sec. 2. Organization of boards in independent districts.—Within ten days after the election of the first school board in independent districts, and annually thereafter on the first Saturday in July, 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 qualify. They may also elect a superintendent who shall be ex-officio a member of the board, but not entitled to vote therein.

Sec. 3. 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 or election. Such appointment shall be evidenced by a resolution entered in the minutes. All elections to fill vacancies shall be for the unexpired term.

Sec. 4. Special election to fill vacancy.—If the board shall fail for ten days to fill any vacancy, a special meeting or election 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 or election. Officers elected at such meeting or election shall hold for the unexpired term, but no such meeting or election shall be held within 30 days before the annual election or annual meeting in districts containing less than ten townships nor within 30 days before the general biennial state election in districts embracing or containing ten or more townships.

Sec. 5. School board—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.

Sec. 6. Powers and duties of school boards.—Subdivision 1. **General powers.**—The school board shall have the general charge of the business of the district, and of the schoolhouses and of the interests of the schools thereof.

Subdivision 2. **School houses and sites.**—When authorized by the voters at a regular meeting or election, or at a special meeting or election called for that purpose, it may acquire necessary sites for schoolhouses, or enlargements or additions to existing schoolhouse sites, by lease, purchase or condemnation under the right of eminent domain; erect, lease or purchase necessary schoolhouses, or additions thereto; erect or purchase garages for district-owned school buses; and sell or exchange schoolhouses or sites and execute deeds of conveyance thereof. In any village or city such site when practicable shall contain at least one block, and, if outside of any city or village, two acres; and when any schoolhouse site shall contain less than such amount, the board may, without a vote of the electors, acquire other land adjacent to or near such site to make, with such site, all or part of such amount.

Subdivision 3. **Equipment of schools.**—It shall purchase, sell, and exchange school apparatus, furniture, stoves, buses and other equipment as may be deemed necessary by the board for school purposes.

Subdivision 4. **Improvements, insurance and repairs.**—It shall 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.

Subdivision 5. **Rental of rooms.**—When necessary, it shall lease rooms for school purposes.

Subdivision 6. **Heating and care of schools and garages.**—It shall provide for the heating and care of schoolhouses and rooms, and may provide for the heating and care of garages which house school buses.

Subdivision 7. **Use of schools for other than school purposes.**—It may authorize the use of any schoolhouses in the district for divine worship, Sunday schools, public meetings, election and such other community purposes, as in its judgment, will not interfere with their use for school purposes; but before permitting such use, the board may require the bond of some responsible party, in the penal sum of \$100.00, conditioned for the proper use of such schoolhouse, the pay-

ment of all rent, and the repair of all damage occasioned by such use, and it may charge and collect for the use of the district from the persons using such schoolhouse such reasonable compensation as it may fix.

It may authorize the use of any schoolhouses or buildings in and of the school district for the holding of primaries, elections, registrations and all acts in connection therewith, in such manner as, in its judgment, will not interfere with their use for school purposes. It may impose such reasonable regulations and conditions upon such use as may seem meet and proper.

Subdivision 8. Protection of property of districts.—It may 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 of the district, as penalties in other cases, before a justice of the peace, and change or repeal such rules.

Subdivision 9. Rules and regulations.—It shall superintend and manage the schools of the district; adopt, modify or repeal rules for their organization, government and instruction, and for the keeping of registers; prescribe textbooks and courses of study; and in common districts visit each school at least once in three months.

Subdivision 10. Employment of teachers.—It shall employ and contract with necessary, qualified teachers and discharge the same for cause.

Subdivision 11. Admission of non-resident and over-age pupils.—It may provide for the admission to the schools of the district, of nonresident pupils, and those above school age, and fix the rates of tuition for such pupils. Provided, further, in case a person owns 80 acres or more of land and pays the 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 the schools of such district, the same as the residents therein, and if the owner of less than 80 acres therein he shall be admitted to all the benefits of said school the same as residents therein, upon conforming to such reasonable terms for tuition and transportation as the board of education of such school district may have established for nonresidents, 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 and transportation fees. Provided, further, that nothing in this subdivision shall be so construed as to author-

ize any person who may receive any of the benefits or privileges 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.

Subdivision 12. Instruction of pupils in other districts.—It 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 and may provide transportation; provided, however, that such pupil shall continue to be a pupil of the district of his residence for the payment of apportionment and other state aids.

Subdivision 13. Organization of schools.—It may establish and organize, alter and discontinue such grades or schools as it may deem advisable, and assign to each school and grade a proper number of pupils; provided that where a board discontinues grades or schools it shall make provision for the instruction of pupils of such grades or schools.

Subdivision 14. Transportation of pupils.—It may provide for the free transportation of pupils to and from school, and to schools in other districts for grades and 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 the pupils, for the whole or such part of the school year as it may deem advisable, and subject to such rules and regulations as it may adopt. It shall require from every person employed for that purpose, a reasonable bond for the faithful discharge of his duties, as prescribed by the board.

Subdivision 15. Control of school and quasi school activities.—It 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 its district or any class or pupils therein may participate. All money received on account of such entertainments and contests shall be turned over

to the school district treasurer, who shall keep the same in a separate fund to be known as the "school auxiliary fund", to be disbursed for expenses connected with such entertainments or contests, or otherwise by the school board upon properly allowed itemized claims. Where the district has taken charge and control of such funds, the treasurer and his bondsmen and legal depositories shall be subject to the same liability for such funds as for other school funds as provided by law, and such funds shall be considered public funds for the purposes of examination and auditing. 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.

No such school or quasi school entertainment or contest in any district in which the school board shall act under the provision of this subdivision 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.

Subdivision 16. Expenses of the board.—It shall defray the necessary expenses of the board, including record books, stationery and other incidental matters as may be proper.

Subdivision 17. County school officers' meetings.—It shall defray the necessary expenses of the board, including \$2.00 per day for attending one meeting of the school boards of the county in each year, when called by the county superintendent, and five cents per mile in going to and returning from such meeting.

Subdivision 18. County school officers' 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. The amount of the annual membership dues in such association shall not exceed \$2.00, which amount shall be paid as other expenses of the district are paid.

Subdivision 19. 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, and 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.

Subdivision 20. Claims against school district.—It shall provide for the payment of all just claims against the district in cases provided by law.

Subdivision 21. Actions by or against the district.—In all proper cases, it shall prosecute and defend actions by or against the district.

Subdivision 22. Evening schools.—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 16 years of age who from any cause, are unable to attend the full-time school of such district.

Subdivision 23. Peace officers.—Members of the school board of any school district maintaining one or more schools located outside the incorporated limits of any city or village, shall be peace officers, and may suppress disorder and make arrests for any disorderly conduct, or breach of peace, in any schoolhouse or on any school grounds located outside the limits of any city or village in their respective districts, and may command the assistance of all persons.

Sec. 7. Additional powers and duties of school board in common district.—**Subdivision 1. Budget and Tax Levy.**—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 an eight-month school term 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 subdivision, or on hand and applicable thereto.

Subdivision 2. Residences for teachers.—Common school districts, when authorized by a two-thirds majority of all the

electors voting at an annual or special meeting, are hereby empowered to erect, purchase, or acquire a dwelling house for the use of its teacher or teachers; provided, however, that the proposition shall be submitted only at a meeting or election the notice of which stated that such proposition would be considered or submitted thereat.

Subdivision 3. Powers of independent district school board.—The school board of every common school district which is maintaining or shall maintain an accredited high school or 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 \$2,000,000, 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.

Subdivision 4. Work or supplies furnished by members.—Members of any school board in any common school district in this state employing not more than three teachers are hereby authorized and permitted to contract with, do work for and furnish supplies to such districts when authority therefor is given by the full school board. Provided, that the bills for such claims shall not exceed \$25.00 per annum and that they must be allowed at a board meeting by the unanimous vote of the entire school board. All such bills shall be duly itemized and a full and complete itemized report shall be made at the annual school meeting.

Sec. 8. Additional powers and duties of school board in independent districts.—**Subdivision 1. Kindergarten.**—The school board of any independent school district may establish and maintain one or more kindergartens for the instruction of children above four and under six years of age.

Subdivision 2. Gifts—donations—bequests.—It may receive, for the benefit of the district, bequests, donations or gifts for any proper purpose, and apply the same to the purpose designated.

Subdivision 3. Removal of board members.—It may 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 for such proposed removal, and after an opportunity to be heard in his own defense.

Subdivision 4. Rules and regulations.—It shall make, and, when deemed advisable, change or repeal rules relating to the organization and management of such board and the duties of its officers.

Subdivision 5. Tax levy.—It shall provide by levy of tax necessary funds for the conduct of schools, the payment of indebtedness and all proper expenses of the district.

Subdivision 6. Publication of proceedings of board.—It 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, official proceedings of such board; and such publication shall be made as soon as may be, and not later than 30 days after the meeting at which such proceedings were had. Such publication shall be let annually by contract to the lowest bidder, at the first regular meeting of said board after the annual election in such district; provided, that not more than fifty cents per folio shall be paid for such publication.

Sec. 9. Additional powers of school board in consolidated districts.—**Subdivision 1. Power to provide schools—sites—transportation—residence for teachers.**—The board in a consolidated school district is authorized to provide for the 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 commissioner 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.

Subdivision 2. Residence for teachers in certain districts.—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 schoolhouse sites, in the name and on behalf 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 interest of the district.

Subdivision 3. May build sidewalks in certain cases.—The governing board of any consolidated school district, which now or hereafter includes within its limits two villages, may appropriate and expend money 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 schoolhouse. The village council of any such village may likewise appropriate money for the same purpose or to assist the school district.

Sec. 10. Power of eminent domain in certain cases.—In any municipal corporation or school district in this state where the governing body or school board has the right, power and authority to purchase sites for school buildings without authorization by the voters at a regular or special meeting or election 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 General Statutes of 1913, Chapter 41, and acts amendatory thereof; provided, however, that any such corporation or school district shall have the right, upon the filing of the award of the commissioners provided for in said Chapter 41, 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 specified 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 not be required to give or file any appeal bond therein.

Sec. 11. Condemnation of certain tracts in school districts.—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.

Sec. 12. Condemnation of public easements in cities of the fourth class.—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.

Sec. 13. Lands for use in agricultural education.—The board of education or other governing body of any school district in which instruction in agriculture is afforded, is authorized and empowered to purchase or otherwise acquire by condemnation proceedings as provided for acquiring schoolhouse sites in the name and in behalf of such school district, a suitable tract of land either within or without the limits of such school district, to be used for the purpose of instruction, experimentation and demonstration in agriculture. The provisions of this section 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.

Sec. 14. Provision for instruction of pupils in adjoining districts.—Subdivision 1. **Instruction.**—The school board of any district, when it deems it advisable may provide for the instruction of its pupils in an adjoining or nearby district, and in such case may discontinue the schools of its own district or any grades in said schools in which case it shall provide for the free tuition and transportation of the pupils of its own district to the school in an adjoining or nearby district. Such free transportation of pupils shall conform to the rules and regulations of the state board of education.

Subdivision 2. **Registers—state aid.**—The teachers shall keep the registers separately for the pupils from such district discontinuing its schools, and shall return the registers and make separate records 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 state board of education, except that state apportionment for nonresident pupils enrolled in high school shall go to the districts in which the high school is located.

Sec. 15. Transportation of non-resident pupils.—Any school district transporting pupils of the district may transport

pupils residing outside of the district but attending school within the district upon such pupils presenting themselves within the district on one of the regular routes traveled in the transportation of the pupils of the district.

Sec. 16. Emergency exits for school buses.—No school board shall enter into any agreement for the transportation of pupils, or operate any school bus, unless the vehicle or vehicles used for such purpose shall have an emergency exit which shall be in the rear portion of the bus but not on the same side as the regular exit, and the same shall be in usable condition at all times, provided, however, that this section shall not apply to vehicles with seating capacity of seven passengers or less.

Sec. 17. Transportation insurance.—Subdivision 1. **Purchase of insurance.**—The school board, of any school district of this state, however organized, is hereby authorized and empowered to provide for the protection of school children in its respective 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 provided, however, any insurance contract covering such risk shall contain as a condition precedent, a clause or provision expressly waiving the defense, by the insurer, that the school district is engaged in a governmental function.

Subdivision 2. **Limitation of liabilities of district.**—The payment of any insurance premiums by such school district shall not thereby make the school district liable for any injuries or damages incurred by such transportation.

Sec. 18. Contracts.—Subdivision 1. **Advertisement for bids.**—No contract for work or labor, or for the purchase of furniture, fixtures, or other property, or for the construction or repair of schoolhouses, the estimated cost or value of which shall exceed \$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 county by two weeks' published notice in 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; provided that advertisements for bids for schoolhouse construction may be published in a trade journal, periodical, or magazine approved by the attorney general. 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.

Subdivision 2. Award of contract.—Every such contract shall be awarded to be 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 its faithful performance, and otherwise conditioned as required by Mason's Minnesota Statutes of 1927, Sections 9700, 9702, 9703 and 9704. If no satisfactory bid is received, the board may readvertise.

Subdivision 3. Limitations.—Every contract made without compliance with the provisions of this section 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.

Sec. 19. Contracts for snow removal.—The school board of any school district is hereby authorized to enter into contracts with the state, or any political subdivision thereof, or any corporation, partnership, association or individual 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.

Sec. 20. Contracts with municipalities for heat.—**Subdivision 1. Term of contract.**—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 buildings for such a term as it may deem for the best interest of the district, not, however, exceeding ten years.

Subdivision 2. Cost of connections.—Where it is necessary for such city or village to lay mains or pipes to connect said buildings with its heating system, the said district is authorized to advance to such city or village or commission or board all or any part of the cost thereof, upon such terms and conditions as shall be agreed upon.

Sec. 21. Employment of public accountants—certain cases.—**Subdivision 1. Public accountants defined.**—For the purposes of this section, "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:

Subdivision 2. Where authorized — how employed. — The school board of any independent school district having a population of more than 2,000 and having an assessed valuation of taxable property, exclusive of money 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 account of said independent school district.

Subdivision 3. Costs within statutory limits.—All expenditures for the purposes herein set forth shall be within the statutory limits upon levies in such school districts.

Sec. 22. Claims against district—how paid. Subdivision 1. **To be itemized and verified.**—No account, claim or demand against any school district for any property or services shall be audited or allowed by the board or 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 value therein charged, and that the services therein charged were actually rendered, and either that 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 such 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 contract.

Subdivision 2. Procedure for certification.—The verification required by this section may 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 case any such account, claim, or demand shall be made or presented by an administrator or executor on behalf of 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.

Sec. 23. Chairman—powers and duties.—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.

Sec. 24. Compensation of chairman in common school district.—The chairman of a common school district may receive as compensation such an amount as may be determined at the regular school meeting of the district, but such compensation shall not exceed \$6.00 in any one year.

Sec. 25. Clerk—duties.—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 elected upon any school board, or as officers of any district, of their election, and, on or before July 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 state commissioner of education.
3. The length of school term and the enrollment and attendance by grades.
4. The names and postoffice addresses of all trustees and other officers.
5. Such other items of information as may be called for by the state commissioner of education.

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 upon 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.

Sec. 26. Compensation of clerk in common school districts.—The clerk of each common district shall be paid not to exceed \$6.00 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 herein provided exceed \$50.00 for any one year. Such payment shall be made by the treasurer only upon a certificate of the county superintendent that such clerk has faithfully performed the duties of his office, including the submission of a satisfactory annual report as required by law.

Sec. 27. 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.

Sec. 28. Treasurer—duties.—Subdivision 1. **Receipt and disbursement of funds.**—The treasurer shall receive and be responsible for all money 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; provided, that in the event that the chairman has been continuously absent from the district for a period of 30 days or more the treasurer may pay orders without the signature of the chairman. 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 all such receipts and the nature and purpose of such disbursements.

Subdivision 2. **Annual report.**—Within three days preceding the last Tuesday in June he shall file with the clerk a detailed financial statement of the district, showing all receipts and disbursements, and the nature of the same, the money

on hand and the purposes to which the same are applicable, the credits of the district, and its outstanding liabilities, and the nature thereof. Such report, together with his vouchers shall be examined by the board, and if found correct, approved by resolution, entered in the records. If incomplete or inaccurate, a further or amended report may be required by the board. Such report, when complete, shall in common school districts be laid before the annual meeting, to be in like manner approved. He shall make such further reports as may from time to time be called for by the board, and shall perform all duties usually incumbent on such officer.

Subdivision 3. Orders not paid for want of funds.—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, nonpayment and indorsement, shall be made by the treasurer. Every such order shall bear interest at the rate of six per cent per annum from the date of such presentment, and shall be paid in the order in which it is so presented and registered out of the first money received by the treasurer applicable to its payment; provided, that the district may enter into agreements with banks to take such orders at any rate of interest lower than the legal rate. The treasurer shall serve a written notice upon the payee or his assignee, personally, or by mail, when he is prepared to pay such order; such notice may be directed to the payee or his assignee at the address given in writing by such payee or assignee to such treasurer, at any time prior to the service of such notice; no order shall draw any interest if such address is not given when the same is unknown to the treasurer, and no order shall draw any interest after the service of such notice.

Sec. 29. Treasurer's 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 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, county attorney or an attorney designated by the school board. All such bonds shall be filed with the county auditor and the county auditor shall not deliver any warrants for tax settlements or state aids until such bond has been filed.

Sec. 30. Compensation of treasurers of common districts.—The treasurer of each common school district may receive as compensation such an amount as shall be determined at the regular school meeting of the district, not exceeding, however, \$25.00 per annum, which shall be allowed only after his annual report shall have been so approved by the board.

Sec. 31. Compensation of officers of independent districts.—The clerk or secretary, treasurer and superintendent of independent and special 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 by law.

Sec. 32. Records to be evidence.—The records of all school districts and boards, and all transcripts thereof or any part thereof, certified by the clerk or other officer having custody thereof, shall be prima facie evidence of the facts therein stated, and all records, books and papers of such district or board shall be subject to the inspection of any voter of the district.

ARTICLE VII

ACTIONS AND PENALTIES

Section 1. 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.

Sec. 2. 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 of the plaintiff arising from some act or omission 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.

Sec. 3. Judgment paid by treasurer.—Except as herein-after 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, if he has sufficient money of the district not otherwise appropriated. If he fails to do so, he shall be personally liable for the amount, unless the collection be afterwards stayed.

Sec. 4. Tax levy for unpaid judgment.—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 its annual meeting, whereupon the district shall cause the amount of the judgment, with interest, to be added to the tax of said district. If such tax is not levied and certified to the county auditor on or before October 1 next after presentation as aforesaid, a certified copy thereof may be filed with such auditor at any time before he has extended the tax of such district, with an affidavit showing 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. Provided that by mutual agreement between the district and the judgment creditor the levy may be spread equally over a period of more than one year.

Sec. 5. Issuance of execution.—If the judgment is not paid within 30 days after the time when the proceeds of such levy becomes payable by the county treasurer of the district, execution may be issued thereon, to which any property belonging to the district shall be liable.

Sec. 6. Action when trustees resign.—Subdivision 1. **Action to recover indebtedness.**—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.

Subdivision 2. 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.

Sec. 7. Exclusion of expulsion of 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 to the party aggrieved \$50.00 for each such offense, to be recovered in a civil action.

Sec. 8. Improper classification of pupils.—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 all apportioned school funds for any apportionment period in which such classification, separation or exclusion shall occur or continue. The state commissioner of education, 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.

Sec. 9. 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 \$10.00 to be collected in an action before a justice of the peace, to be prosecuted in the name of the

district by any school board member of the district, or by any freeholder thereof.

Sec. 10. 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 \$5.00, nor more than \$50.00, for the use of the district.

Sec. 11. 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.

Sec. 12. 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 \$10.00 for each offense.

Sec. 13. Failure of auditor to report.—Any county auditor who shall fail to make to the state commissioner of education any report of apportionment required by law shall forfeit, for the benefit of the school fund of the county, the sum of \$50.00.

Sec. 14. 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 commissioner of education, shall forfeit to the school fund of the county for each such omission \$50.00 to be deducted from his salary by the board of county commissioners.

Sec. 15. 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 \$50.00, nor more than \$200.00, for each such offense. But this section shall not apply to a person who may have an interest in the sale of any book of which he himself is the author.

Sec. 16. Duty of officers to report violations of law.—Every officer to whom reports are required by law 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 law, for which violation a penalty, fine or forfeiture is provided, such attorney shall institute like proceedings.

ARTICLE VIII

SCHOOL TAXES: SCHOOL FUNDS

Section 1. State school tax.—There shall be levied annually upon the taxable property of the state a tax of one mill and twenty-three hundredths mills on the dollar, to be known as the state school tax, of which one mill on the dollar shall be placed in the fund known as the current school fund and the remainder of such tax shall be added to the university fund.

Sec. 2. County school 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.

Sec. 3. District school tax.—The taxes voted by school districts shall be certified by the clerk of the school board to the county auditor on or before October 10 of each year and shall be known as the district school tax.

Sec. 4. Levies for school houses and sites.—In common districts the tax rate shall not exceed ten mills for the purchase of school sites and erection and equipment of schoolhouses; but in such districts in which such ten mill tax will not produce \$600.00, a greater tax may be levied for school sites and buildings, not to exceed 30 mills on the dollar nor \$600.00 in amount. In independent districts no tax in excess of eight mills on the dollar shall be levied for the purposes of school sites and the erection of schoolhouses. In special districts, such amounts may be levied as may be allowed by special law.

Sec. 5. Limitation of tax rate on agricultural lands.—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 ten per cent 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; nor shall such rate exceed one-half the rate for school maintenance on non-agricultural lands in the same school district or unorganized territory in counties 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 section shall not apply to any school district receiving gross earnings aid under the provisions of Section 23 of Article IX.

Sec. 6. Distribution of unexpended school funds in certain districts.—Subdivision 1. **Refunds to taxpayers.**—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 not less than five years, and which district has unexpended funds accumulated from the proceeds of the one mill tax levy provided for in Section 2 of this article, in excess of \$500.00, may, in its discretion, deliver all or any part of such funds to the treasurer of the county in which such district is situated. The funds so delivered to the county treasurer shall be paid by the treasurer to the owners of the real estate situated in such district in the proportion that the amount of the said tax collected from such real estate bears to the amount to be so distributed. It shall be the duty of the auditor of the county in which such district is situated to determine the proportionate share to be paid to each owner of real estate in such district and to furnish the county treasurer with a statement thereof.

Subdivision 2. **Refunds to State Treasurer.**—When the school board of any such district has delivered and turned over to the county treasurer the proceeds of the one mill tax, as provided in this section, then such school board shall refund all or any part of unexpended funds in its treasury received by such district as its proportionate share of the income tax funds provided for by Mason's Supplement 1940, Section 2394-57, to the treasurer of the state of Minnesota,

which funds when so refunded shall be placed in the income tax school fund and disbursed in the same manner as other money in said fund is disbursed.

Sec. 7. Depositories of school funds.—The governing board, by whatever name known, of the several common, independent and special school districts in this state may in its discretion, select and designate as a depository or depositories for school district money, any national or state bank or banks, for a period not exceeding three years, on the execution by such bank 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, 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. It 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 \$3,000 in independent or consolidated school districts without the execution of any bond. Provided, further, that where the bank designated is a member of the federal deposit insurance corporation no bond or collateral shall be required up to the amount covered by such insurance. 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. Thereupon such bank or banks shall become a legal depository or depositories for school district money, and thereafter the school district treasurer shall deposit such school district money therein as he shall be required from time to time to deposit by such school district governing board.

Sec. 8. 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.

Sec. 9. 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.

Sec. 10. Treasurer may designate depository in certain cases.—If the treasurer of any common or independent school district shall present to the governing board of such district in session a written request for the designation of a depository for the funds of the district, and such board shall refuse or shall fail to designate one or more depositories within 30 days after the presentation of such request, such treasurer may deposit the funds of said district in a bank or banks of his own selection in an amount not exceeding \$1,500 in any one bank, if a common school district, or not exceeding \$3,000 in any one bank, if an independent school district. Provided that where such bank is a member of the federal deposit insurance corporation, the amount which may be deposited may be increased to the amount of insurance coverage provided by this corporation. Such treasurer shall not thereafter be liable for the loss of any such funds through the insolvency or default of any such bank in the absence of negligence on his part in the selection of such bank or banks.

Sec. 11. School treasurers may be reimbursed in certain cases.—Where any school treasurer has or shall hereafter reimburse the district for loss of funds of the district on deposit in any bank which has or may become insolvent, such district may reimburse said treasurer for money so paid when a majority of the electors voting thereon at an annual or special meeting vote to do so, providing the notice of such annual or special meeting shall specify that such matter will be considered at such meeting.

Sec. 12. Issuance of warrants—funds in closed banks.—Any school district which now has or may hereafter have, any money 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 money 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.

Sec. 13. Acceptance of property in settlement of claims.—**Subdivision 1. Power of board to accept.**—Whenever any school district in this state now has or asserts any claim or judgment against any sureties on the bonds of any deposi-

tory of its funds for the failure of any such depository to account for or pay over any such funds, and the school board or other governing body of said district shall determine that said claim or judgment or some part thereof is not collectible in cash, then any such school board or governing body may by resolution determine to accept and receive, in complete or partial satisfaction or settlement of any such claim or judgment, lands or interest therein within this state, and may acquire the same for and in the name of such district either by deed or deeds of conveyance from the owners, or as purchaser at execution sale or sales under any such judgment.

Subdivision 2. Title to be held by district.—Title to lands or interests so acquired shall be held by said district in lieu of its money not accounted for or paid over as aforesaid, and the same and each tract or portion thereof shall be sold by such district as soon as and wherever there may be realized therefrom the fair value thereof as determined by such school board or governing body. Any such sale may be authorized by resolution of such school board or governing body, and may be made for cash, or for part cash and the deferred balance secured by contract for deed or purchase money mortgage, on such terms as said board or governing body may approve. Conveyances, contracts or other instruments evidencing any such sale shall be executed by the president or other presiding officer and the clerk or secretary of said board or governing body. Lands so acquired and held for resale as aforesaid shall be deemed public lands used for exclusively public purposes, and as such shall be exempt from taxation.

Sec. 14: Compensation.—No additional compensation or fees shall be paid to any of the school district officers by reason of any of the provisions of Sections 7, 8 and 9 of this article.

ARTICLE IX

STATE AND FEDERAL SCHOOL AID

Section 1. State aid funds—sources.—For the purpose of aid to public schools, there shall be established the following funds:

- (1) The endowment fund, which shall consist of the income from the permanent school fund;
- (2) The current school fund, which shall consist of the amount derived from a state one mill tax;

(3) The special state aid fund, which shall consist of the sums appropriated by the legislature for special aid to public schools;

(4) The income tax school fund, which shall consist of the revenues of the state income tax.

Sec. 2. Apportionment of endowment fund.—The endowment fund shall be apportioned semi-annually by the state board of education, on the first Monday in March and October in each year, to school districts whose schools have been in session at least eight months, in proportion to the number of scholars between the ages of five and 21 years who shall have been in average daily attendance during the preceding year, such number to be determined by dividing the aggregate daily attendance in the school by the total number of days the school was actually in session; provided that apportionment shall not be paid to the district attended for pupils in grades one to eight inclusive, for whom tuition is received by such district.

Sec. 3. Apportionment of current school fund.—The current school fund shall be apportioned 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.

Sec. 4. Apportionment—appropriation and procedure.—Upon receiving a copy of such apportionments, the state auditor shall draw his warrants on the state treasury, payable to the several counties, for the amount due each county. There is hereby annually appropriated from the endowment fund and the current school fund the amount of such apportionments.

Subdivision 1. Duty of county auditor.—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. The auditor shall include in such appor-

tionment all amounts received from special state aid to schools—not theretofore apportioned.

Subdivision 2. **Report of county apportionment, etc.**—The county auditor, on the first Wednesday after such apportionment, shall report to the state commissioner of education the amount apportioned to each district, the sources from which such money was received, the total average daily attendance of pupils in the county entitled to apportionment, and the number of districts sharing in the apportionment.

Sec. 5. **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 power to fix reasonable 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.

Sec. 6. **Purposes of special state aid.**—State aid from the special state aid fund and also any other money 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.

Sec. 7. **Transportation aid.**—Subdivision 1. **Transportation aid in consolidated districts.**—To receive state aid for

transportation, consolidated districts must contain not less than 12 sections of land, and schools in such districts shall be in session at least eight months in the year and be well organized. They shall have suitable schoolhouses with the necessary rooms and equipment. 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 \$36.00 per pupil transported or boarded. 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.

All the provisions of law 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.

Subdivision 2. Limitation on transportation of nonresident pupils.—School districts may use their transportation equipment for the transportation of nonresident pupils upon permission from the state board of education; but no special state aid shall be paid for any nonresident pupil transported or boarded illegally or contrary to the standards established by the state board of education. 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.

Subdivision 3. Isolated pupil aid.—For assisting in providing for the school attendance of isolated pupils, 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 children of school age as reside beyond reasonable walking distance from the nearest public school. To this end, the state board may grant to such school districts not to exceed \$50.00 annually for each such pupil transported or boarded.

Subdivision 4. 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 courses of study. To this end, the state board may grant to such school districts not to exceed \$150.00 annually for each such pupil transported or boarded; provided, that the state board may grant such aid to the district of residence when a crippled child is transported to, or boarded at, a special class, and provided that the total expenditure under this subdivision shall not exceed the sum of \$40,000 for any one year.

Sec. 8. Tuition of nonresident high school pupils.—Subdivision 1. **Payment to school districts.—**For the tuition of nonresident high school pupils, the state shall pay to the school district furnishing such high school instruction at the rate of \$7.00 per school month, or major fraction thereof, for each such nonresident pupil, for not to exceed ten 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 nonresident high school pupils residing in unorganized territory, in ten or more township school districts; or in county school districts; and (3) that the state apportionment for any such nonresident high school pupils shall be paid to the school district in which such nonresident pupils attend a high school.

Subdivision 2. **Payment to state schools of agriculture.—**All of the above provisions shall be applicable to the state schools of agriculture, the aid for each eligible pupil to be paid to the particular school of agriculture attended by that pupil, to be applied upon the tuition and laboratory and equipment fees of such pupil for the six months period of the school year, but in no case to exceed \$7.00 per school month.

Sec. 9. Aid for school libraries.—Any school district or unorganized territory may receive aid for the purchase of library books not to exceed one-half the amount expended or fifty cents per pupil in average daily attendance during the preceding year for 500 pupils, nor to exceed one-fourth the amount expended or twenty-five cents per additional pupil in average daily attendance during the preceding year in such school district or unorganized territory.

Sec. 10. Classification aid.—For the purpose of state aid all public schools shall be classified according to the provisions of Article XI, Section 1.

Subdivision 1. Graded—8 years.—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 \$400.00 annually.

Subdivision 2. Graded—6 years.—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 \$300.00 annually.

Subdivision 3. Ungraded schools.—For each ungraded elementary school with a school year of at least eight months, the state shall pay a school district \$100.00 for each employed teacher holding an elementary school limited certificate or its equivalent; for each ungraded elementary school with a school year of at least nine months, the state shall pay a school district \$125.00 for each employed teacher holding an elementary school limited certificate or its equivalent; provided that the total of such aid for an ungraded elementary school with a school year of eight months shall in no case exceed \$200.00, and for a school year of nine months \$250.00; and provided, further, that such classification aid, when added to the funds received by a school district as apportionment, together with the equivalent of a five mill tax for maintenance, shall not exceed the total maintenance cost of the schools in such district.

Subdivision 4. Superior ungraded schools.—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 all other state aid, not to exceed \$50.00 for each such school maintained.

Subdivision 5. Four-year high schools.—For each four-year high school with a school year of at least nine months, the state shall pay a school district \$500.00 annually.

Subdivision 6. High school departments.—For each high school department with a school year of at least nine months, the state shall pay a school district \$300.00 annually.

Subdivision 7. Junior high schools.—For each junior high school with a school year of at least nine months, the state shall pay a school district \$300.00 annually.

Subdivision 8. **Senior high schools.**—For each senior high school with a school year of at least nine months, the state shall pay a school district \$300.00 annually.

Subdivision 9. **Six-year high schools.**—For each six-year high school with a school year of at least nine months, the state shall pay a school district \$600.00 annually.

Sec. 11. **Supplemental aid—basis for computation.**—School districts which receive aid under the provisions of this section shall be limited to those whose tax levy for maintenance only is 30 mills or more except in the case of agricultural lands on which the maximum rate of taxation for school maintenance is limited by Section 5, Article VIII. To any school district in which the proceeds of a tax levy of 30 mills or the maximum legal rate on the district's assessed valuation together with all funds received from the state as apportionment or special state aid, except transportation aid, does not equal \$60.00 for each resident pupil in average daily attendance in an elementary school, and \$100.00 for each resident high school pupil and each nonresident high school pupil for whom the state pays tuition, in average daily attendance in a classified high school, the state shall pay as supplemental aid, as soon after August 1 of each year as practicable, an amount which, together with the proceeds of a 30 mill tax or the maximum legal rate, and all money received from the state as apportionment or special state aid, except transportation aid, will equal \$60.00 for each resident pupil in average daily attendance in an elementary school and \$100.00 for each resident high school pupil and each nonresident high school pupil, for whom the state pays tuition in average daily attendance in a classified high school. To any school district or unorganized territory in which the proceeds of a tax of 30 mills or the maximum legal rate together with all funds received from the state as apportionment or special state aid, except transportation aid, does not equal \$1,000 per classroom unit, the state board of education may, at its discretion, grant sufficient additional supplemental aid to bring the total funds available for school maintenance equivalent to \$1,000 for each classroom unit. Provided, that (1) the supplemental aid paid under this section, when added to all other funds received from the state as apportionment or special state aid and to the proceeds of a 30 mill tax or the legal maximum tax for maintenance, shall not exceed the total maintenance cost of the schools in any school district nor such maximum figure per classroom unit as may be determined by the state board of education; (2) the term "proceeds" as used in this section shall include

all funds collected during the preceding 12 month period ending October 31, from taxes levied for school maintenance up to 30 mills in 1935 and subsequent years; (3) if a school district qualifies for supplemental aid under this section but such district's tax rate for school maintenance during the preceding years was less than 30 mills, the proceeds of the tax for school maintenance in such district shall be based on what a 30 mill tax or the maximum legal rate on agricultural lands would have produced if levied, and shall be in proportion to the 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 Section 23 of this article, 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 since the year of 1931.

Sec. 12. State aid for vocational education.—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.

Subdivision 1. Agriculture.—For agriculture, state aid to any school district for each school within the district maintaining such work shall not exceed \$500.00.

Subdivision 2. Industrial arts.—For general industrial training, state aid to any school district for each school within the district maintaining such work shall not exceed \$400.00.

Subdivision 3. Home economics.—For home training, state aid to any school district for each school within the district maintaining such work shall not exceed \$400.00.

Subdivision 4. Commercial education.—For commercial training state aid to any school district for each school within the district maintaining such work shall not exceed \$400.00.

Sec. 13. State aid for special classes for handicapped children.—Under such rules as the state board of education may establish relative to qualification of teachers, courses of study, methods of instruction, admission, size of classes, rooms and equipment, supervision, and such other rules and standards as the board may deem necessary, the state shall pay annually to any school district for the education of handicapped children the following amounts:

(a) For deaf children, not to exceed \$250.00 for each such child who is enrolled in a day school and who is a resident of a district maintaining such school; and not to exceed \$400.00 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 \$150.00 to be paid for board and room of such nonresident child.

(b) For blind children, not to exceed \$300.00 for each such child.

(c) For subnormal children, not to exceed \$100.00 for each such child.

(d) For children with defective speech, not to exceed \$1,500 for each teacher engaged exclusively in this work.

(e) For crippled children, not to exceed \$250.00 for each such child.

The per pupil allowance shall be paid for each such child who has been in attendance the full nine months, or a proportionate amount for each child for such time as he has been in attendance.

Under such rules as the state board of education may prescribe, a portion of the above funds may be expended for transportation, teachers salaries, special supervision, special instruction, special materials and equipment.

The amount of aid for any special class for handicapped children shall in no case exceed the amount expended for such class during the preceding year.

It shall be the duty of the treasurer of the school district, or of the board of education receiving such aid, to render annually to the state commissioner of education an itemized statement of all expenditures of said school or schools, and such related facts as he may require.

Sec. 14. State and federal aid for evening schools.—For evening schools for persons over 16 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, from state funds appropriated for that purpose, or such funds combined with federal funds in so far as federal funds are available, one-half the salaries of all teachers who teach in such evening schools. 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 21 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.

Sec. 15. Aid for teacher training in high schools.—For teacher training in high schools the state board of education is hereby authorized to establish rules and to determine the amounts of state aid to be granted to any school district for the maintenance of this work. For the maintenance of high school teacher training departments the state board of education may grant a total state aid of not to exceed \$60,000, or \$1,500 per department, annually; and provided further, that the allowance of such aid for teacher training departments shall not in any way reduce the supplemental aid to which the school district concerned shall be entitled under existing law.

Sec. 16. Transfer from current to special state fund.—If the amount appropriated for the payment of said special state aids shall be insufficient in any year to pay the same 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 in full. Provided, however, that not more than \$500,000 shall be so transferred from the current school fund in any one year.

Sec. 17. Proration of special state aid fund.—If the amount appropriated and the amount transferred, as provided in Section 16 hereof, shall be insufficient in any year to pay said special state aids in full, the same shall be equally prorated among the school districts entitled to receive such aids, and the prorata amounts so received shall be accepted as payment in full of all obligations of the state to pay said aids for such year; provided, however, that this shall not apply to aids for tuition of nonresident high school pupils, transportation of crippled children or teacher training departments in high schools.

Sec. 18. Payment of special 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:

Subdivision 1. Distribution to counties.—On or before October 1 in each year, it shall be the duty of the commissioner of education to deliver to the state auditor a certificate in duplicate for each class of schools in each county of the state entitled to receive state aid under the provisions of this

article. Upon the receipt of such certificate, it shall be the duty of the state 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.

Subdivision 2. Distribution to high school districts.—Upon receipt by the county auditor of such warrants and the certificate, it shall be the duty of the county auditor to credit the several school districts with the amounts stated in said certificate, 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.

Sec. 19. Unused money to be apportioned.—Any unused available money from the special state aid fund shall be included with the endowment fund for distribution to state apportionment.

Sec. 20. Income tax school fund.—The distribution of the income tax school fund to school districts, and the use of such fund by school districts, shall be in accordance with the provisions of Mason's Supplement 1940, Section 2394-57.

Sec. 21. County boards to appropriate money for county educational work.—In all cases provided for in this article, 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.

Sec. 22. Gross earnings aid—certain districts.—**Subdivision 1. How computed.**—Whenever the properties of any school district in this state are 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 such an amount annually as 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 such district, nor shall any common school district maintaining only one 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 seven 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 \$4,000,000 or more, then the amount which such district shall receive under the provisions of this section shall be ascertained by computing a tax at one-sixth of the current local rate instead of one-third as in other cases.

Subdivision 2. Limitations.—Provided, that the amount which any school district may receive under this section shall not exceed such a sum as added to all other sources of income will produce for each pupil, for maintenance alone, an average of \$100.00 for districts maintaining a high school, a high school department or a graded elementary school and an average of \$75.00 for common school districts maintaining only one ungraded school of not less than two nor more than four rooms.

And provided, further, that no district shall be entitled to aid under this section 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 only one ungraded elementary school of not less than two nor more than four rooms, having a current local school levy of at least a 20 mill tax for maintenance alone.

Subdivision 3. Application for aid.—Any school district desiring to take advantage of the provisions of this section 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 supporting the same.

(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.

Subdivision 4. Method of payment.—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 section, 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 section, 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.

Sec. 23. Gross earnings aid—county school districts.—**Subdivision 1. Computation of aid.**—Any county school district organized under Laws 1929, Chapter 9, 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 nonexempt real and personal property, exclusive of money and credits, shall 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 school district purposes upon the full value 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 Section 22 of this article. Provided, further,

that the amount which any county school district shall receive under this section shall not exceed \$15.00 per pupil enrolled therein.

Subdivision 2. Application for aid.—Any such county school district desiring to take advantage of this section 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 money and credits, within any such county school district, subject to local taxation.

(c) 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 county school district purposes 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 county school district is situated; and the information called for in paragraph (d) shall be certified by the clerk of the county school district.

Subdivision 3. Method of payment.—The state 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 section, and if it finds that any such school district is entitled to such aid, it shall determine the amount to which such county school district is entitled within the limitations of this section, and shall certify said amount to the state auditor, who shall draw a warrant upon the state treasurer in favor of any such county school district for the amount to which it is so entitled and deliver the same to said county school district, taking proper voucher or receipt therefor.

Sec. 24. Aid in lieu of taxes—state owned lands.—There is annually appropriated from the revenue fund of this state \$50,000 in aid of the common schools of this state, available, on or before April 1, of each year.

Subdivision 1. Distribution of appropriation. — The amount so appropriated shall be annually divided among and distributed to 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 redivide and redistribute the same to and to the use and benefit of the common schools of his county in proportion to the acreage of lands owned by this state in each respective school district situated therein; 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 shall receive under the terms of this section, in any one year, an amount in excess of \$15.00 per pupil enrolled.

Subdivision 2. Restrictions on use of funds or buildings.—No part of the money hereby appropriated shall be available for or be used for the purchase of any school site or the erection of any school building.

Subdivision 3. Duty of state auditor—plats of unsold state lands.—It shall be the duty of the state auditor to supply to the several county auditors of this state, plats with checkings thereon indicating the location and the description of all unsold lands situated within the organized townships of his county.

Sec. 25. Federal aid in lieu of taxes—national forests.—The board of county commissioners of any county, may, in its discretion, place the money, or any part thereof, received by such county from the federal government for and on account of any national forest lands situated therein, into a special fund to be disbursed and paid over 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 state forest. Such action shall be taken by said board by resolution duly adopted by it, which resolution shall specify the terms and conditions under which

said money shall be so paid over and disbursed to any school district or districts.

Sec. 26. Acceptance of federal provisions relating to vocational education.—The provisions of the act of congress of the United States entitled “an act to provide for the promotion of vocational education; to provide cooperation with the states in the promotion of such education in agriculture and in the trades and industries; to provide cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures,” and approved February 23, 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.

Sec. 27. State board of education to administer vocational education.—The state board of education as established by Laws 1919, Chapter 334, 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 cooperating with the United States office of 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 money available for the purposes of Sections 26 to 35, inclusive, of this article.

Sec. 28. 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 26 to 35 inclusive, of this article, 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.

Sec. 29. State treasurer—custodian of federal 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 money paid to the state and the appropriations made under the provisions of such acts.

Sec. 30. Federal vocational aid—continuing state 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 23, 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.

Sec. 31. Vocational aid—rules governing disbursement.— 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 United States office of 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 from federal funds and may supplement such 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 receive reimbursement. In like manner 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 amount not to exceed one-half of such salaries and necessary travel expenses, provided such governmental agencies conduct such classes under public supervision or control in accordance with plans approved by said board.

Sec. 32. Districts or agencies entitled to federal aid.— 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 money under such acts for the salaries and necessary travel expenses 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 United States office of education or other federal agency to which its functions are assigned.

Sec. 33. Federal aid for teacher training.—Teacher training schools and departments shall be entitled to federal money 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 United States office of education or other federal agency to which its functions are assigned for the preparation of such teachers. The state board for vocational education shall reimburse institutions selected by it to train 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 buildings, or equipment, or for the purchase or rental of lands or for the support of any religious or privately owned school or college.

Sec. 34. Disbursements of vocational aid—how made.—All disbursements of federal money 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 money of such training schools or departments. All disbursements of federal and state money 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 treasurers legally qualified to receive and disburse the funds for the school districts or governmental agencies establishing and maintaining such schools, departments and classes as herein provided.

Sec. 35. Reports to legislature.—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 money received by him under the provisions of federal and state acts relating to vocational education and the state board for vocational education shall make to the legislature at each biennial session a report of its administration of such acts and the expenditure of money allotted to the state under the provisions of such acts.

Sec. 36. Acceptance of federal aid.—Subdivision 1. **Governor may accept.**—In the event that the congress of the United States enacts legislation providing educational assistance to the states for the purposes 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 nursery schools 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) Transportation of pupils,
- (l) Purchase of books and instructional material,
- (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 services,
- (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 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.

Subdivision 2. State board of education to administer funds.—Pursuant to such acceptance, the state board of education shall have authority to make and secure approval of plans to carry out the purposes of the provisions accepted.

Subdivision 3. State Treasurer to be custodian of funds.—The state treasurer shall be the custodian of 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 of education for purposes consistent with the acts of congress and in accordance with the provisions of this section and of the order of acceptance.

ARTICLE X
TEACHERS

Section 1. 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.

Sec. 2. Certification of teachers—definition of teacher.—The term “teachers” for the purposes of certification shall mean and include any and all persons employed in a public school as members of the instructional and supervisory staff, such as superintendents, principals, supervisors, classroom teachers, and librarians.

Sec. 3. Qualified teacher defined.—A qualified teacher is one holding a valid certificate from the state board of education, as hereinafter provided, to perform the particular service for which he is employed in a public school.

Sec. 4. 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 shall find to be physically competent and morally fit to teach and to have the qualifications and training herein prescribed.

Sec. 5. Classification of teachers' certificates.—There shall be five classes of teacher certificates:

1. Elementary School Certificate,
2. High School Certificate,
3. Junior College Certificate,
4. Administrative and Supervisory Certificates,
5. Vocational, Recreation, and Adult Education Certificates.

Sec. 6. Elementary school certificates—kinds.—The elementary school certificate shall indicate the division or grades for which the holder has been trained.

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,

Subdivision 1. Elementary school advanced certificate.—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, or in the first three grades of a six year 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.

Subdivision 2. Elementary school standard certificate.—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.

Subdivision 3. Elementary school limited certificate.—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.

Subdivision 4. Elementary school special certificate.—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 an essentially equivalent course in an institution accredited and approved by the state board of education for training teachers in such special subjects.

Subdivision 5. Elementary school special certificate—handicapped children.—An elementary school special certificate, which shall qualify any holder thereof to teach handicapped children in any elementary school, may be issued by the state board of education, in its discretion, to any qualified elementary teacher, upon satisfactory showing to such board that the applicant is possessed of such other qualifications for such teaching as the state board of education may, from time to time, prescribe.

Sec. 7. High school certificates—kinds.—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.

Subdivision 1. High school standard general certificates.—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.

The high school standard general certificate shall qualify any holder thereof to teach in any secondary school those academic subjects or related subjects for which adequate training has been received. The holder of a high school standard general certificate shall also 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.

Subdivision 2. High school standard special certificate.—The high school standard special certificate shall qualify any person to teach in the special fields 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, from time to time require, and to act as school librarian. It shall show, in which one or ones of the special fields aforesaid the holder is authorized 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 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 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 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 for the training of high school teachers in the special field as to which he applies for 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, granted by virtue of the completion of a course therein which said board shall find to be substantially equivalent, with respect to such special subject or subjects, to the course of said college of education for training of teachers therein, provided that such institution shall be accredited and approved by said board.

Subdivision 3. High school advanced certificate.—Any person who has the preparation and training herein prescribed entitling 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 and in which the holder of a corresponding standard certificate is authorized to teach.

Sec. 8. Junior college certificates.—Junior college certificates shall qualify holders to teach in junior college such subjects or in such subject fields as are thereon specified. Junior college certificates shall be based on such training and experience as may be required by the state board of education.

Sec. 9. Administrative and supervisory certificates.—A person shall be qualified to be a principal or supervisor of or in any school when he shall hold a certificate qualifying him to teach in such school and in addition shall have such other qualifications with reference to special training and experience as the state board of education may, from time to time, prescribe.

A person shall be qualified to be superintendent of schools in any school district when he shall hold a certificate qualify-

ing him to teach in such school and in addition shall have such other qualifications with reference to special training and experience as the state board of education may, from time to time, prescribe.

When any person shall establish his qualifications to be a principal, supervisor or superintendent, as aforesaid, to the satisfaction of the state board of education, such board may certify him as being qualified to be such principal, supervisor or superintendent, as the case may be. Contracts with principals, supervisors or superintendents shall not be valid unless they shall be qualified, as herein provided.

Sec. 10. Vocational, recreation and adult education certificates.—The state board of education shall have authority to issue special certificates to vocational, recreation and adult education teachers who present such qualifications of training and experience as meet the requirements of the United States office of education or the special needs of the several vocational, recreational and adult education fields.

Sec. 11. Applicants trained in other states.—Wherever in Section 2 to 16 inclusive, of this article, 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.

Sec. 12. Duration and renewal of certificates.—Subdivision 1. **Expiration and renewal.**—All certificates, except as herein provided, shall bear the date of issue and shall expire two years from July 1 nearest such date, and may be renewed for periods of not more than five years upon satisfactory evidence produced to the state board of education of successful teaching experience for at least one school year during the period covered by the certificate in grades or subjects for which the certificate is valid. On less than one school year's teaching experience, the certificate may be renewed for a period sufficient to enable the holder to meet the require-

ments for a regular renewal. Any person who applies for the issuance or renewal of a teachers' certificate and who possesses the training prescribed in Sections 2 to 16, inclusive, of this Article, but who has not at any time during the five-year period immediately preceding, been employed in the type of teaching for which the certificate is valid, may be required to furnish evidence of appropriate training in an accredited teacher training institution within such period, but not in excess of 12 weeks' work.

Subdivision 2. Permanent certificates.—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. 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 no permanent certificate shall be issued to a teacher who holds only an elementary school limited certificate, or a vocational, recreation or adult education certificate.

Subdivision 3. Elementary limited certificates—expiration and renewal.—An elementary school limited certificate shall bear the date of issue and shall expire two years from July 1 nearest such date, and may be renewed for periods of not more than five years, under conditions prescribed by the state board of education.

Sec. 13. 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 \$5.00. For all others, the fee shall be \$1.00 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, or for refunds to applicants who are not entitled to certificates or have forwarded to the department of education money in excess of the fees required by law.

Fees for the renewal or extension of certificates in force on April 26, 1929, shall be as provided in General Statutes of 1923, Section 2932.

Sec. 14. Suspension or revocation of certificates.—Subdivision 1. **Grounds for revocation.**—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 such 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 Sections 2 to 16, inclusive, of this article, or in force on April 26, 1929, 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 wilful neglect of duty.
- (d) Affliction with active tuberculosis or some other communicable disease, while suffering from such disability.

Subdivision 2. Hearing on charges.—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 such teacher at 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 office of the board unless the teacher at the time of filing his answer shall file therewith a written demand that the hearing 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 shall be either 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 thereat. 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

filed with the board upon the conclusion of such hearing. A copy thereof shall be furnished to such teacher upon his request.

Subdivision 3. Decision by state board of education.—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 30 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.

Sec. 15. Outstanding certificates not impaired.—No provision of Sections 2 to 16, inclusive, of this Article shall affect or impair the validity of certificates or licenses to teach in force on May 1, 1941, 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 14 of this Article, and provided also, that a certificate in force on April 26, 1929 may be exchanged, without fee, at the option of the holder for a certificate which, under said Sections 2 to 16, shall give to the holder the same qualifications and rights which he had under and by virtue of such certificate.

Sec. 16. Administrative regulations.—The state board of education shall have power, from time to time, to make and enforce such rules and regulations consistent with Sections 2 to 16 of this Article, as may be appropriate for the administration and enforcement thereof.

Sec. 17. Recording of certificates—county and city superintendent.—No person shall be accounted a qualified teacher within the meaning of the school law, until such person has filed for record with the county or local superintendent of schools where such person intends to teach, a certificate or certified copy thereof authorizing such person to teach school in such county or local school system.

Sec. 18. Hiring of teachers—contracts—termination.—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 section. School boards shall hire teachers at meetings called for that purpose, provided, however, that where a husband and wife, brother and sister, or two brothers or sisters, constitute a quorum, no contract employing a teacher shall be made or authorized except upon the unanimous vote of the school board. 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 contract, signed by the teacher and, in common districts, by at least two of the trustees; in special and independent districts, by the chairman and clerk. Contracts for teaching or supervision of teaching can be made only with qualified teachers. 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, until terminated by a majority vote of the full membership of the school board, or by the written resignation of the teacher, before April 1. Such termination shall take effect at the close of the school year in which the contract is terminated in the manner aforesaid. 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 section shall not affect the powers of a school board to discharge a teacher for cause under and pursuant to Article VI, Section 6, Subdivision 10.

This section shall not apply to any school district in a city of the first class.

Sec. 19. Summer schools—teachers contracts.—In order to encourage further preparation and education of its teachers, the school board of an independent school district may stipulate in a teacher's contract the amount he or she may receive conditioned upon attending summer school.

Sec. 20. Keeping of registers.—Each teacher shall keep a register, furnished by the clerk, showing the daily attendance of each pupil, and such other matters as may be required in such register. He shall also keep such record of deportment and scholarship as may be required by the board. The register shall show the names and ages of all pupils, the names and number of days' attendance of all pupils between the ages of five and eight years, between eight and 15 years, and between 15 and 21 years, and the names of all paying tuition. In districts maintaining ungraded elementary schools only the

teacher shall return such register, properly kept, to the clerk within ten days after the close of the school year.

Sec. 21. Teachers' reports.—Each teacher in districts maintaining ungraded elementary schools only, and each superintendent of districts maintaining graded elementary or high schools, shall within ten days after the close of the school term make his report to the county superintendent upon blanks furnished by the superintendent, giving such information as may be called for in the blank, checking with a cross (X) the names of all pupils who are not eligible for apportionment. The superintendent shall receipt for such reports. No order shall be issued for the payment of the wages of any teacher while he is in default in making such reports or in returning his register. In joint districts a report shall be made according to rules established by the state board of education. The teachers, principals and superintendents in districts maintaining graded elementary or high schools shall make such reports as may be required by law or the rules of the state or local board of education under like penalty.

Sec. 22. Teacher tenure act—cities of the first class—definitions.—Subdivision 1. **Words, terms and phrases.**—Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases shall, for the purposes of Sections 22 to 33, be defined as follows:

Subdivision 2. **“Teacher” defined.**—The term “teacher” shall include every person regularly employed, as a principal, or to give instructions in a classroom, or to superintend or supervise classroom instruction, or as placement teacher and visiting teacher.

Subdivision 3. **“School Board” 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.

Subdivision 4. **“Commissioner” defined.**—The term “commissioner” shall include any and all instances where a single official has the care, management or control over public schools.

Subdivision 5. **“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.

Sec. 23. 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 25. 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.

Sec. 24. 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 25, and after a hearing as specified and provided in Section 26.

Sec. 25. Grounds for discharge or demotion.—Causes for the discharge or demotion of a teacher either during or after the probationary period shall be:

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

(2) 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.

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

(4) 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.

(5) Discontinuance of position or lack of pupils.

Sec. 26. 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 postoffice 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 school board or any commissioner conducting such a hearing shall have authority to issue subpoenas and to administer oaths to witnesses.

Sec. 27. Counsel—examination of witnesses.—Each party appearing before said school board or commissioner shall have the right to be represented by counsel, and such counsel may examine and cross-examine witnesses and present arguments.

Sec. 28. Hearings.—All hearings before said school board or commissioner shall be private or may be public at the decision of the teacher against whom such charge or charges have been filed.

Sec. 29. Decision, when rendered.—Such hearing must be concluded and a decision in writing, stating the grounds on which it is based, rendered within 25 days after 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 for the best interest of the school. Provided, that no teacher shall be discharged for either of the causes specified in Paragraph 3 of Section 25, 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.

Sec. 30. Charges expunged from records.—In all cases where the final decision is in favor of the teacher the charge or charges shall be physically expunged from the records.

Sec. 31. Suspension pending hearing—salary.—Upon the filing of a charge or charges against a teacher, the school board or commissioner may suspend the teacher from regu-

lar duty. If, upon final decision, the teacher is suspended or removed, the school board or commissioner may in its or his discretion determine the teacher's salary or compensation as of the time of filing the charge or charges. If the final decision is favorable to the teacher there shall be no abatement of salary or compensation.

Sec. 32. Services terminated by discontinuance or lack of pupils—preference given.—Any teacher whose services are terminated on account of discontinuance of position or lack of pupils shall receive first consideration for other positions in the district for which she is qualified.

ARTICLE XI

CLASSIFICATION AND CONDUCT OF SCHOOLS

Section 1. Public schools—classification and definitions.—For the purpose of administration all public schools shall be classified under the following heads:

Subdivision 1. Classification.—(a) graded elementary schools, (b) ungraded elementary schools, (c) four-year high schools, (d) high school departments, (e) junior high schools, (f) senior high schools, (g) six-year high schools, and (h) junior colleges. Schools located in a consolidated school district, shall be classified under one or more of the first seven headings of this section, and shall be entitled to state aid according to such classification.

Subdivision 2. Definitions.—(a) 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.

(b) 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 graded elementary school.

(c) 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.

(d) A high school department shall be a school giving instruction in high school subjects beyond the eight-year elementary course. Such high school department shall employ two or more qualified high school teachers to give instruction in such high school subjects, one of whom may be the superintendent of the high school department and the elementary school associated therewith.

(e) 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 12 year public school course. It shall be located in a school district which employs a superintendent for the entire system of public schools in such school district.

(f) 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 10th, 11th, and 12th years of the 12 year public school course. It shall be located in a school district which maintains a junior high school and which employs a superintendent for the entire system of public schools in such school district.

(g) A six-year high school shall be a school employing a superintendent, a high school principal, and three or more high school teachers giving instruction in years seven to 12 inclusive of the public school course.

(h) A junior college shall be a school organized according to Sections 2 to 7, inclusive of this article.

Sec. 2. Establishment of junior colleges.—Subdivision 1. **Application.**—The school board of any independent or special school district may make application to the state board of education to establish and maintain a department of junior college work, to consist of not more than two years' work beyond the twelfth year of the public school curriculum. Such application shall contain such data as the state board of education may require.

Subdivision 2. **Survey.**—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.

Subdivision 3. **Approval by voters.**—If the state board of education approves such application 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 proposition is to be there acted upon.

Subdivision 4. Establishment after approval.—If the establishment of a junior college is authorized by a two-thirds vote of the electors voting thereon the school board of such school district shall take the necessary steps to establish and maintain such junior college.

Subdivision 5. School districts may cooperate.—Two or more school districts may cooperate in the establishment and maintenance of a junior college under the procedure as indicated for the establishment and maintenance of a junior college in a single district; provided, however, that the application submitted to the state board of education shall include a statement of the procedure adopted by the school boards of the districts concerned for the establishment and maintenance of such junior college and, provided, further, that the proposition as approved by the state board of education, be authorized by a two-thirds vote of the electors in each district voting thereon.

Subdivision 6. Proposition of cooperation to be approved by school board.—Two or more school districts may cooperate in the maintenance of a junior college already established, or established pursuant to Sections 2 to 7 inclusive, of this Article, under the procedure as indicated in this section; provided, 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.

Sec. 3. Discontinuance of junior colleges.—Any school district maintaining a junior college 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 such action is taken before April 1 of that school year. Any school district cooperating with one or more school districts in the maintenance of a junior college may discontinue such cooperative arrangement at the close of any school year by a majority vote of all members of the school board in such district, provided such action is taken before March 1 of that school year.

Sec. 4. Supervision of junior colleges.—The state board 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 the state.

Sec. 5. Junior colleges—use existing buildings and equipment.—Any school board in a district maintaining a junior

college or cooperating with one or more school boards of other school districts in the maintenance of a junior college shall have authority to make use of any existing buildings or equipment, or may provide any necessary building or buildings, or equipment, for the establishment and maintenance of any such junior college.

Sec. 6. Tuition in junior colleges.—The school board or school boards having control of any such junior college, 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 the pupils attending such junior college, or by the school districts in which such pupils are legal residents.

Sec. 7. Transportation of junior college students.—The school board of any school district may provide transportation for students residing in such district who are attending a junior college. When it is not feasible to transport students to a junior college the school board in any school district may pay for board and room of such students attending a junior college.

Sec. 8. Special classes—deaf children.—Upon application of any school district, complying with the provisions of this section and Section 13, Article IX, made to the state commissioner of education, he may grant permission to such district to establish and maintain within its limits one or more schools for the instruction of deaf children who are residents of the state. The state commissioner of education may designate any member of his staff as an inspector to visit and note the progress of such schools and classes as provided for in Sections 8 to 12, inclusive, of this article.

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 section.

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.

Sec. 9. Special classes—blind children.—Upon application made to the state commissioner of education by any school district, complying with the provisions of this section and Section 13, Article IX, 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.

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 section, 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 section, 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 section, any person of sound mind, who by reason 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 of school age.

Sec. 10. Special classes—children with defective speech.—Upon application made to the state commissioner of education, by any school district complying with the provisions of Section 13, Article IX, he may grant permission to such district to establish and maintain within its limits one or more classes for the instruction of children with defective speech who are residents of the state, provided that there shall not be less than five children with defective speech of school age in actual attendance.

Sec. 11. Special classes—mentally subnormal children.—Upon application made to the state commissioner of education, by any school district complying with the provisions of Section 13, Article IX, he may grant permission to such district to establish and maintain within its limits one or more classes for the instruction of mentally subnormal children who are residents of the state, provided there shall not be less than five mentally subnormal children of school age in actual attendance.

Sec. 12. Special classes—crippled children.—Upon application made to the commissioner of education by any school district, complying with the provisions of this section and Section 13, Article IX, said commissioner may grant permis-

sion 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. Nurses may be employed in connection with such classes and expenditures for this purpose may be classified as lawfully authorized expenditures for maintaining these classes. Such nurses shall be registered nurses, and shall be subject to such additional examination as the commissioner of education may require.

For the purposes of this section, 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.

Sec. 13. Physical and health education.—Subdivision 1. **Instruction required 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. 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 provided by this section and Article I, Section 11, Subdivision 14. 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 section or in Article I, Section 11, Subdivision 14, 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; provided that high school students in the junior and senior years need not take said course unless required by the local school authorities.

Subdivision 2. Training of teachers.—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.

Sec. 14. Instruction in morals.—The teachers in all public schools shall give instruction in morals, in physiology and hygiene, and in the effects of narcotics and stimulants.

Sec. 15. Instruction as to effect of alcohol on human system.—The state department of education is authorized and directed to prepare a course of instruction relating to the effects of alcohol upon the human system, upon character and upon society. Such course of instruction shall be used in all public schools of the state.

Sec. 16. Declaration of independence and constitution.—In the eighth grade and in the high school grades or all public schools, and in the corresponding grades in all other schools within the state of Minnesota, and in the educational departments of 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 the extent to be determined by the state commissioner of education.

Sec. 17. Instruction—use of English language.—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 elementary schools other languages may be taught, when made a part of a regular or optional course of study. Instruction may also be given in such languages in elementary grades, not to exceed one hour in each day, by unanimous vote of the school board.

Sec. 18. Patriotic exercises.—In all of the ungraded, graded elementary 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.

Sec. 19. Minnesota Day.—May 11, is hereby designated as Minnesota Day and when it does not fall on a school day, the school day nearest such day is designated as Minnesota Day. 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.

Sec. 20. Special days.—The following days or the school days nearest such days are hereby designated for special observance in the public schools of the state: September 28 as Frances Willard Day, October 9 as Leif Erikson Day, and October 12 as Columbus Day. On such days 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 the respective persons and the principles and ideals they fostered.

Sec. 21. Length of school term.—The school shall be maintained not less than eight months, but this provision shall not apply to night schools or kindergartens. The school month shall consist of four weeks. Every Saturday shall be a school holiday and all legal holidays shall be counted as a part of the school week.

Sec. 22. Conduct of school on certain holidays.—The governing body of any school district may in its 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, provided that a clause to this effect is inserted in the teacher's contract; Lincoln's and Washington's birthdays, Election day and Armistice day, provided that on Washington's birthday, Lincoln's birthday and Armistice day at least one hour of the school program be devoted to a patriotic observance of the day.

Sec. 23. United States flag.—Subdivision 1. **Displayed by schools.**—There shall be displayed at every public school in Minnesota, when in session, an appropriate United States flag. Such display shall be upon the schools grounds or outside the school building, upon a proper staff, on every legal holiday, occurring during the school term, and at such other times as the respective boards of such school districts may direct and within the principal rooms of such school building at all other times while the same is in session.

Subdivision 2. **School boards to provide flags and staffs.**—It shall be the duty of each 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 building and proper arrangement for the display thereof within such building, and a suitable receptacle for the safekeeping of such flag when not in use, as by this section directed at all times.

Sec. 24. School safety patrols.—Subdivision 1. **Authority to establish.**—In the exercise of authorized control and supervision over pupils attending schools and other educational institutions, both public and private, the governing board or other directing authority of any such school or institution is empowered to authorize the organization and supervision of school safety patrols for the purpose of influencing and encouraging other pupils to refrain from crossing public highways at points other than regular crossings, and for the purpose of directing pupils when and where to cross highways.

Subdivision 2. **Appointment of members.**—Unless the parents or guardian of a pupil shall object in writing to the school authorities to the appointment of a child or ward on such a school safety patrol, it shall be lawful for any pupil over ten years of age, to be appointed and designated as a member thereof.

Subdivision 3. **Liability not to attach.**—No liability shall attach either to the school, educational institution, governing board, directing authority, or any individual director, trustee, superintendent, principal, teacher or other school authority by virtue of the organization, maintenance or operation of such a school safety patrol because of injuries sustained by any pupil, whether a member of the patrol or otherwise by reason of the operation and maintenance thereof.

Sec. 25. Secret fraternities and societies.—Subdivision 1. **Membership regulated.**—It shall be unlawful for any pupil, registered as such, and attending any public elementary, high school, junior college or vocational 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 school boards of such schools.

Subdivision 2. **Rules and regulations.**—The school boards of all such schools shall enforce the provisions of this section

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 this section.

Subdivision 3. **Penalties.**—The school boards 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 participating in school honors when, after investigation, in the judgment of such school boards, or a majority of their membership, such pupil or pupils are guilty of violating any of the provisions of this section or who are guilty of violating any rule, rules or regulations adopted by such school boards for the purpose of governing such schools or enforcing this section.

Subdivision 4. **“Rushing” or soliciting forbidden.**—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 subdivision, and all persons found guilty of such offenses shall be fined not less than \$2.00 nor more than \$10.00, 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.

ARTICLE XII

ADMISSION AND ATTENDANCE

Section 1. **Admission to public school—age limitations—pupils.**—All schools supported in whole or in part by state school funds shall be styled public schools and admission to and tuition therein shall be free to all persons between the ages of five and 21 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.

Sec. 2. Attendance—nearer school.—Subdivision 1. Right to attend adjoining district.—The child or children of any person in this state not resident 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 schoolhouse in the district where such child or children reside, are hereby authorized to attend school at a school or schoolhouse in an adjoining district nearer to such residence than the said schoolhouse 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, provided that this section shall not apply where transportation is furnished by the home district.

Subdivision 2. Tuition—how determined and paid.—The school board of the child's resident district shall pay such tuition to the school board of the adjoining district in which the child is attending. In case the school board of the child's resident district 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 commissioner of education for that purpose, the state commissioner of education shall give such notice of such application to the clerk of the school board of such adjoining district as shall be determined by such commissioner of education, 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 commissioner of education, the same in other respects as if resident in the district where such schoolhouse is situated. Provided, that nothing herein contained shall be construed as repealing, amending or modifying the provisions of Article VI, Section 6, Subdivisions 7, 8, 11, 13 and 14.

Sec. 3. Attendance—high school in adjoining state.—Any person under 21 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 resident 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. 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 nonresident pupils of said state then such tuition shall not exceed the sum of \$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 for the payment of apportionment and other state aids. Provided further that the resident district may be reimbursed from state funds for the tuition paid in an accredited high school of another state, where the pupil has the scholastic qualifications to be entitled to nonresident high school aid in Minnesota, but such reimbursement shall not exceed the rate of tuition paid for nonresidents in Minnesota, or the actual amount of tuition paid by the district should the rate be less than the Minnesota rate. Such reimbursement shall be made only when properly certified on forms provided by the state commissioner of education.

Sec. 4. **School census.**—A complete school census shall be taken in every school district annually between August 15 and September 15, of all children under 21 years of age, as of September 1, 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 of such child, and such other data as the state board of education may require. The school census shall be taken by the clerk of the school board, or by some other person or persons appointed by the school board. Such person or persons taking such census shall make three copies thereof, shall certify to the school board the correctness of the enumeration and the information therein 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 school board shall fix the compensation for this work. Each child shall be counted in only one district, being that in which the child resides on September 15, and it shall be the responsibility of the county superintendent of schools to see that each child shall be counted only once.

Sec. 5. Compulsory attendance.—Subdivision 1. **Ages and term.**—Every child between eight and 16 years of age shall attend a public school, or a private school, in each year during the entire time 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 months during any calendar year.

Subdivision 2. **School defined.**—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 by teachers whose qualifications are essentially equivalent to the minimum standards for public school teachers of the same grades or subjects. A foreign language may be taught when such language is an elective or a prescribed subject of the curriculum, but not to exceed one hour in each day.

Subdivision 3. **Legitimate exemptions.**—Such child may be excused from attendance upon application of his parent, guardian, or other person having control of such child, to any member of the school board, truant officer, principal, 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 its being shown to the satisfaction of such board;

(a) That such child's bodily or mental condition is such as to prevent his attendance at school or application to study for the period required; or

(b) That such child has already completed the studies ordinarily required in the eighth grade; or

(c) That it is the wish of the parent, guardian or other person having control of such child, that he attend for a period or periods not exceeding in the aggregate three hours in any week, a school for religious instruction, conducted and maintained by some church or association of churches, or any Sunday school association 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 building, and in no event, in whole or in part, at public expense; provided that a child may be absent from school on such days as said child attends upon instruction according to the ordinances of some church.

(d) 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, that any child 14 years of age or over, whose help may be required in any permitted occupation in or about the home of his parent or guardian may be excused from attendance between April 1 and November 1 in any year; but this proviso shall not apply to any cities of the first and second class.

The clerk or any authorized officer of the school board shall issue and keep a record of such excuses, under such rules as the board may from time to time establish.

Sec. 6. 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 and 16 years of age, with the excuses, if any, granted in such district, to the superintendent or principal teacher thereof, within the first week of school, and any subsequent excuses granted shall be forthwith reported in the same manner. The superintendent or principal teacher shall provide the teachers in the several schools under his supervision, with the necessary information for the respective grades of school, relating to the list of pupils with excuses granted. On receipt of the list of such pupils of school age and the excuses granted, the superintendent or principal teacher 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 within five days after receiving the clerk's report. The several teachers in a graded elementary or high school shall report to the principal or to the city superintendent, in like manner.

Sec. 7. Compulsory attendance—how enforced.—**Subdivision 1. Notice to parents and county attorney.**—The county superintendent of schools shall forthwith notify the parent, guardian or person in charge to send such child, of whose unexcused absence he has been informed, to school and upon his neglect or refusal to comply with the notification, the county superintendent shall, upon receipt of information of such noncompliance, notify the county attorney of the facts in each case. The principal of a graded elementary 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 superintendent of schools. Notification by registered mail shall be considered sufficient notice.

Subdivision 2. Private schools.—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 report shall be made to the county superintendent of schools in whose county such private school is located, except that where such private school is located in a city or in a district maintaining a high school, or a graded elementary school, such reports shall be made to the city superintendent of schools or to the superintendent or principal of the high or graded elementary school.

Subdivision 3. Criminal complaint — prosecution.—The county superintendent, city superintendent, principal of graded elementary school or superintendent of a district maintaining a high school, as the case may be, shall make and file a criminal complaint against the person or persons neglecting or refusing to comply with the provisions of Sections 5 to 8, inclusive, of this article, relating to the sending of a child or children to school, in any court in said county having 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 Sections 5 to 8, inclusive, of this article, shall be conducted by the county attorney of the county wherein the offense is committed.

Sec. 8. Duties and powers of commissioner of labor.—The commissioner of labor and his assistants shall assist in the enforcement of the provisions of Sections 5 to 8, inclusive, of this article, and shall have authority to examine the excuses granted thereunder, 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.

Sec. 9. Truant officers.—The board of any district may appoint and remove at pleasure truant officers, who shall investigate all cases of truancy or nonattendance 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 nonattendance 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 commissioner of education, a report of the number of cases of truancy and nonattendance 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.

Sec. 10. Schools for truants and delinquents.—Such boards may maintain ungraded schools for the instruction of children of the following classes between eight and 16 years of age:

- (a) Habitual truants.
- (b) Those incorrigible, vicious or immoral in conduct.
- (c) 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.

Sec. 11. Investigation and aid to children.—Every board of education or school board of any school district shall investigate or 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 to assist in the support or care of others legally entitled to his or her services, such person or persons being unable to support or care for themselves. 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 relief is necessary, thereupon the board of county commissioners 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 board of county commissioners, 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 textbooks free of charge.

Sec. 12. Reports—children receiving aid.—The truant officer or other authorized officer shall notify the teacher to whom any child receiving aid under the provisions of Sec-

tion 11 of this article 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. Such truant officer or other authorized officer, shall receive the same compensation for the time engaged under the provisions of Sections 11 and 12 of this article, as he receives for similar services performed by him and shall be paid in the same manner.

Sec. 13. Officers, teachers—neglect of duty—penalty.—Any school officer, truant officer, teacher of a public or private school, graded elementary school principal, city superintendent or county superintendent of schools refusing, wilfully failing or neglecting to perform any duty imposed upon him by the provisions of Sections 5 to 8 inclusive of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine not to exceed \$10.00 or by imprisonment in the county jail not to exceed ten 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.

Sec. 14. Violations—penalties.—Any person who shall fail or refuse to send to or keep in school any child of whom he has legal charge or control, and who is required by law to attend school, when notified so to do by a truant officer, or other official as hereinbefore provided, or 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 upon conviction thereof shall be punished by a fine of not to exceed \$50.00, or by imprisonment in the county jail for not more than 30 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.

ARTICLE XIII

Section 1. Any and all portions of existing statutes hereby repealed, which are re-enacted by this act, shall be deemed to be a continuation of laws heretofore existing, and all present boards, board members, officers, positions and employees,

shall continue to hold their respective offices and positions for the balance of their present terms, or until otherwise succeeded or removed by law.

ARTICLE XIV

REPEALS

Section 1. Except as provided in Article XIII of this act, Mason's Minnesota Statutes of 1927, Sections 958 to 962, 2741 to 2747, 2748-1, 2750, 2754 to 2780, 2781 to 2800, 2801-1 to 2802-11, 2803, 2804, 2810 to 2818, 2819 to 2843, 2846 to 2848, 2850 to 2865a, 2868 to 2883, 2884 to 2935-14, 2951 to 2953, 2954 to 2980, 2983 to 3014, 3022 to 3036-5, 3063-1 to 3063-6, 3074 to 3076, 3080 to 3103, 5656 to 5660 and 7899, all section numbers inclusive; Mason's Supplement 1940, Sections 960, 2748, 2753 to 2780-15, 2780-17a to 2793-1, 2802 to 2802-4j, 2803-1 to 2807-1, 2814 to 2816-10, 2822 to 2839-2, 2844, 2849-1 to 2866-1/2, 2867 to 2883-7, 2900-1 to 2903-1, 2962-1 to 2962-5, 2991-1 to 3013, 3014-6, 3021-11 to 3021-14, 3023 to 3047-5, 3073, and 3086, all section numbers inclusive; General Statutes 1913, Sections 2719 to 2724, 2891 and 2892, all section numbers inclusive; Laws 1915, Chapter 111; Laws 1917, Chapter 306; Laws 1917, Chapter 387; Laws 1921, Chapter 414, and Laws 1935, Chapter 209, are hereby repealed.

Approved April 10, 1941.

CHAPTER 170—H. F. No. 634

An act relating to licenses for auctioneers; amending Mason's Supplement 1940, Section 7322.

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

Section 1. **Law amended.**—Mason's Supplement 1940, Section 7322, is hereby amended to read as follows:

“7322. **May license auctioneers.**—The county board or auditor may license any voter in its county, as an auctioneer. Such license shall be issued by the auditor and shall authorize the licensee to conduct the business of an auctioneer in the state of Minnesota for the period of one year. It shall be recorded by the auditor in a book kept for that purpose. Before such license is issued the licensee shall pay into the