

term by Minnesota Statutes 1957, Section 287.01, subdivision 3.

Sec. 14. *There is hereby appropriated from the general revenue fund of the state the sum of \$25,000 to be used by the commissioner of taxation in the administration of this act to June 30, 1961.*

Sec. 15. [287.34] **Governmental agencies; exemptions.** *When the United States or any agency or instrumentality thereof, the State of Minnesota or any agency or instrumentality thereof, or a political subdivision of the State of Minnesota shall present a deed, instrument or writing to the treasurer of a county upon which a tax due hereunder has not been paid, the treasurer shall stamp the deed, instrument, or writing "Exempt from deed tax" and shall make a report to the commissioner of taxation of the amount of tax due thereon from any party liable therefor. Such deed, instrument, or writing shall be acceptable for recording or registration in the same manner and shall have the same force and effect as any deed, instrument or writing upon which a tax imposed under this article has been paid.*

Sec. 16. [287.35] **Constitutional exemptions.** *This article shall not apply with respect to the making, filing, issuing, or selling of any deed, instrument, or writing where such making, signing, issuing, or selling may not under the Constitution of this state or under the Constitution or laws of the United States be made the subject of taxation by this state.*

Sec. 17. [287.36] **Effective date.** *The provisions of this article shall be effective August 1, 1959, provided that any appropriations made hereunder shall be immediately available.*

ARTICLE XIII

Section 1. *Except as provided in Article II, if any section or article is found to be unconstitutional and void, the remaining sections and articles are hereby declared to be severable and shall remain valid.*

Approved June 30, 1959.

EXTRA SESSION CHAPTER 71—H. F. No. 8

[Coded]

An act relating to education, codifying the statutes relating thereto; repealing Minnesota Statutes 1957, Sections

120.01 to 120.58, 121.01 to 121.15, 122.011 to 122.061, 122.58 to 122.67, 126.01 to 126.16, 127.01 to 127.14, 128.01 to 128.36, 130.01 to 130.33, 131.01, 131.073 to 131.26, 132.01 to 132.14, 133.01 to 133.10, Laws 1957, Chapters 417, 520, 541, 735, 860, and 868, Laws 1959, Chapters 109, 165, 226, 259, 308, 309, 482, 504, 516, 532, 624, and 653, and Extra Session Laws 1959, Chapter 56.

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

ARTICLE I

Section 1. [120.01] **Citation.** This act, and Minnesota Statutes 1957, Chapter 122 may be cited as the Education Code.

Sec. 2. [120.02] **Definitions.** Subdivision 1. For the purposes of this article the words, phrases and terms defined in this section shall have the meanings respectively ascribed to them.

Subd. 2. "Commissioner" means the commissioner of education.

Subd. 3. "District" means a school district.

Subd. 4. "Board" means a school board.

Subd. 5. "County Board" means a board of county commissioners.

Subd. 6. "Superintendent" means superintendent of the school district involved.

Subd. 7. "County Superintendent" means county superintendent of schools.

Subd. 8. "Department" means state department of education.

Subd. 9. "Auditor" means county auditor.

Subd. 10. "Survey committee" means county school survey committee.

Subd. 11. "Commission" means state advisory commission on school reorganization.

Subd. 12. "State Board" means state board of education.

Subd. 13. A common district is any school district validly created and existing as a common school district or

joint common school district as of 1 July 1957, or pursuant to the terms of the education code.

Subd. 14. An independent district is any school district validly created and existing as an independent, consolidated, joint independent, county or a ten or more township district as of 1 July 1957 or pursuant to the education code.

Subd. 15. A special district is a district established by a charter granted by the legislature or by a home rule charter including any district which is designated a special independent school district by the legislature.

Subd. 16. An associated district is any school district validly created and existing as an associated school district at the effective date of Laws 1957, Chapter 947, or any two or more school districts which are hereafter organized into an associated school district as herein provided for the purpose of providing secondary education.

Subd. 17. "Unorganized territory" is the portion of a county not included in organized districts, and includes territory heretofore ceded to the government of the United States. Unorganized territory is a public corporation.

Subd. 18. School district tax is the tax levied and collected to provide the amount of money voted or levied by the district or the board for school purposes.

Sec. 3. [120.03] **Handicapped children defined.** Subdivision 1. Every child who is deaf, hard of hearing, blind, partially seeing, crippled or who has defective speech or who is otherwise physically impaired in body or limb so that he needs special instruction and services, but who is educable, as determined by the standards of the state board is a handicapped child.

Subd. 2. Every child who is mentally retarded in such degree that he needs special instruction and services, but who is educable as determined by the standards of the state board, is a handicapped child.

Subd. 3. Every child who by reason of an emotional disturbance or a special behavior problem needs special instruction and services, but who is educable, as determined by the standards of the state board is a handicapped child.

Sec. 4. [120.04] **Trainable child, defined.** Every child who is handicapped to such degree that he is not educable as determined by the standards of the state board but who can reasonably be expected to profit in a social, emotional or physi-

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cal way from a program of teaching and training is a trainable child.

Sec. 5. [120.05] Public Schools. Subdivision 1. **Classification.** For the purpose of administration the State Board shall classify all public schools under the following heads, provided the requirements in Subdivision 2 are met:

- (1) Elementary,
 - (a) Graded elementary,
 - (b) Ungraded elementary.
- (2) Secondary,
 - (a) Department,
 - (b) Four-year,
 - (c) Six-year,
 - (d) Junior,
 - (e) Senior,
 - (f) Vocational.
- (3) Junior Colleges.
- (4) Area vocational-technical school.

Subd. 2. Definitions. (1) Elementary school means any one of the schools listed under Subdivision 1, (1), with building, equipment, courses of study, class schedules, enrollment and staff meeting the standards established by the State Board of Education and the following specifications:

(a) A graded elementary school is one organized and administered as such, in which each school grade is taught by one certified teacher, or in which no more than two grades in sequence are taught by one certified teacher, as such part of the school system of a district giving a full course of instruction in the first six years of the public school and employing at least three teachers devoting their full time to elementary school work, or giving a full course of instruction in the first eight years of the public school and employing at least four teachers devoting their entire time to elementary school work,

(b) An ungraded elementary school is a school giving a full course of elementary school instruction and employing one or more teachers but not having the rank of a graded elementary school,

(c) The state board of education shall not close a school or deny any state aids to a district for its elementary

schools because of enrollment limitations classified in accordance with the provisions of subdivision 2, clause (1).

(2) Secondary school means any one or more of the schools listed under Subdivision 1, (2), with building, equipment, courses of study, class schedules, enrollment and staff meeting the standards established by the State Board of Education and the following specifications:

(a) A secondary school department is a school giving a full course of instruction in grade nine, grades nine and ten, grades nine, ten and eleven, or grades ten and eleven.

(b) A four-year secondary school is a school giving a full course of instruction in grades nine, ten, eleven and twelve.

(c) A six-year secondary school is a school giving a full course of instruction in grades seven through twelve inclusive.

(d) A junior secondary school is a school giving a full course of instruction in the seventh, eighth and ninth grades.

(e) A senior secondary school is a school giving a full course of instruction in the tenth, eleventh, and twelfth grades.

(f) A vocational secondary school is a school embracing not less than two years of secondary school work in the ninth grade or above in approved vocational training accompanied by related and supplemental instructions sufficient to constitute a full course of instruction.

(3) A junior college is a school organized according to sections 131.02 to 131.07.

(4) An area vocational-technical school is a school organized according to Minnesota Statutes 1945, Section 120.36, and may be included in subdivision 1, clauses (2), (3), and (4).

(5) A full course of instruction in any type of school means a program of studies of sufficient scope and variety to provide each student with a complete daily schedule of school work and to fulfill the minimum requirements for graduation as established by the state board of education.

Sec. 6. [120.06] **Admission to public school; age limitations; pupils.** All schools supported in whole or in part by state funds are public schools and admission to these schools is free to all persons between the ages of five and 21 years, in the district in which the pupil resides. The board of

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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. 7. [120.07] Attendance. Subdivision 1. **Right to attend adjoining district.** The children of any person not resident within the limits of any incorporated city or village, and residing more than two miles by the nearest traveled road from the school house in the district where such children reside, are authorized to attend school at a school in an adjoining district nearer to such residence than the school in the district where such children reside, upon such reasonable terms as shall be fixed by the board of such adjoining district, upon application of the parents or guardian of such children. This section shall not apply where transportation is furnished by the home district.

Subd. 2. **Tuition; how determined and paid.** The board of the child's resident district shall pay tuition to the district in which the child is attending. If the boards of the districts involved do not agree upon the tuition rate for instruction of the non-resident child, either board may apply to the commissioner to fix such rate giving ten days' notice to the other board and upon the expiration of ten days after such notice, the commissioner shall make an order binding on both districts fixing such tuition rate.

Sec. 8. [120.08] Attendance; high school in adjoining state. Subdivision 1. Any person under 21 years of age residing in any district not maintaining a secondary school who has successfully completed the elementary school may, with the consent of the board of such district, attend any secondary school of a district in an adjoining state willing to admit him, which secondary school is nearer to his place of residence than any duly established secondary school in Minnesota, the distances being measured by the usual traveled routes. Any tuition charged by the district so attended shall be paid to the district attended by the county in which the person resides. This tuition shall not be more than (a) such district charges non-resident pupils of that state, (b) the average maintenance cost exclusive of transportation per pupil unit in average daily attendance in the school attended, nor (c) the tuition rate provided for in Minnesota Statutes 1957, Section 128.082, Subdivision 6. The method of certifying tuition for such pupils, the payment by the county, and the levying of taxes for such tuition shall be the same as is provided by Minnesota Statutes 1957, Section 128.088 for non-resident pupils attending Minnesota secondary schools.

Any pupil attending a secondary school in an adjoining state for whom tuition is paid from county funds is entitled to transportation services in accordance with Minnesota Statutes.

Subd. 2. A school board in a district maintaining a secondary school may by a majority vote provide for the instruction of any resident pupil in a school district in an adjoining state nearer to his place of residence than the school of his resident district, the distances being measured by the usual traveled routes. Any charge for tuition by the district so attended or for transportation shall be paid by the pupil's resident district provided that such pupil shall continue to be a pupil of the district of his residence for the payment of apportionment and other state aids.

Sec. 9. [120.09] **School census.** A complete school census shall be taken in every district annually between August 1 and October 1 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 may require. The school census shall be taken by the clerk of the board, or by some other person appointed by the board. Such person taking such census shall certify to the board the correctness of the enumeration and the information therein contained. In school districts with less than 1,000 names on the school census the previous year, the person taking the school census shall make three copies of such census. The clerk shall retain the original in his office, send one copy to the county superintendent before October 15, and one copy to the principal teacher, principal or district superintendent before the first day of each school year, or as soon as the census has been taken. In school districts with 1,000 or more names on the school census the previous year, the census shall be filed in the school board office and a summary report made to the county superintendent before October 15 of each school year. The 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 October 1, and it shall be the responsibility of the county superintendent to see that each child shall be counted only once.

Sec. 10. [120.10] **Compulsory attendance.** Subdivision 1. **Ages and term.** Every child between seven 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. No child

shall be required to attend public school more than ten months during any calendar year.

Subd. 2. School. 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.

Subd. 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 board, truant officer, principal, or city superintendent, for the whole or any part of such period, by the board of the district in which the child resides, upon its being shown to the satisfaction of such board:

(1) 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

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

(3) 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 the child attends upon instruction according to the ordinances of some church; or

(4) That there is no public school within reasonable distance of his residence, or that conditions of weather and travel make it impossible for the child to attend. 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 shall not apply to any city of the first or 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. 11. [120.11] Duties of school board and teachers. It shall be the duty of each 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. Subsequent excuses granted shall be forthwith reported in the same manner. The clerk 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 clerk 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 secondary school shall report to the principal or to the superintendent, in like manner.

Sec. 12. [120.12] 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 non-compliance, 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 secondary school, 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.

Subd. 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 secondary school, or a graded elementary school, such reports shall be made to the superintendent of schools or to the superintendent or principal of the high or graded elementary school.

Subd. 3. **Criminal complaint; prosecution.** The county superintendent, district superintendent, principal of graded elementary school, or superintendent of a district maintaining a secondary school, as the case may be, shall make and file a criminal complaint against persons neglecting or refusing to comply with the provisions of law relating to the sending of children to school, in any court in the county exercising criminal jurisdiction and, upon the making of such complaint, a warrant shall be issued and proceedings and trial be had as provided by law in cases of misdemeanor and shall be prosecuted by the county attorney of the county wherein the offense is committed.

Sec. 13. [120.13] **Duties and powers of industrial commission.** The industrial commission and its assistants shall assist in the enforcement of the provisions of law relating to compulsory school attendance and 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. 14. [120.14] **Truant officers.** The board of any district may appoint and remove at pleasure truant officers, who shall investigate all cases of truancy or non-attendance at school, make complaints, serve notice and process, and attend to the enforcement of all laws and school regulations respecting truant, incorrigible, and disorderly children and school attendance. When any truant officer learns of any case of habitual truancy or continued non-attendance of any child 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 district superintendent.

Sec. 15. [120.15] **Schools for truants and delinquents.** Boards may maintain ungraded schools for the instruction of children of the following classes between seven and 16 years of age:

- (1) Habitual truants;
 - (2) Those incorrigible, vicious, or immoral in conduct;
- and
- (3) Those who habitually wander about the streets or other public places during school hours without lawful employment.

All such children shall be deemed delinquent and the board may compel their attendance at such truant school, or any department of the public schools, as the board may determine, and cause them to be brought before the juvenile court of the county for appropriate discipline.

Sec. 16. [120.16] **Investigation and aid to children.** Subdivision 1. **Resolution; certification.** When a board finds, by resolution, that any child in the district is unable to attend school because his financial resources and needs require his employment elsewhere, the clerk shall certify the resolution of such fact to the county board of the county of the child's residence. Upon such certification, the county board shall, after investigation, furnish such aid as will enable the child to attend school during the entire school year.

Subd. 2. **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 this section may be assigned. It shall be the duty of the teacher having charge of such child to report monthly to the board the progress such child is making in his school work, and the record of attendance, together with such other information as may be deemed necessary by the teacher.

Sec. 17. [120.17] **Handicapped children.** Subdivision 1. **Special instruction for handicapped children of school age.** Every district and unorganized territory shall provide special instruction and services for handicapped children of school age who are residents of the district. School age means the ages of four years to 21 years for children who are deaf, blind, crippled or have speech defects; and five years to 21 years for mentally retarded children; and shall not extend beyond secondary school or its equivalent.

Subd. 2. **Method of special instruction.** Special instruction and services for handicapped children may be provided by one or more of the following methods:

- (a) Special instruction and services in connection with attending regular elementary and secondary school classes;
- (b) The establishment of special classes;
- (c) Instruction and services at the home or bedside of the child;
- (d) Instruction and services in other districts;
- (e) Instruction and services in a state college laboratory school or a University of Minnesota laboratory school;

(f) Instruction and services in a state residential school or a school department of a state institution approved by the commissioner; or by any other method approved by him.

(g) Instruction and services in other states.

Subd. 3. Rules of state board. The state board shall promulgate rules relative to qualifications of essential personnel, courses of study, methods of instruction, pupil eligibility, size of classes, rooms, equipment, supervision, parent consultation and any other rules and standards it deems necessary, for instruction of handicapped children.

Subd. 4. Special instructions for non-resident children. The parent or guardian of a handicapped child who resides in a district which does not provide special instruction and services within its district may make application to the commissioner for special instruction and services for his child under one of the methods provided.

If the commissioner finds that the local district is not providing such instruction and services, he shall arrange for the special instruction and services provided. If the instruction and services are provided outside the district of residence, transportation or board and lodging, and any tuition to be paid, shall be paid by the district of residence. The tuition rate to be charged for any handicapped child shall be the actual cost of providing special instruction and services to the child including a proportionate amount for capital outlay and debt service minus the amount of special aid for handicapped children received on behalf of that child. If the boards involved do not agree upon the tuition rate, either board may apply to the commissioner to fix the rate. The commissioner shall then set a date for a hearing, giving each board at least ten days' notice, and after the hearing the commissioner shall make his order fixing the tuition rate, which rate shall then be binding on both school districts.

For the purposes herein, any school district or unorganized territory or combinations thereof may enter into an agreement, upon such terms and conditions as may be mutually agreed upon, to provide special instruction and services for handicapped children. In that event, one of the participating units may employ and contract with necessary qualified personnel to offer services in the several districts or territories, and each participating unit shall reimburse the employing unit a proportionate amount of the actual cost of providing the special instruction and services, less the amount

of state reimbursement, which shall be claimed in full by the employing district.

Sec. 18. [120.18] **Trainable children.** Subdivision 1. **Special instruction for trainable children of school age.** Every school district and unorganized territory may provide special instruction for trainable children of school age who are residents of such district or unorganized territory.

Subd. 2. **Methods of special instruction.** Special instruction and services for trainable children may be provided by one or more of the following methods:

(a) The establishment and maintenance of special classes;

(b) Instruction and services in other districts;

(c) Instruction and services in a state college laboratory school or a University of Minnesota laboratory school;

(d) Instruction and services in a state residential school or a school department of a state institution approved by the state department of education;

(e) By a program of homebound training, teaching and services; or by any other method approved by the state board of education.

Subd. 3. **State board to promulgate rules.** The state board shall promulgate rules relative to qualifications of essential personnel, methods of training, pupil eligibility, size of classes, rooms, equipment, supervision, and any other rules and standards it deems necessary for education of trainable children.

Subd. 4. **Agreements to provide special instruction.** Any district or unorganized territory may enter into an agreement to provide special instruction and services on such terms as may be agreed upon, but in that event each participating unit must agree on the method of reimbursement or on some other method approved by the state department.

ARTICLE II

Section 1. [121.01] **Definitions.** For the purpose of this Article the terms defined in Article I Sec. 2 have the same meaning.

Sec. 2. [121.02] **State board of education.** A state department of education is hereby created which shall be maintained under the direction of a state board of education

composed of seven representative citizens of the state, no more than one of whom shall reside in the same congressional district at the time of appointment.

The members of the state board shall be appointed by the governor, by and with the approval of the senate for a term of seven years and hold office until their successors are qualified. As the term of each such member expires the governor shall appoint a successor for a term of seven years. All vacancies in the state board shall be filled for unexpired terms by appointments by the governor. The members of the state board shall receive as compensation for their services the sum of \$25 per for each day actually spent in the performance of their duties and all necessary expenses incurred in the performance of their duties. One member shall be chosen annually as president, but no member shall serve as president more than three years during any term. The state board shall hold its annual meeting at the state capitol on the first Tuesday in August. It shall hold quarterly meetings and may hold special meetings on such dates and at such places as it designates. No member shall hold any public office, or be engaged in any capacity where a conflict of interest may arise.

Sec. 3. [121.03] Oath. Before entering upon the duties of his office each member of the state board shall take an oath of office which shall be filed with the secretary of state.

Sec. 4. [121.04] Membership in certain organizations. The state board may become a member of the Council of Chief State School Officers, an association of State Departments of Education, and pay membership dues and contribute to the association for services rendered to the state department on the basis of actual and necessary expenses incurred by the council in preparing these services.

Sec. 5. [121.05] Contracts with federal government.
Subdivision 1. Regulations governing. The state board shall prescribe regulations under which contracts, agreements, or arrangements may be made with agencies of the Federal Government for funds, services, commodities, or equipment to be made available to the public tax-supported schools, school systems and educational institutions under the supervision or control of the state board.

Subd. 2. Rules prescribed by state board. All contracts, agreements or arrangements made by public tax-supported schools, school systems or educational institutions

under the supervision or control of the state board involving funds, services, commodities, or equipment which may be provided by agencies of the Federal Government shall be entered into in accordance with regulations prescribed by the state board and in no other manner.

Sec. 6. [121.06] Contracts to be in writing. All contracts made by the state board shall be in writing and signed by its executive officer.

Sec. 7. [121.07] Organization and rules. The state board is authorized to make complete organization of the department 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 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. 8. [121.08] Commissioner of education; offices. The state board 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 and other necessary employees, subject to the provisions of the Civil Service Law and the amount appropriated by the legislature for that purpose. The state board shall designate the working title of each employee except that of the commissioner.

Sec. 9. [121.09] Administration; exceptions. The state board shall administer all laws relating to the commissioner, libraries, and other public educational institutions, except such laws as may relate to the state university and to the state colleges.

Sec. 10. [121.10] Officers and employees to give bonds. The state board 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 section 574.02.

Sec. 11. [121.11] State board. Subdivision 1. **State board, powers.** The state board of education shall serve for all purposes as the state board for vocational education.

Subd. 2. Certificates issued. The state board shall,

under the laws prescribed therefor, issue all certificates to all persons employed in a public school to give instruction or supervision of teaching.

Subd. 3. Secondary school areas. (1) To facilitate and control the transportation of non-resident pupils, the state board shall divide the state into secondary school areas and the state board shall continue the administration of the legal provisions and regulations regarding areas. Each area shall contain at least one classified public secondary school and such districts and parts of districts as may conveniently be served by the secondary school. Upon a vote of its governing board any part of a district or the whole thereof may be transferred to an adjoining school area of any district containing a classified public secondary school, if that district is willing to have such district assigned to its area. The decision of any board to transfer any area between secondary school areas is subject to a referendum vote of the electorate of the district at a special election on the question pursuant to statutes for conduct of special elections. After such election, or vote of the board, the board of the district having voted on such transfer shall report to the state board the results of the election for the purpose of recording the transfers.

(2) The state board may formulate such rules as may be necessary for establishing, maintaining, and administering such school areas.

(3) The state board may appoint county school area committees, composed of superintendents of the secondary schools having territory within the county, an equal number of common school board members and the county superintendent who shall serve as the executive secretary and to assign to them specific duties for assisting in establishing and maintaining the boundaries of the school areas and in the transferring of the territory from one school area to another and in carrying out the rules pertaining to such school areas and the transportation of non-resident pupils. These rules do not deny to any parent the right to transport or to provide for the transportation of his children at his own expense to the secondary school of any district willing to receive them.

(4) The state board of education shall keep maps showing the official school area boundaries within the state.

Subd. 4. No competition for students. The state board 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.

Subd. 5. Uniform system of records and of accounting. The state board 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.

Subd. 6. Visitorial powers and duties. Authorized representatives of the state board shall visit the elementary and secondary schools and junior colleges and report their findings and recommendations.

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

Subd. 8. Examinations in elementary schools. In order to insure satisfactory completion of subject in the elementary field, the state board may require that examinations be given in any elementary school, such examinations to be designated or prepared under the direction of the state board.

Subd. 9. Uniform forms for state examinations. Upon the request of any superintendent of any public or private school teaching high school courses in the state, the state board shall designate or prepare uniform forms for state examinations in each high school subject during the month of May of each year; such request shall be in writing and delivered to the commissioner before January first of such year.

Subd. 10. Examination of other schools. Under such rules as may be prescribed by the state board, the county superintendent shall conduct the state board 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 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 appoint assistants for grading the papers of such examinations and such assistants shall be paid by the county. The county board shall prescribe the total amount of funds available for this purpose. The county superintendent 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.

Subd. 11. Evening schools under state board; investigations. The state board shall exercise general supervision over the public evening schools, adult education programs and summer program.

Subd. 12. Administrative regulations. The state board shall have power from time to time to make and enforce such rules and regulations, consistent with this code, as may be appropriate for the administration and enforcement thereof.

Sec. 12. [121.12] Forms and blanks. The state board shall prepare or designate standard forms for school registers, state board examination questions and answers, uniform forms for all reports required by this chapter, uniform record books for district treasurers and clerks, and any other blanks necessary for school business. These forms may be purchased through the department and the request therefor shall conform to the rules and regulations of the department. The purchase of these forms by the department shall be made through the department of administration, division of printing, and is subject to the rules and regulations provided by statute for the purchase of such forms and examinations for the state. The purchase of these uniform forms and examinations may be made by the school districts directly from vendors.

Sec. 13. [121.13] Reports by the state board. On October 1 of each even numbered year, the state board shall transmit to the governor a report containing a copy of all rules of the board in force during the biennial period, the name and salary of each officer or employee in the department, a summary of the financial affairs of the 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.

Sec. 14. [121.14] Recommendations; budget. The state board 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. The state board shall prepare a biennial education budget which shall be submitted to the governor and legislature, such budget to contain a complete statement of finances pertaining to the maintenance of the state department and to the distribution of state aid to public schools.

Sec. 15. [121.15] Examination and approval of plans and specifications for school buildings. The state board 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 approved by, the state department. The state board 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. The state board in approving construction plans may specifically qualify its approval as limited solely to physical plant, plans and specifications and it may specifically reserve its approval as to the advisability of construction from an educational program standpoint. Under such rules and procedure as the state board shall prescribe, the state department may condemn school buildings and sites which are unfit or unsafe for use as such.

Sec. 16. [121.16] State commissioner of education. The state board shall elect a commissioner who shall be the executive officer and secretary of the state 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 code. The commissioner shall have authority to nominate, for approval by the state board, such officials and employees as may be necessary to perfect and to maintain the organization of the department as recommended by him and as adopted by the state board. He shall perform such duties as the law and the rules of the state board may provide and be held responsible for the efficient administration and discipline of the various offices and division in the organization of the department. He shall be required to make recommendations to

the state board which shall facilitate all of the work of the state board, and he shall be charged with the execution of powers and duties which the state board may prescribe, from time to time, to promote public education in the state, to safeguard the finances pertaining thereto, and to enable the state board to carry out the provisions of this code.

Sec. 17. [121.17] Questions submitted to attorney general. If there be any doubt as to the proper construction of any part of the state school laws, the commissioner, at the request of any public officer, shall submit such question to the attorney general, who shall give his written opinion thereon and such opinion shall be binding until annulled or overruled by a court.

Sec. 18. [121.18] Trustees of incorporated colleges may prescribe course of study; annual report. 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 commissioner, and shall annually, on or before January 1, report to the commissioner the name of each trustee, officer, and student, the amount of stock subscribed, donated, and bequeathed, and the amount actually paid in.

Sec. 19. [121.19] Meetings with school boards, superintendents, and principals. For the purpose of considering matters affecting the interests of public education, the commissioner, 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. 20. [121.20] Teachers' institutes. Subdivision 1. The commissioner may order and conduct teachers' institutes for the professional instruction and training of teachers according to such rules and regulations as he may prescribe.

Subd. 2. Teachers required to attend institutes shall be paid at the usual contract rate by their district for all time school is closed on account of the institute.

Subd. 3. The commissioner may use any public school buildings or facilities or equipment for purposes of teachers' institutes as he may designate in his order calling the institute.

Subd. 4. Any county board may appropriate money from county funds for the conduct of teachers' institutes to be held under the general supervision of the commissioner. The county board shall pay the expenses of the county superintendent for attendance at institutes.

Sec. 21. [121.21] **Area vocational-technical schools.**
Subdivision 1. The board of any independent or special district may petition the state board to classify one or more of its schools as an area vocational-technical school.

Subd. 2. Upon receipt of such petition, the state board shall examine the petition and any supporting evidence which it may require. The state board may conduct hearings, investigate school records and such other facts relating to vocational-technical training as it may deem appropriate.

Subd. 3. It is the purpose of this section to more nearly equalize the educational opportunities in certain phases of vocational-technical education to persons of the state who are of the age and maturity to profitably pursue training for a specific occupation. If the state board finds, as a result of its inquiry, that the establishment of an area vocational-technical school, according to the petition, would further the educational interests of all the people of the state, and is in accordance with the plans and program of the state department for the vocational and technical education of the people, it may approve the petition.

Subd. 4. If the petition is approved, the school shall be established by the district and classified by the state board as an area vocational-technical school and conducted under the general supervision of the state board in accordance with the rules and regulations of the state board.

Subd. 5. The commissioner with the approval of the state board for vocational education is authorized to apportion and distribute funds to the local school districts under the provisions of this section, such apportionment and reimbursement to be on a cost basis for those trainees living outside of the local school districts.

Subd. 6. The commissioner, subject to approval by the state board, shall make such rules governing the operation and maintenance of schools so classified as will afford the

people of the state an equal opportunity to acquire a public vocational and technical education.

The rules shall provide for, but are not limited to, the following:

(a) The area to be served by each school, which may include one or more districts or parts thereof, including unorganized territory,

(b) Curriculum and standards of instruction and scholarship,

(c) Attendance requirements, age limits of trainees, non-resident attendance, tuition payments by non-residents,

(d) All funds, whether state or federal or other funds, which may be made available to the state board for vocational education for carrying out the purposes of vocational-technical education as provided by this section, shall be apportioned and distributed by the state board for vocational education to the various local school districts as additional aid for use in helping such local school districts in defraying the cost involved in maintaining and operating approved vocational training courses or departments, subject to such reasonable rules and regulations as may be prescribed by the state board for vocational education and in accordance with the approved state plan for vocational education,

(e) Transportation requirements and payment of aid therefor,

(f) Attendance by graduates of secondary schools and by adults, for which no tuition shall be charged. If no tuition is charged for such non-resident student, the district maintaining the school shall be entitled to any aid calculated on a pupil basis for such student,

(g) General administrative matters.

Subd. 7. Any secondary school graduate may attend an area vocational school without tuition and in that event all state aids and federal aid shall be paid to the area vocational school where the student attends providing the area school has the room and facility to receive the non-resident student.

Subd. 8. Any property of the state administered by the state board for vocational education in connection with teaching vocational education may be apportioned and distributed by the state board for vocational education to local

school districts desiring to avail themselves of the benefits of this section.

Sec. 22. [121.22] State circulating library; purchase of books. The department may purchase collections of books, and audiovisual recorded educational items, 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. 23. [121.23] Librarians, advice to. The department 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. 24. [121.24] Statistics; records; reports. The department 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. 25. [121.25] Teachers employment bureau. 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 under the direction of the state board.

Sec. 26. [121.26] Teachers employment bureau. 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 the teachers employ-

ment bureau upon complying with the regulations of the state board and upon the payment of such fee as may be determined by the state board, which fee shall not exceed \$5.00 per year.

Sec. 27. [121.27] Purpose of bureau; information. It shall be the purpose of the state teachers employment bureau to furnish to boards, superintendents, principals, or other proper authorities information regarding teachers and to furnish teachers enrolled with the bureau information relative to vacancies; 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 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. 28. [121.28] Appointment of director of state teachers employment bureau. The commissioner shall nominate and the state board shall appoint a director of the state teachers employment bureau, who shall perform his duties under the general supervision of the commissioner and be furnished necessary office rooms in the state capitol. The state board may appoint such clerical and other assistants as may be required to carry out the purposes of the state teachers employment bureau. The state board shall make the necessary rules and regulations for conducting this bureau. The commissioner shall designate one employee of this bureau who shall collect and receipt for all fees and report and pay the fees to the state treasurer.

Sec. 29. [121.29] Vocational rehabilitation. The department shall provide vocational rehabilitation services such as, but not limited to, diagnostic and related services incidental to the determination of eligibility for and the scope of services to be provided, including medical diagnosis and vocational diagnosis; vocational counseling, training and instruction, including personal adjustment training; physical restoration, including corrective surgery, therapeutic treatment, hospitalization, prosthetic devices, all shall be secured from appropriate established agencies for persons; transportation; occupational and business licenses or permits, customary tools and equipment, maintenance, books, supplies and training materials; initial stocks and supplies; placement; the acquisition of vending stands or other equipment, initial stocks and supplies for small business enterprises; supervision and management of small business enterprises, merchandising

programs or services rendered by severely disabled persons; the establishment, improvement, maintenance or extension of public and other non-profit rehabilitation facilities, centers, workshops, demonstration projects and research. These services shall be provided for residents whose capacity to earn a living has in any way been destroyed or impaired through industrial accident or otherwise, provided that such persons shall be entitled to free choice of vendor for any medical or dental services thus provided.

Sec. 30. [121.30] Vocational rehabilitation state board of education may contract with federal government. Subdivision 1. The state board is authorized, in the name of the state, to enter into an agreement with the United States as authorized by act of Congress, approved September 1, 1954, known as the "Social Security Amendments of 1954," being Public Law 761, Section 221, in which agreement the state will undertake to make determinations referred to in Public Law 761 aforesaid, Section 221, Subsection (a) with respect to all individuals in Minnesota, or with respect to such class or classes of individuals in this state as may be designated in the agreement at the state's request.

Subd. 2. It is intended by this section to vest all power and authority in the state board to the end that the inhabitants of this state shall obtain all benefits and advantages available to them and intended by such act of Congress to be so available.

Sec. 31. [121.31] Plan of cooperation. The state board 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 vocational rehabilitation in providing services to workers covered under the Workmen's Compensation Act. Such plans shall be effective only when approved by the governor.

Sec. 32. [121.32] Incapacitated persons aided. The state board shall aid persons who are incapacitated in obtaining such benefits as will tend to restore their capacity to earn a livelihood. The state board may cooperate and contract with the United States to extend the benefits of vocational rehabilitation to any individual certified to the state board as disabled while in the performance of his duty, without regard to the residence or citizenship, if, in the judgment of the board, the benefits offered by the United States are sufficient to compensate for the cost. The state board may cooperate and make agreements with private, state, local or federal

agencies for providing services relating to vocational rehabilitation. The state board may, of its own accord, establish, or maintain, or in cooperation with local boards, assist in establishing or maintaining, such courses as it may deem expedient. It may establish, maintain or improve such rehabilitation facilities, centers or sheltered workshops, public or non-profit, as required, and otherwise may act in such manner as it may deem necessary to accomplish the purposes of vocational rehabilitation.

Sec. 33. [121.33] Reports; availability, no disclosure. The employees of the department, specifically authorized by the commissioner, shall have the right to receive from any public records the names, addresses and information pertinent to their vocational rehabilitation of persons injured or otherwise disabled. No information obtained from such reports, nor any copy of the same, nor any of the contents thereof, nor other confidential information as defined by the state board shall be open to the public, nor shall 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 department to offer the benefits of vocational rehabilitation to the persons injured or otherwise disabled.

Sec. 34. [121.34] Minnesota Advisory Board on Handicapped, Gifted, and Exceptional Children. The "Minnesota Advisory Board on Handicapped, Gifted and Exceptional Children" is hereby created, consisting of 12 members to be appointed by the governor, one member from each of the nine congressional districts and three members at large. The board shall act only in an advisory capacity to the state board, the commissioner of public welfare, and the state board of health. Four members shall be appointed for one year, four members for two years and four members for three years. Thereafter four members shall be appointed each year, each for a three year term. In making appointments the governor shall give consideration to statewide representation. The board shall elect a chairman, vice chairman and secretary, each to serve for one year. The board shall hold at least four meetings annually. The first meeting shall be called by the governor within 60 days after the appointment of the board. The board shall aid in formulating policies and encouraging programs for exceptional children. It shall continuously study the needs of exceptional children. Members of the board shall serve without compensation but may be reimbursed for actual expenses incurred in the performance of their duties by the department from an appropriation made to the department for this purpose.

Sec. 35. [121.35] County superintendents, duties. Subdivision 1. The office of county superintendent of schools in each county shall be filled by election according to law.

Subd. 2. 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 district superintendent, at least once in each term. They shall instruct its teachers; organize and conduct such teachers institutes as they deem expedient; encourage teachers associations; advise teachers and 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 commissioner 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 commissioner. At the request of the commissioner they shall investigate any contract made by a district in their counties for rental of school rooms, facilities, or transportation of pupils and submit a written report thereof to the commissioner. County superintendents shall upon request of the county board of their respective counties promptly investigate, advise, and make recommendations to the county board in proceedings to change boundaries of school districts, and in proceedings to annex land upon petition of a freeholder, and in all other proceedings pending before the county board involving the attachment or detachment of school district territory.

Subd. 3. The county board in any county having twelve or less common districts operating schools and having no unorganized territory may by resolution duly adopted at least six months before the end of the term of office of the county superintendent of schools, declare the office terminated as of the end of the term of the incumbent. If such resolution is adopted, no person shall be elected or appointed to the office of county superintendent of schools so long as such resolution remains in effect. The county board by resolution at least six months before the date of any general election may rescind its action terminating the office. If such action is taken, a county superintendent of schools shall be elected at the next general election according to law; provided, however, that if the county superintendent in any such county resigns, the county board may by resolution duly adopted thereupon terminate

the office of county superintendent of schools. Such office shall remain terminated unless the county board by resolution duly adopted shall reinstate said position as hereinabove provided.

Subd. 4. In any county where the office of the county superintendent is abolished the duties imposed by law upon the county superintendent shall be performed by the commissioner unless the county board makes provision for the performance of these duties under the provisions of this section. The county board may provide for the performance of the duties of the office by either of the following methods:

(a) By contract with the board of any independent district located in the county providing for the performance of the duties by the superintendent of the district.

(b) By contract with the county board of any other county providing for the performance of the duties by the county superintendent of such other county.

Upon the execution of such contract and the filing of a copy thereof with the commissioner, the superintendent whose services are provided for shall have and assume the duties of the county superintendent according to the terms of the contract. Upon the amendment or termination of the contract, other than according to its terms, a copy thereof shall be filed with the commissioner.

Sec. 36. [121.36] County superintendents to keep records. County superintendents shall record in their office in records provided by the county board for such purpose all material facts concerning teachers certificates presented for recording purposes and certify to each holder of such certificate that such recording has been made.

Sec. 37. [121.37] Meetings of district officers. The county superintendent may call meetings of the district officers and board members 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. 38. [121.38] Blanks. 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.

Sec. 39. [121.39] Reports to commissioner of education. The county superintendent shall make such reports

as may be required by the commissioner. These reports shall be made on or before dates fixed by the state board and shall include tabulated 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 district has failed to render his report at such time as may be specified by the state board, the county superintendent shall be empowered to employ help to compile such report, the expense to be paid by the local board from district funds, which amounts may be deducted from the annual salary of the clerk.

Sec. 40. [121.40] **Reports to auditor.** 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 15, 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. 41. [121.41] **Deputy superintendent.** 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 the county superintendent.

Sec. 42. [121.42] **County superintendent of schools, salary.** Subdivision 1. 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 \$42 and \$12 as herein provided, for each organized public school in the county, to be reckoned, prorata for the year from the time when a new school, organized in any district begins. Such minimum salary shall be calculated at the rate of \$42 for each of the first 80 schools, and at the rate of \$12 for each additional school in excess of 80, until the salary calculated on that basis reaches \$3,840; but if there be less than 64 public schools in any county, the minimum annual salary shall nevertheless be \$2,880. In any county where the county superintendent of schools received \$800 or more as clerk of the unorganized school district the salary of the county superintendent of schools shall be set by the county board, regardless of the number of schools established or operating in such county, at not less than \$2,400 in addition to the salary as clerk of the unorganized school district.

Subd. 2. 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 in any county as a result of consolidation and the

children usually attendant thereat are transported to another school in the same or an adjoining district by the school authorities then thereafter the minimum salary of the county superintendent shall be reckoned and an assistant or assistant superintendent, if any, appointed on the basis of the number of schools before such consolidation or discontinuance was made.

Subd. 3. The term "school" as used in this section shall be understood to mean a school building in which public school is held or pupils transported to another district.

Sec. 43. [121.43] **Expenses, how paid.** The county board 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, and 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, together with necessary materials for the examination of pupils and for official correspondence; also the local expense in connection with teachers institutes.

Sec. 44. [121.44] **Clerk hire.** In counties containing not less than 10 nor more than 124 schools the county superintendent shall be allowed annually such sum for clerk hire as the county board may determine. In counties having 125 schools or more, the county superintendent shall be allowed annually such sum for clerk hire as the county board shall determine, and shall appoint one assistant. The assistant shall give his entire time to his duties, and shall serve during the pleasure of the superintendent. The salaries of assistants appointed to serve for full time shall be fixed by the county board. Such assistants shall have had at least 18 months' experience in public schools, and be holders of teachers' certificates equivalent to diplomas from a state college. 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.

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Sec. 45. [121.45] **Delivery of records on retiring.** 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 post-office 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. 46. [121.46] **Travel expenses, mileage.** The county board of each county shall audit and, if found correct, allow duly itemized and verified claims of the county superintendent for actual and necessary traveling expenses incurred by him or his assistants in the discharge of official duties. If the county superintendent or any assistant uses his own conveyance in the performance of official duties, the county board shall allow him therefor not to exceed the mileage allowance according to Minnesota Statutes 350.11 for mileage necessarily traveled in his own conveyance in the performance of official duties.

Sec. 47. [121.47] **County boards to appropriate money for county educational work.** In all cases provided for in Article V 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.

ARTICLE III

Section 1. [122.01] For purposes of this Article, the words defined in Article I, Sec. 2, have the same meaning.

Sec. 2. [122.02] **Classes, number.** School districts shall be classified as common, independent, special or associated districts, each of which is a public corporation. Each district shall be known by its classification and each shall be assigned a number by the commissioner so that its title will be school district number

Sec. 3. [122.11] **Common or independent district.** Subdivision 1. A common or independent district may be organized from territory not included in a classified district if 100 or more children of school age between five and 21 reside within the proposed district and it contains an incorporated village or not less than four sections of land.

Subd. 2. A majority of the resident freeholders in the proposed district may petition the county board of the county in which the greatest land area involved lies to form a new common or independent district. The petition shall contain (a) A correct description of the territory to be included in the proposed district, together with a plat thereof showing its size and boundaries and the location of adjoining districts with the school houses therein.

(b) The number of children of school age residing in the proposed district.

(c) The reasons for the formation of the proposed district and the classification desired.

(d) The assessed valuation of the proposed district, and the location of the nearest school houses.

(e) Such other information as the petitioners may desire to affix.

(f) A recommendation of the commissioner which shall be endorsed thereon, together with his comments, if any. This recommendation shall be advisory only and not binding for any purpose.

Subd. 3. The persons circulating the petition shall attach their affidavit thereto, swearing or affirming that the persons executing the petition were resident freeholders and signed in the presence of one of the circulators.

Subd. 4. The petition shall be filed with the county auditor who shall present it to the county board at its next meeting. At the meeting, the county board shall fix a time and place for hearing the petition, which time shall be not more than 60 days and not less than ten days from the date of the meeting. The auditor shall cause one week's published notice of the hearing to be given in the county, and ten days' posted notice in the territory described in the petition.

At the hearing on the petition, the county board shall receive and hear any evidence for or against the proposed organization. The hearing may be adjourned from time to time.

Subd. 5. Within six months of the date of the filing of the petition, the county board shall issue its order either granting or denying the petition. If the petition is granted, the order shall particularly describe the district. The county board may modify the boundaries proposed in the petition by enlarging or decreasing the area. If the petition is granted,

the auditor shall transmit a certified copy of the order to the commissioner who shall assign an identification number to the district and notify the auditor thereof within ten days after his receipt of the certified copy of the order.

Subd. 6. If the petition and order are for the organization of a common district, upon the receipt of the assigned identification number, the auditor shall determine a date not less than 20 nor more than 60 days from the date of the receipt by him of the assigned identification number, and a place for holding a meeting to organize the district. He shall cause ten days' posted notice of the meeting to be given in the district. The Auditor shall call the meeting to order and act as temporary chairman of the meeting until the board has been elected. At the meeting, a chairman shall be elected to hold office until July 1 following the next annual election; the treasurer until one year from such date; and the clerk until two years from such date.

Subd. 7. (a) If the petition and order are for the formation of an independent district, upon receipt of the assigned identification number, the auditor shall determine a date, not less than 20 nor more than 60 days from the date of the receipt by him of the assigned identification number, upon which date shall be held a special election in the district for the purpose of electing a board of six members for terms as follows: two until July 1 following the first annual election, two until the expiration of one year from said July 1, and two until the expiration of two years from said July 1, to hold office until a successor is elected and qualifies according to provisions of law governing the election of board members in independent districts.

(b) The auditor shall give ten days' posted notice of election in the area in which the election is to be held and also if there be a newspaper published in the proposed new district, one week's published notice shall be given. The notice shall specify the time, place and purpose of the election.

(c) The county may pay the election judges not to exceed \$1 per hour for their services.

(d) Any person desiring to be a candidate for a school election shall file an application with the auditor to have his name placed on the ballot for such office, specifying the term for which the application is made. The application shall be filed not less than 12 days before the election.

(e) The auditor shall prepare, at the expense of the county, necessary ballots for the election of officers placing

thereon the names of the proposed candidates for each office. The ballots shall be marked and signed as official ballots and shall be used exclusively at the election. The auditor shall determine the number of voting precincts and the boundaries of each. He shall determine the location of polling places and the hours the polls shall be open. He shall appoint three election judges for each polling place who shall act as clerks of election. Election judges shall certify ballots and results to the county auditor for tabulation and canvass.

(f) Upon canvass and tabulation, the auditor shall issue a certificate of election to the candidate for each office who received the largest number of votes cast for the office. He shall deliver such certificate to the person entitled thereto by registered mail, and each person so certified shall file an acceptance and oath of office with the auditor within 30 days of the date of mailing of the certificate. 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.

(g) The board previously charged with responsibility for education in the territory included in the district shall continue to provide for the education of the children in the district until July 1 next following the election, but such boards shall have power and authority only to make such contracts and do such things as are necessary to continue the education of the pupils for the duration of the current school term.

(h) It shall be the duty of the newly elected board to meet forthwith and to organize, and on July 1 next to assume the full duties of the care, management and control of the district.

Sec. 4. [122.12] **Associated districts.** Associated districts may be formed according to the provisions of sections 122.71 to 122.83.

Sec. 5. [122.21] **Detachment and annexation of land.** Subdivision 1. The owner of land which adjoins any common or independent district, and whose land is not in a special district may petition the county board of the county in which the greater part of the area proposed for detachment and annexation lies to detach all or any part of his land together with the intervening lands as defined in subparagraph (b) below, from the district it now is in, and to attach it, together with such intervening land, to the adjoining district. For purpose of this section, land is adjoining a school district if:

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(a) The boundary of the area proposed for detachment and annexation is the same as the district boundary to which attachment is sought at any point, including corners, or

(b) The area proposed for detachment and annexation is separated at any point from the district to which annexation is sought by not more than one-half mile and the intervening land is vacant and unoccupied or is owned by one or more of the following: The United States, or the State of Minnesota or any of its political subdivisions, or an owner who is unknown or cannot be found or

(c) The area proposed by a land owner for detachment and annexation is adjoining (as defined in subparagraphs (a) and (b) above) any land proposed for detachment from and annexation to the same district in another pending petition.

Subd. 2. The petition shall contain:

(a) A correct description of the area proposed for detachment and annexation, together with such supporting data with regard to location and title to land as will establish facts conformable to subdivision 1 hereof.

(b) The reasons for the proposed change with facts showing that the granting of the petition will not reduce the size of any district to less than four sections, unless the district has not operated a school within the district during the past two years immediately preceding the issuance of the petition.

(c) Consent to the petition, endorsed thereon at any time before the hearing by the board of the district from which the area is to be removed, if, at the time of the filing of the petition, any part of the area proposed for detachment is part of an unorganized territory or a district which maintains and operates a secondary school within the district or unorganized territory.

(d) An identification of the district to which annexation is sought.

(e) Such other information as petitioners may desire to affix.

(f) An acknowledgment by the petitioner.

Subd. 3. The petition shall be filed with the auditor who shall present it to the county board at its next meeting. At the meeting, the county board shall fix a time and place

for hearing the petition, which time shall be not more than 60 nor less than ten days from the date of the meeting. The auditor shall forthwith serve notice of the hearing on each district directly affected by the petition, by mail addressed to the clerk. If any area affected by the petition is in another county, he shall mail a notice of hearing to the auditor of such county. He shall also give one week's published notice of the hearing in the county wherein the hearing is to be held, and ten days' posted notice in each school district affected. Such posted and published notice may combine pending petitions. At the hearing on the petition, the county board shall receive and hear any evidence for or against the petition. The hearing may be adjourned from time to time.

Subd. 4. Within six months of the time when the petition was filed, the county board shall issue its order either granting or denying the petition, unless all or part of the land area described in the petition is included in a plat for consolidation which has been approved by the commissioner in which event, no order may be issued while consolidation proceedings are pending. No order shall be issued which results in attaching to a district any territory not adjoining that district, as defined in subdivision 1(a). No order shall be issued which reduces the size of any district to less than four sections unless the district is not operating a school within the district. The order may be made effective at a deferred date not later than July 1 next following its issuance. If the petition be granted, the auditor shall transmit a certified copy to the commissioner. Failure to issue an order within six months of the filing of the petition or termination of proceedings upon an approved consolidation plat, whichever is later, is a denial of the petition.

Subd. 5. Upon receipt by the commissioner of the order, he shall forthwith modify his records and any plats and petitions and proceedings involving districts affected by such order presently before him for action or record, to conform to the order.

Subd. 6. Upon the effective date of the order, the detachment and annexation ordered therein is effected, and all taxable property in the area so detached and annexed is taxable for payment of any school purpose obligations theretofore authorized by or outstanding against the district to which annexation is made. Such property is not by virtue of the order relieved from the obligation of any bonded debt theretofore incurred to which it was subject prior to the order.

Sec. 6. [122.22] Dissolution and attachment. Sub-

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division 1. Any district, whether part of an associated district or not, may be dissolved and the territory be attached to other districts or become unorganized territory by proceeding in accordance with this section.

Subd. 2. Proceedings under this section may be instituted by:

(a) Resolution of the county board of the county containing the greatest land area of the district proposed for dissolution when such district has held no school within the district for two years and has made no provision for the education of its pupils for two years or when any district has had no children of school age for a period of five years.

(b) Petition executed by a majority of the resident freeholders of the district proposed for dissolution addressed to the county board of the county containing the greatest land area of the district.

(c) Certification by the clerk of the district proposed for dissolution to the county board of the county containing the greatest land area of the district to the effect that a majority of votes cast at an election were in favor of dissolving the district.

Subd. 3. A resolution adopted pursuant to subdivision 2(a) of this section shall contain findings of necessary jurisdictional facts and shall set a date for hearing not less than ten nor more than 60 days from the date of the resolution.

Subd. 4. Petition executed pursuant to subdivision 2(b) of this section shall be filed with the auditor and shall contain:

(a) A statement that petitioners desire proceedings instituted leading to dissolution of the district and other provisions made for the education of the inhabitants of the territory; and that petitioners are resident freeholders of the district.

(b) An identification of the district.

(c) The reasons supporting the petition which may include recommendations as to disposition of territory to be dissolved. Such recommendations are advisory in nature only and are not binding on any petitioners or county board for any purpose.

(d) The persons circulating the petition shall attach their affidavit swearing or affirming that the persons executing

the petition are resident freeholders and that they signed in the presence of one of the circulators.

(e) The auditor shall present the petition to the county board at its next meeting. At that meeting, the county board shall determine a date for a hearing not less than ten nor more than 60 days from the date of that meeting.

Subd. 5. Certification executed pursuant to subdivision 2(c) of this section shall be filed with the auditor and shall contain:

(a) A copy of the resolution initiating the election.

(b) A copy of the notice of election with an affidavit of publication or posting.

(c) The question voted on.

(d) The results of the election by number of votes cast for and number against the question.

(e) If an advisory ballot is taken on annexation, the question voted on and number of ballots cast for and against the proposal.

The auditor shall present the certification to the county board at its next meeting. At that meeting, the county board shall determine a date for a hearing not less than ten nor more than 60 days from the date of that meeting.

Subd. 6. When a hearing is ordered under this section, the auditor shall have ten days' posted notice of the hearing in the district proposed for dissolution, one week's published notice in the county, and ten days' mailed notice to the clerk of the district proposed for dissolution and to the clerk of each adjoining district and to the commissioner. If all or any part of the district proposed for dissolution or any adjoining district lies in another county, the auditor shall forthwith upon establishment of the hearing date, mail notice of the hearing to the auditor of each county so situated.

Subd. 7. No order dissolving a district may be issued by the county board if the district to be dissolved is included in a plat for consolidation which has been approved by the commissioner and upon which plat final action has not been taken unless all of the district to be dissolved and all of the district or districts to which attachment is proposed are included in the approved plat.

Subd. 8. Within 90 days of the date set for the original hearing or within 30 days of the termination of a con-

solidation proceeding which stays the order under subdivision 7, the county board may issue its order :

(a) Dismissing the proceedings.

(b) Interlocutory in character, proposing the dissolution of the district and the annexation of the territory to adjoining districts, or the entire district as a unit may be attached to and become part of a district which maintains a secondary school located within the same high school area, and there is no intervening district maintaining a secondary school.

(c) If no order is issued within the limited time, the proceedings are dismissed.

Subd. 9. An interlocutory order issued under subdivision 8 (b) of this section shall contain :

(a) A statement that the dissolution of the district is proposed.

(b) A description, by words or plat or both showing proposed disposition of territory in district to be dissolved.

(c) A statement showing the proposed distribution of the current assets and liabilities of the district to be dissolved, real and personal. If the order provides for the transfer of an interest in real estate to a district, the order may also impose a dollar amount as a claim against that district in favor of other districts which claim shall be paid and enforced in the manner provided by law for the payment of judgments against a district.

(d) The outstanding bonded debt of the district to be dissolved.

(e) A proposed effective date of the order not later than July 1 next following its issuance but not less than 45 days from date of the order.

(f) Such other information as the county board may desire to include.

The auditor shall within ten days from its issuance serve a copy of the interlocutory order by mail upon the clerk of the district proposed for dissolution and upon the clerk of each district to which it is proposed to attach any territory by the order and upon the auditor of each other county in which all or any part of the district proposed for dissolution or any district to which it is proposed to attach territory lies, and upon the commissioner.

Subd. 10. Within 45 days of the date of the interlocutory order, any district to which attachment of territory is proposed may, by resolution of the board, request an election in the area proposed for attachment on the question of assumption of debt in connection with that interlocutory order, such resolution shall contain:

(a) A request that an election be held in the area proposed for attachment, authorizing proportionate assumption of debt, or some specified part thereof, of the district requesting the election, and

(b) The total bonded debt, authorized and outstanding of the district requesting election, and

(c) The assessed valuation of the district requesting election. A copy of the resolution shall forthwith, upon issuance, be served personally or by mail on the auditor of the county issuing the interlocutory order.

Failure to make and serve such resolution within 45 days of the date of the interlocutory order is a consent to the terms of the order and a waiver of the requirement of debt assumption by the territory proposed for attachment.

Subd. 11. If the proceedings were instituted by petition, under subdivision 2(b), or by election, under subdivision 2(c) and an advisory recommendation was made in the petition or an advisory ballot taken at the election, as to annexation requested, and if the interlocutory order makes a different provision for annexation than requested, then the interlocutory order must be approved by a majority of those voting on the question at an election to be called in the district to be dissolved, under subdivision 13, the question voted on shall be:

“Shall the interlocutory order of the county board of _____ County, dated _____ proposing the dissolution of this school district be approved?” Yes _____
No _____

Subd. 12. If a resolution is made and served under provisions of subdivision 10 within the time allowed, the auditor shall so advise the board of the district proposed for dissolution. In such case, an election shall be held in the district to be dissolved on the question of debt assumption, or if the district to be dissolved is divided, the board shall, in such case, establish voting precincts in each area in which debt is proposed for assumption. The voters in such precincts shall vote on the question: “Shall the taxable property in the

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area proposed for attachment to school district number assume a proportionate share of the bonded debt of such district in accordance with the resolution of the board of such district, dated, and on file with the auditor of county?" Yes
No

Subd. 13. If an election is required under subdivision 11 or 12, then upon the expiration of the 45 day period allowed in subdivision 10 or upon receipt of a demand for election on the question of debt assumption from each district to which it is proposed to attach territory, whichever is sooner, the auditor shall forthwith set a date and call the election by filing a written order therefor, and serving a copy thereof personally or by mail on the clerk of the district in which the election is to be held, which date shall be not less than 15 nor more than 30 days after the date of the order, upon which date a special election shall be held in the district proposed for dissolution. The auditor shall cause notice of such election to be posted and published according to law. Upon receipt of such notice, the board shall conduct the election.

Subd. 14. The results of each election shall be certified by the board to the auditor. If a majority of all votes cast on each question at the election approve the interlocutory order and favor the assumption of the debt, the interlocutory order becomes final and effective as of the date of the election or the date specified in the order whichever is later. Each person served with the interlocutory order shall be so notified.

Subd. 15. If a majority of votes cast at an election held on any resolution are in the negative on the issue of debt assumption, the auditor shall forthwith certify such results to the clerk of the district which made the resolution voted upon. The district making the resolution under subdivision 10 may then within ten days make and serve upon the auditor a resolution of its board withdrawing its objection to the interlocutory order and consenting to its terms and consenting to the attachment of territory without debt assumption and cancelling its resolution under subdivision 10. The auditor shall present the resolution to the county board at its next meeting and at that meeting the county board may order its interlocutory order made final and effective.

Subd. 16. If a majority of votes cast at an election held on any resolution are in the negative on the issue of debt assumption, and if the resolution of waiver provided for in subdivision 15 is not filed within the time prescribed, or if

a majority of votes cast on the question of approval of the interlocutory order are in the negative, the proceedings are dismissed and terminated and the interlocutory order becomes void and of no further effect for any purpose.

Subd. 17. If proceedings which were instituted under subdivision 2(a) by the motion of the county board are terminated under subdivision 16, the county board may within 90 days thereafter without notice, dissolve the district proposed for dissolution and attach its territory to the unorganized territory of the county in which the land lies. If there is no unorganized territory in such county, it shall be created for the purpose of providing for education of the inhabitants according to the laws regulating conduct of education in unorganized territory.

Subd. 18. The bonded debt of a district dissolved under provisions of this section shall be paid according to levies made therefor under provision of *Minnesota Statutes, Chapter 475*. The obligation of the taxable property in the dissolved district with reference to the payment of such bonded debt is not affected by this section.

Subd. 19. If a district which is also a part of an associated district is dissolved under this section, the associated status of the district terminates upon its dissolution.

Sec. 7. [122.23] **Consolidation.** Subdivision 1. Common or independent districts or parts thereof, including those constituting parts of an associated district or unorganized territory or any combination of the foregoing may consolidate into a single independent district by proceedings taken in accordance with this section. The proposed new district must contain at least 18 sections of land. A proposed new district must be composed of contiguous areas unless an entire district is to be part of a district which maintains a secondary school and there is no district intervening which maintains a secondary school.

Subd. 2. Acting on his own initiative or upon a resolution of a school board in the area proposed for consolidation or upon receipt of a petition therefor executed by 25 percent of the voters resident in the area proposed for consolidation or by 50 such voters, whichever is lesser, the county superintendent of the county which contains the greatest land area of the proposed new district shall cause a plat to be prepared. The resolution or petition shall show the approximate area proposed for consolidation. If more than one request for a plat is received by a county superintendent and the requests

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involve parts of identical districts, he shall prepare a plat which in his opinion best serves the educational interests of the inhabitants of the districts or areas affected. The plat shall show:

(a) Boundaries of the proposed district, as determined by the county superintendent, and present district boundaries.

(b) The location of school buildings in the area proposed as a new district and the location of school buildings in adjoining districts,

(c) Other pertinent information as determined by the county superintendent.

Subd. 3. A supporting statement to accompany the plat shall be prepared by the county superintendent. The statement shall contain:

(a) The assessed valuation of property in the proposed district,

(b) If a part of any district is included in the proposed new district, the assessed valuation of the property and the approximate number of pupils residing in the part of the district included shall be shown separately and the assessed valuation of the property and the approximate number of pupils residing in the part of the district not included shall also be shown.

(c) The reasons for the proposed consolidation, "including a statement that at the time the plat is submitted to the commissioner of education, no proceedings are pending to dissolve any district involved in the plat unless all of the district to be dissolved and all of each district to which attachment is proposed is included in the plat,"

(d) A statement showing that the jurisdictional fact requirements of subdivision 1 are met by the proposal,

(e) Any other information the county superintendent desires to include,

(f) The signature of the county superintendent.

Subd. 4. The county superintendent shall submit the plat and supporting statement to the commissioner and a true copy of each to the auditor of each county containing any land area of the proposed new district.

Subd. 5. Upon receipt of a plat and the supporting statement, each auditor shall immediately notify his respective

county board. After such notification, and during the pendency of proceedings under the plat and supporting statement or for a period of six months, whichever is shorter, no action may be taken by the county board under any other law to modify the boundary of any district if any part of the district is included in an area proposed for consolidation.

Subd. 6. The commissioner shall, upon receipt of a plat, forthwith examine it and approve, modify or reject it. He shall endorse thereon his reasons for his actions and within 60 days of the date of the receipt of the plat, he shall return it to the county superintendent who submitted it. He shall furnish a copy of that plat, and the supporting statement and his endorsement to the auditor of each county containing any land area of the proposed new district. If land area of a particular county was included in the plat, as submitted by the county superintendent, and all of such land area is excluded in the plat as modified and approved, the commissioner shall also furnish a copy of the modified plat, supporting statement, and his endorsement to the auditor of such county.

Subd. 7. Upon receipt of an approved plat, the county superintendent shall forthwith notify the board of any district, all or part of whose land is included in the proposed new district.

Subd. 8. The board of any independent district maintaining a secondary school, the board of any common district maintaining a secondary school, or the board for unorganized territory, all or part of whose land is included in the proposed new district, shall, within 45 days of the approval of the plat by the commissioner, either adopt or reject the plan as proposed in the approved plat. If the board of any such district or unorganized territory entitled to act on the petition rejects the proposal, the proceedings are terminated and dismissed. If any board fails to act on the plat within the time allowed, the proceedings are terminated.

Subd. 9. If the approved plat contains land area in more than one independent district maintaining a secondary school, or common district maintaining a secondary school, and if each board entitled to act on the plat approves the plat, each such board shall cause notice of its action to be published at least once in its official newspaper. If five percent of the resident freeholders of any such district shall petition the clerk of the district, within 30 days after the publication of such notice, for an election on the question, the consolidation shall not become effective until approved by a majority vote

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in such district at an election held in the manner provided in subdivisions 11, 12 and 13 of this section.

Subd. 10. If an approved plat contains land area in any district not entitled to act on approval or rejection of the plat by action of its board, the plat may be approved by the residents of such land area within 60 days of approval of plat by commissioner in the following manner :

A petition calling upon the county superintendent to call and conduct an election on the question of adoption or rejection of the plat may be circulated in such land area by any person residing in such areas. Upon the filing of such petition with the county superintendent, executed by at least 25 percent of the resident freeholders in each district or part of a district contained in such land area, the county superintendent shall forthwith call and conduct a special election of the electors resident in the whole land area on the question of adoption of the plat. For the purposes of this section, the term "electors resident in the whole land area" means and shall be construed to include any person or persons residing on any remaining portion of land, a part of which is included in the consolidation plat. Any freeholder owning land included in such plat who lives upon land adjacent or contiguous to that part of his land included in such plat shall be included and counted in computing the 25 percent of the resident freeholders necessary to sign such petition and shall also be qualified to sign such petition. Failure to file such petition within 60 days of approval of plat by the commissioner terminates the proceedings.

Subd. 11. Upon an election becoming callable under provisions of subdivision 10, the county superintendent shall give ten days' posted notice of election in the area in which the election is to be held and also if there be a newspaper published in the area, one weeks' published notice shall be given. The notice shall specify the time, place and purpose of the election.

Subd. 12. The county superintendent shall determine the date of the election, the number of boundaries of voting precincts, and the location of the polling places where voting shall be conducted, and the hours the polls will be open. He shall provide official ballots which shall be used exclusively and shall be in the following form :

For consolidation

Against consolidation

He shall appoint three election judges for each polling place

who shall act as clerks of election. The county may pay these election judges not to exceed \$1 per hour. The ballots and results shall be certified to the county superintendent who shall canvass and tabulate the total vote cast for and against the proposal.

Subd. 13. If a majority of the votes cast on the question at the election approve the consolidation, and if the necessary approving resolutions of boards entitled to act on the plat have been adopted, the county superintendent shall, within ten days of the election, issue his order setting a date not later than July 1 next following the election for the effective date of the change. He shall mail or deliver a copy of such order to each auditor holding a copy of the plat and to the clerk of each district affected by the order and to the commissioner. If the election fails, the proceedings are terminated and the county superintendent shall so notify the commissioner and the auditors and the clerk of each school district affected.

Subd. 14. Upon receipt of the order creating a new district, the commissioner shall forthwith, by order, assign an identification number to the new district and shall mail a copy of his order to the county superintendent and to each auditor who holds a copy of the plat. If all of the territory in one and only one independent district maintaining a secondary school is included in the new independent district created pursuant to consolidation, and if the commissioner finds that it is more practical and reasonable and in the interest of efficiency and economy of operation to so do, he may assign to the new district the same number as previously held by the included independent district.

Subd. 15. If no district is divided by virtue of the proceedings, all of the assets, real and personal, of the districts involved and all legally valid and enforceable claims and contract obligations of the districts pass to the new district. If a district is divided by virtue of the proceedings, upon receipt of the order of the commissioner, the auditor of the county containing the greatest land area of the new district shall present a copy of the plat and supporting statement and orders issued in the proceedings to the county board at its next regular meeting, together with such information as is available to him concerning the assets and liabilities not secured by bonds of each district, any part of which is included in the newly created district. Thereafter within 30 days the county board shall issue its order providing for a division of the assets of the districts involved and apportioning and dividing

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these assets according to such terms as it may deem just and equitable. In making this division of assets and liabilities, the county board may consider the amount of bonded debt to be assumed by property in each area under the provisions of this section. If the order of consolidation transfers any real estate interest to the new district or to another district, the order apportioning assets and liabilities may impose a dollar claim on the district receiving the real estate in favor of any other district involved in an amount not exceeding the reasonable value of the real estate interest involved, which claim shall be paid in the manner provided by law for the enforcement of judgments.

Subd. 16. As of the effective date of the consolidation, all the taxable property in the newly created district is taxable for the payment of any bonded debt theretofore incurred by any component district in the proportion which the assessed valuation of that part of a pre-existing district which is included in the newly created district bears to the assessed valuation of the entire pre-existing district as of the time of the consolidation. This apportionment shall be made by the county auditor and shall be incorporated as an annex to the order of the county board dividing the assets and liabilities of the component parts. This subdivision shall not relieve any property from any tax liability for payment of any bonded obligation but taxable property in the newly created district becomes primarily liable for the payment of bonded debts to the extent of the proportion stated.

Subd. 17. If all of the territory of one and only one independent district maintaining a secondary school is included in the new independent district, the board of that previously existing independent district shall assume the duties and responsibilities of the board of the newly organized district for the balance of the term to which the members were elected. At the next annual school election the successors to the members whose terms then expire shall be elected by the legally qualified voters of the newly organized district. Thereafter, board members shall be elected according to the election procedure established for the election of board members in independent districts.

Subd. 18. (a) If no board is provided for under the foregoing provision, upon receipt of the assigned identification number, the county superintendent shall determine a date, not less than 20 nor more than 60 days from the date of the receipt by him of the assigned identification number, upon which date shall be held a special election in the district for the purpose of electing a board of six members for terms as

follows: two until July following the next annual election, two until the expiration of one year from said July 1, and two until the expiration of two years from said July 1, to hold office until a successor is elected and qualifies according to provisions of law governing the election of board members in independent districts.

(b) The county superintendent shall give ten days' posted notice of election in the area in which the election is to be held and also if there be a newspaper published in the proposed new district, one weeks' published notice shall be given. The notice shall specify the time, place and purpose of the election.

(c) The county may pay the election judges not to exceed \$1 per hour for their services.

(d) Any person desiring to be a candidate for a school election shall file an application with the county superintendent to have his name placed on the ballot for such office, specifying the term for which the application is made. The application shall be filed not less than 12 days before the election.

(e) The county superintendent shall prepare, at the expense of the county, necessary ballots for the election of officers, placing thereon the names of the proposed candidates for each office. The ballots shall be marked and signed as official ballots and shall be used exclusively at the election. The county superintendent shall determine the number of voting precincts and the boundaries of each. He shall determine the location of polling places and the hours the polls shall be open. He shall appoint three election judges for each polling place who shall act as clerks of election. Election judges shall certify ballots and results to the county superintendent for tabulation and canvass.

(f) Upon canvass and tabulation by the county superintendent he shall issue a certificate of election to the candidate for each office who received the largest number of votes cast for the office. He shall deliver such certificate to the person entitled thereto by registered mail, and each person so certified shall file an acceptance and oath of office with the county auditor within 30 days of the date of mailing of the certificate. 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 vacancy has been taken.

(g) The board of each district included in the new

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enlarged district shall continue to maintain school therein until July 1 next following, but such boards shall have power and authority only to make such contracts and to do such things as are necessary to maintain properly the schools for the period they may be in session prior to said first day of July.

(h) It shall be the immediate duty of the newly elected board of the new enlarged district, when the members thereof have qualified and the board has been organized, to plan for the maintenance of the school or schools of the new district for the next school year and to enter into the necessary contracts for the employment of personnel, purchase of equipment and supplies, and other acquisition and betterment purposes and when authorized by the voters to issue bonds under the provisions of Chapter 475; and on said July 1 to assume the full duties of the care, management and control of the new enlarged district. The board of the new enlarged district shall give due consideration to the feasibility of maintaining such existing attendance centers and of establishing such other attendance centers, especially in rural areas, as will afford equitable and efficient school administration and assure the convenience and welfare of the pupils residing in the enlarged district.

Subd. 19. In case of the consolidation of two or more districts or parts of districts into a larger district, any portions or parts of divided districts which have less than four sections of land shall be attached to one or more adjoining districts by the board of county commissioners upon due notice and hearing.

The county auditor shall give ten days' posted notice of the hearing in the area to be attached and shall deliver a copy of the notice of hearing to the clerk of each district adjoining the area at least 30 days prior to the date set for the hearing. If any adjoining district by resolution of its board, a copy of which is served on the county board before the hearing, demands that area to be attached assume a proportionate share of the bonded debt of the demanding district, then if the order of the county board attaches any land area to such district, the taxable property in such area assumes its proportionate share of the authorized and outstanding bonded debt of the district to which it is attached.

Sec. 8. [122.24] **State advisory commission and school survey committees.** Subdivision 1. The state advisory commission on school reorganization as now constituted, is continued to consist of nine members. The term of the present

members expires on July 1, 1959. As of that date, the state board of education shall appoint a qualified person to each vacancy on the commission, three members for a term of two years from July 1, 1959, three members for a term of four years from said July 1, and three members for a term of six years from said July 1, thereafter successors shall be appointed by the state board of education for a term of six years to hold office until a successor is appointed and qualifies. No more than three members of such commission shall be persons who are professionally engaged in education or employees of any district. Such commission shall elect a chairman from its membership. The commissioner shall be ex officio secretary and executive officer of the state commission. The state board of education is authorized to fill any vacancies which may occur in the membership of such commission. Members of such commission shall serve without compensation but may be reimbursed for necessary expenses. The state commission shall formulate aims, goals, principles, procedures of public school organization in Minnesota. The commission shall review the tentative reports of the several county school survey committees, and within 90 days after receipt thereof shall make suggestions to the respective committees concerning their reports as may seem appropriate, giving due consideration to the educational needs of local communities and economical transportation and administration, to the future use of satisfactory school buildings and sites, to the convenience and welfare of the pupils, to the ability of the several communities to support adequate schools, to equalization of educational opportunity and to any other matters which, in their judgment, seem to be advisable. On or before January 15 of each odd numbered year, the commission shall report its activities and recommendations concerning school reorganization to the legislature.

Subd. 2. The county superintendent of each county may, and upon a petition executed by 15 percent of the members of school boards entitled to attend such meetings, shall call and hold a public meeting of all board members of school boards within the county. In case a district lies in more than one county the board members of such district shall attend the meeting in the county in which the school building or buildings thereof are situated, provided that in case the buildings in such district are situated in more than one county, then the board members in such district shall attend a meeting in the county in which the major portion of the area of such district is located. The county superintendent shall give published notice of the time, place and purpose of such meeting at least

ten days prior thereto, and by mail addressed to each board member in the county.

Subd. 3. At such meeting the county superintendent shall have the provisions of this section explained and shall afford an opportunity for discussion of the question of establishing a county survey committee. Upon such discussion a vote shall be taken on the question: "Shall a school survey committee be formed for County?" If a majority of the votes cast on the question are negative, the meeting is adjourned and no similar meeting may be called for a period of 12 months thereafter. If a majority of votes cast on the question are affirmative, proceedings shall be taken in accordance with the terms of this section.

Subd. 4. Upon an affirmative majority vote, as described in subdivision 3, the county superintendent shall divide the school board members into two groups, and shall appoint a chairman and a secretary for each group. One group shall consist of all the board members of districts maintaining graded elementary schools or secondary schools, hereafter called urban districts, and the other group shall consist of all the other board members, hereafter called rural districts. The meeting of the members from each of such groups shall be held immediately following the adjournment of the joint county-wide meeting, or the county superintendent may fix the time and place for and call the meeting of the members of each such group for some certain day not more than 30 days thereafter, and in such case, the county superintendent shall give at least five days' written notice thereof.

Subd. 5. At the first meeting of the rural members, five persons shall be elected to the county survey committee, two members for a one-year term, two members for two-year terms, and one member for a three-year term, to serve until a successor is elected and qualifies.

At the first meeting of the urban members, four persons shall be elected to the county survey committee, one member for a one-year term, one member for a two-year term, and two members for a three-year term. In these elections, voting by proxy shall not be allowed. Such nine committeemen shall constitute the committee.

However, no district shall have more than one member on a survey committee, and if a county contains fewer school districts than the membership herein provided for, the survey committee shall be made up of such lesser number of members as may be necessary to comply with this limitation. None

of the members of the survey committee shall be persons who are professionally engaged in education or elected state or county officers or who are employees of any district. The election of the members of the committee shall be by secret ballot and a majority vote of the districts represented shall be necessary to elect. The persons elected shall be certified by the chairman and the secretary of the group to the county superintendent. Each school district shall have one vote for each member of the committee to be elected.

Subd. 6. Annually thereafter, on the date of the regular annual county school officers' meeting in any county where in a survey committee is organized, the county superintendent shall conduct a meeting of all school board members qualified to attend a first meeting, and shall divide the members present into urban and rural groups for the sole purpose of electing committeemen to fill vacancies on the school survey committee. At this meeting 25 percent of the membership constitutes a quorum. Persons elected at an annual meeting shall serve for a term of three years to serve until a successor is elected and qualifies. Election procedure at an annual meeting is as prescribed for a first meeting.

Subd. 7. In any county having a survey committee at the time of the adoption of this section, the term of office of each member expires on July 1, 1961, and prior to that date in any such county the county superintendent shall call a meeting of school board members and shall divide the members attending in two groups, urban and rural and at such divided meeting the members shall elect a school survey committee to stagger terms as provided for a first meeting.

Subd. 8. Any survey committee may be dissolved on its own motion upon approval by the commission. At any time after such dissolution, a survey committee may be established by proceedings taken in accordance with this section for creation of a survey committee.

Subd. 9. The committee shall meet at the call of the county superintendent at a time and place within the county fixed by the county superintendent within ten days of the election. At its first meeting, the committee shall organize and shall elect one of its members as chairman and another of its members as vice-chairman. Annually, thereafter the committee shall elect a chairman and vice-chairman. The county superintendent ex officio, shall serve as executive secretary of said committee. Members of the committee shall serve without compensation but shall be reimbursed to the extent moneys are available for their actual expenses incurred in the discharge

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of their duties as members of the committee from county funds, as hereinafter provided. The county superintendent shall provide clerical assistance and supplies and other facilities for the committee to the extent that the same are available to his office.

The committee shall meet regularly on a day and at a time and place to be fixed by the committee. Special meetings of the committee may be called by the chairman and shall be called by the secretary upon request in writing signed by three members of the committee.

Subd. 10. The committee shall have power and it shall be its duty: (1) to study the school districts and unorganized territory of the county and their organization for the purpose of recommending desirable reorganization which in the judgment of the committee will afford better educational opportunities for the pupils and inhabitants of the county, a more equitable, efficient and economical administration of public schools and a more equitable distribution of public school revenues; in the course of its study, with the aid of the county superintendent, it shall assemble and keep current data relating to the schools of the county and their financial status, boundaries, organization, and other matters affecting their proposals and (2) to confer with school authorities and residents of the districts of the county, hold public hearings, and furnish to board members and to the public information concerning reorganization of districts in the county; and (3) to make reports of its study and recommendations, including a map or maps showing existing boundaries of districts and the boundaries of proposed or recommended districts, concerning the reorganization and financing of the districts of the county.

Subd. 11. When there are proposed districts which include territory in more than one county, the survey committee considering the proposal may appoint a subcommittee of three members designating one as chairman who shall arrange to meet with a like subcommittee of each other survey committee affected. The committee considering the proposal may by resolution request the survey committee of an affected adjoining county to appoint a like subcommittee of three members to cooperate in the study of the proposal.

Subd. 12. When a proposed larger administrative district should extend into one or more counties and one or more of such counties have no survey committee, than the survey committee of the adjoining county in which a portion of such proposed district will lie may request the county superintendent of the county having no survey committee to call a meeting

of the board members of the districts that logically belong in the proposed larger administrative district for the purpose of organizing a committee to represent the area in the county without an official committee which is proposed to be included in the larger district. Within 20 days after receiving such request, the county superintendent shall call a meeting of the board members of the districts concerned.

The matter of establishing a committee of three members to represent the area and to work cooperatively with the subcommittee of the adjoining county in the preparation of a joint recommendation for the reorganization of school districts shall be presented to the board members of the districts affected. The question of establishing such a committee shall be submitted to the board members, and if a majority of the board members present and voting shall be in favor thereof, a committee of three members shall be elected.

The committee elected shall cooperate with the subcommittee of the adjacent county or counties in developing recommendations to be submitted to the survey committee of the adjacent county and it shall be submitted in the same manner as provided for regular survey committees, and the vote on the recommendations shall be in accordance with the provisions of this section.

Subd. 13. A survey committee may prepare a tentative report with recommendations covering the county or in event a new tentative report is being filed, the county or any part thereof, and shall file the same in the office of the county superintendent, and furnish a copy thereof to each member of the boards in the county. No change shall be made in the tentative recommendations by the school survey committee for any proposed area until after completion of the hearings affecting that area. Fifteen copies of a tentative report shall be filed with the commissioner who shall forward a copy to each of the members of the state commission. The county superintendent shall cause to be published in the official newspaper of the county or a newspaper of general circulation in the area affected a summary of a tentative report prepared by the committee, and shall give one published notice of the filing of a tentative report, and that the same may be examined in his office, and shall fix a time not less than 30 days after the filing thereof with the county superintendent of the place at which any taxpayer or resident of the area desiring to be heard with reference to the report or any part thereof may appear before the committee.

Subd. 14. Upon the date so fixed by the county super-

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intendent and such subsequent dates as may be necessary, the committee or sub-committee thereof shall hold public hearings at which residents or taxpayers of the area affected shall be afforded an opportunity to appear before the committee and be heard with reference to any tentative report. At the hearing, the committee shall explain the benefits and advantages and any disadvantages resulting from the reorganization of the district as the same appear to the committee. Any taxpayer or resident of the area or any affected district shall be heard with reference to the reorganization of any such district. At its hearing, the committee shall also receive and consider such suggestions as may be made by the state commission concerning the committee's tentative report and the recommendations made therein.

Subd. 15. Within six months after the filing of a tentative report, a final report of the committee with recommendations and with a map or maps showing the boundaries of the present school districts in the county and the boundaries of the proposed school districts in the county shall be filed with the county superintendent who shall cause to be published in the official newspaper of the county or a newspaper of general circulation in the area affected a summary prepared by the committee of its final report. Fifteen copies of such report shall at the same time be filed with the commissioner and a copy thereof shall be furnished to each school board member in the county by the county superintendent. The report shall be available for the public inspection in the office of the county superintendent and the office of the commissioner.

The survey committee may amend its final report at any time within 60 days after it has been filed with the county superintendent by filing a copy of the amendment with the county superintendent. The amendment shall be published and served in the same manner as the final report.

Subd. 16. The board of any district affected by recommendation of any final report or amendment thereto may by resolution appeal to the state commission by filing with the secretary of the commission a written brief of its grievances, a copy of which shall be filed with the survey committee in the county or counties affected. Such appeal must be made within 70 days after the filing of the final report. Upon the filing of such brief, the state commission shall provide for a hearing within 45 days before a board of appeal to be selected by the state commission. The board of appeals shall consist of five persons who are not residents of the county or counties affected but who shall come from the section of the state af-

ected. It shall be the duty of such board of appeals to consider the facts of the case at the hearing which may adjourn from time to time and to render a decision within 30 days of the first day of the hearing on appeal. The secretary of the commission shall give ten days' notice of a hearing before the appeals board to each district affected, and to the county survey committee by mail addressed to the clerk thereof and any affected district may appear by counsel at the hearing. The county survey committee may appear at the hearing by counsel retained for the purpose at the expense of the county. A copy of the decision shall be furnished each affected district, the survey committee of the county or counties affected, and the state commission. The survey committee shall make any changes necessary to incorporate the findings of the board of appeal in the proposal which is to be submitted to the voters. Members of the board of appeals shall be entitled to compensation of \$10 per day, plus sustenance and traveling expenses, which together with necessary clerical help, shall be paid 50 percent from state funds and 50 percent from the funds of the district or districts initiating the appeal.

Subd. 17. Within 30 days after the receipt by the survey committee of the decision of the appeal board if an appeal is taken under the provisions of subdivision 16, or if no appeal is taken from a final report, within five days of the expiration of the time allowed for such appeal, the county superintendent shall call a special election on the question of approving the reorganization of districts as proposed in the final report. The election shall be held not less than 20 nor more than 30 days from the time of the call by the superintendent. The election notice shall be by one week's published notice in the county and by ten days' posted notice of election in each school district affected.

Subd. 18. The county superintendent or, in the event that more than one county is involved in the reorganization proposal, the county superintendent of the county having the greatest land area in the proposed reorganization shall establish voting precincts and determine polling places in such a manner that the electorate of each new proposed district may have its total vote counted separate and distinct from each other new proposed district.

If any districts maintaining a graded elementary school are located within any such proposed district or territory, then one or more voting precincts shall be established wholly within the limits of such urban districts and one or more voting precincts shall be established wholly within that part of the

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district or territory lying outside the limits of such urban districts, and the proposition to reorganize such district shall not be deemed to have received a majority of the votes cast on the proposition or to carry, unless a majority of the votes cast within such urban districts and a majority of the votes cast in such territory outside of such urban districts, the count to be taken separately, each are in favor of establishing such school district. When one or more districts maintaining graded elementary and secondary schools are included in a recommendation the votes shall be counted separately in each district and unless a majority of the votes cast in each such district is in favor of the proposition to reorganize the proposal fails.

Subd. 19. The county superintendent, or in the event that more than one county is involved in the reorganization proposal, the county superintendent of the county having the greatest land area in the proposed reorganization, with the approval of the survey committee, shall determine the date of the election, the number of voting precincts, the polling places where such voting shall be conducted and the hours the polls will be open. Whenever possible the election shall be held in the school building of the school districts included in the proposal. The polls shall be open for at least two hours, and may be open for a longer period, not to exceed 12 hours, if so designated in the posted and published notices. The county superintendent, with the approval of the survey committee, shall appoint three election judges for each polling place, who shall be board members if they are available. The judges shall act as clerks of election, and canvass the ballots cast and thereafter submit the same to the survey committee.

The ballots used at the election shall read substantially as follows:

“Shall independent school districts number,,, and common school districts number,,, and unorganized territory of county described generally as follows be reorganized into independent school districts according to the recommendations contained in the final report of the county survey committee filed with the county superintendent of schools on the day of, 19.....

Yes

No

Subd. 20. If an election held pursuant to this section rejects the recommendations of the survey committee, the

survey committee may order the county superintendent to call and conduct another election on the same final report and additional elections on the same final report. Subsequent elections on one final report shall be called and conducted as provided in this section for initial elections.

Subd. 21. If an election held pursuant to this section rejects the recommendations of the survey committee the survey committee may amend its final report and refile it as amended with the county superintendent and the state advisory commission and upon such filing of the amended final report, proceedings shall be had thereon as on a final report made and filed under this section.

If the recommendations of a final report or amendments thereto are not adopted within three years from filing of the final report, a new tentative report must be issued and proceedings be had according to law prior to any election.

Subd. 22. A final report of a survey committee may recommend the assumption of all or any part of the bonded indebtedness of any district, any part of which is included in a new district, by the new district. If such recommendation is contained in the final report, the vote of the electorate in favor of the reorganization is a vote to assume the indebtedness in an amount and to the extent indicated in the final report. This subdivision shall not relieve any property from any tax liability, for the payment of any bonded obligation, but taxable property in the newly created district becomes primarily liable for the payment of bonded debts to the extent indicated in the final report.

Subd. 23. If a majority of the votes cast at the election be for reorganization, the county superintendent, within ten days thereafter, shall certify the results of the election to the commissioner and transmit a copy to the auditor of each county in which any part of the district affected lies, and to the clerk of each district affected. Upon receipt of the order, the commissioner shall forthwith assign identification numbers to the new districts created by reorganization and shall by order determine a date not more than 90 days from the date of the election when the reorganization becomes effective. He shall advise the county superintendent and the appropriate auditor, and the clerk of each district affected of such assigned number and effective date.

Subd. 24. If a reorganization is approved by the voters the auditor shall present the final report to the county board at its first regular meeting following the effective date of the

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reorganization, together with such information as is available to him concerning the assets and liabilities not secured by bonds of each school district, any part of which is included in a newly created district. At this meeting, the county board shall make a division of the assets of the districts involved and shall apportion and divide assets according to such terms as it may deem just and equitable. The county board shall also make such assignment of all liabilities and obligations not secured by bonds as it may deem just and equitable. In arriving at a distribution of the assets and liabilities, the county board may consider the arrangements made for transfer of bonded debt if any is made in the final report. If title to real estate is affected, a copy of the resolution shall be filed with the proper register of deeds at the expense of the county wherein the land lies. The resolution shall be effective as a conveyance and transfer of any interest in any property, real or personal, according to its terms.

If the order transfers any real estate to the new district or to another district, the order may impose a dollar claim on the district receiving the real estate in favor of any other district involved which claim shall be paid in the manner provided by law for the enforcement of judgments.

Subd. 25. When two or more existing districts or parts of districts, however organized, including a common, independent or special district, or unorganized territory are reorganized into a larger school district, the reorganized district shall thereby become an independent school district.

In case of the reorganization of two or more districts or parts of districts into a larger district, any portions or parts of divided districts which have less than four sections of land shall be attached to one or more adjoining districts by the board of county commissioners upon due notice and hearing.

The county auditor shall give ten days' posted notice of the hearing in the area to be attached and shall deliver a copy of the notice of hearing to the clerk of each district adjoining the area at least 30 days prior to the date set for the hearing. If any adjoining district by resolution of its board, a copy of which is served on the county board before the hearing, demands that area to be attached assume a proportionate share of the bonded debt of the demanding district, then if the order of the county board attaches any land area to such district, the taxable property in such area assumes its proportionate share of the authorized and outstanding bonded debt of the district to which it is attached.

Subd. 26. (a) Upon receipt of the assigned identification number, the county superintendent shall determine a date, not less than 20 nor more than 30 days from the date of the receipt by him of the assigned identification number, or if the assigned identification number is received by the county superintendent during the 60 days immediately preceding the third Tuesday in May, he shall set that date, upon which date shall be held a special election in each new district for the purpose of electing a board of six members for terms as follows: Two until July 1 following the next annual election, two until the expiration of one year from said July 1, and two until the expiration of two years from said July 1, to hold office until a successor is elected and qualifies.

(b) The county superintendent shall, with the consent of the county survey committee determine the hours the polls shall be open, and the number and location of the voting precincts and the polling places therein. He shall appoint three election judges for each polling place and provide the official ballots. The election judges, who shall serve as clerks of the election, shall return all marked ballots with a certificate of the results of the precinct election to the county superintendent for canvass and tabulation.

(c) The county superintendent shall give ten days' posted notice of election in the district in which the election is to be held and also if there be a newspaper published in the district, one week's published notice shall be given. The notice shall specify the time, place and purpose of the election.

(d) The county board may pay the election judges not to exceed \$1 per hour for their services.

(e) Any person desiring to be a candidate for a school district office at this election shall file with the county superintendent an application to be placed on the ballot for such office specifying the term for which the application is made. The application shall be filed not less than 12 days before the election.

(f) The county superintendent shall prepare, at the expense of the county, necessary ballots for the election of officers, placing thereon the names of the proposed candidates for each office. The ballots shall be marked and signed as official ballots and shall be used exclusively at the election.

(g) Upon canvass and tabulation, the county superintendent shall issue a certificate of election to the candidate for each office who received the largest number of votes cast for the office. He shall deliver such certificate to the person en-

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titled thereto by registered mail and each person so certified shall file an acceptance and oath of office with the auditor within 30 days of the date of mailing of the certificate. 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.

(h) The board of each district included in the new enlarged district shall continue to maintain school therein until July 1 next following, but such boards shall have power and authority only to make such contracts and to do such things as are necessary to properly maintain the schools for the period they may be in session prior to said first day of July.

(i) It shall be the immediate duty of the newly elected board of the new enlarged district, when the members thereof have qualified and the board has been organized, to plan for the maintenance of the school or schools of the new district for the next school year and to enter into the necessary contracts for the employment of personnel, purchase of equipment and supplies, and other acquisition and betterment purposes and when authorized by the voters to issue bonds under the provisions of chapter 475; and on said July 1 to assume the full duties of the care, management and control of the new enlarged school district. The board of the new enlarged district shall give due consideration to the feasibility of maintaining such existing attendance centers and of establishing such other attendance centers, especially in rural areas as will afford equitable and efficient school administration and assure the convenience and welfare of the pupils residing in the enlarged districts.

(j) If the proposal to be voted upon contains land in more than one county, the duties of the county superintendent shall be performed by the county superintendent of the county containing the greatest land area in the proposed reorganized districts.

Subd. 27. The county board shall and is hereby authorized to levy sufficient taxes in excess of existing limitations to defray expenses payable by the county under provisions of this section.

Sec. 9. [122.25] **Common district to independent district.** Subdivision 1. If six or more resident freeholders of a common district desire to change the organization of their district to an independent district, they may call for a vote upon the question at the next annual meeting by filing a peti-

tion therefor with the clerk. In the notice for the meeting, the clerk shall include a statement that the question will be voted upon at the meeting.

Subd. 2. At the annual meeting, if a majority of the votes cast on the question favor the conversion to an independent district, a board of six members shall be elected. Nominations may be made from the floor of the meeting and election shall be by secret ballot. All board members elected at this meeting shall serve for terms expiring on the third Tuesday in May next following the election on which date a regular annual election shall be held in the manner provided by law. At this first annual election for independent districts, six directors shall be elected, two to hold office until July 1 following the next annual election, two to hold office until the expiration of one year from said July 1 and two to hold office until the expiration of two years from said July 1; the time which each director shall hold office being designated on the ballot.

Subd. 3. If the organization of the district is changed from common to independent at the meeting, the clerk shall forthwith notify the auditor and the commissioner.

Upon receipt of such notification, the commissioner shall forthwith assign a new identification number to the district and shall notify the auditor and the clerk of the district thereof.

Subd. 4. As of the date of election, if a majority of votes cast on the question favor the conversion to an independent district, the classification of the district is changed from common to independent. Title to all the property, real and personal, of the common district passes to the independent district and all current outstanding contractual obligations, including the bonded indebtedness, if any, of the common district, together with any legally valid and enforceable claims against the common district are imposed on the independent district

Subd. 5. Upon receipt of the identification number from the commissioner, the clerk of the district shall record such change of number with the register of deeds in any county in which the common district owns any real estate.

Sec. 10. [122.26] **Special district to independent district.** Subdivision 1. If the people of a special district containing less than 400,000 inhabitants or not located in a county containing more than 5,000 square miles desire to change their

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organization to an independent district they may proceed in accordance with this section.

Subd. 2. The board of any special district, upon filing of a petition with the clerk of the district executed by qualified voters of the district, stating upon each page of the petition on which signatures appear that they favor the conversion, and in number not less than five percent of the number of voters at the preceding district general election shall, or the board on its own motion may, by resolution order a vote to be taken on the question of such conversion at the next election occurring in such district or at a special election called for the purpose at the request of the board. The election notice shall specify the question to be voted on and shall be given one week's published notice and ten days' posted notice in the district. The petition shall be accompanied by the affidavit of the persons circulating it, swearing or affirming that the persons executing the petition were qualified voters of the district, and that the petition was signed in the presence of one of the circulators.

Subd. 3. If a majority of the votes cast at the election on the question approve the proposed conversion, the clerk of the district shall forthwith certify the results to the commissioner who shall, by order, assign an identification number to the district and determine a date not later than July 1 next following the election for the effective date of the change.

Subd. 4. Upon conversion, the district shall continue to be governed by the board until the next annual election for independent districts, at which election, seven board members shall be elected, three for a one-year term, two for a two-year term, and two for a three-year term, and all until successors are elected and qualified. Provided, however, that in districts which are converted and lie wholly or partly within a city of the first class, the election procedure shall be as follows:

In such districts, there shall be seven board members elected for a six-year term at the same time as the municipal elections are held, and the terms shall commence as of the same date as for independent districts generally. All candidates for board members shall file for office in the manner provided for municipal officers and a number of candidates equal to twice the number of board vacancies shall be nominated at the municipal primary election. All provisions of law relating to such municipal elections shall apply to school elections. In such districts, which had seven members on the board, such board shall continue to hold office until the expira-

tion of their terms, and until their successors are elected and qualify. In such districts which had nine members on their board, the members shall continue to hold office until their successors are elected and qualify under the following procedure:

As of June 30, following the first school election occurring after the conversion, the terms of office of the six members with the shortest time left to serve shall expire and there shall be elected at such school election two members for a four-year term, and two members for a six-year term, and, as of June 30, following the next school election occurring thereafter, the terms of the last three members of the prior board shall expire, and three members shall be elected at such election for a six-year term.

Subd. 5. If a district is divided into separate election districts at the time of its conversion under this section, the board, before the election of the new board, may, by resolution, provide for election districts for the election of the new board, specifying the terms as 1, 2, or 3 years, to which members from each election district (or at large district) shall be elected at the first election. Such election districts shall continue thereafter until changed pursuant to law. In the event the resolution is not adopted, providing for such districts, the members of the new board shall be elected at large.

Subd. 6. Converted districts shall contract with the cities in which located for such facilities as are furnished by the civil service bureau, and unless the board and city governing body each adopt a resolution declaring that a particular function would be most efficiently and effectively handled separately, the board shall contract on a pro rata cost basis with the city for such facilities and services as are provided by the purchasing department, comptroller, legal department and election and other services supplied by such cities, provided, however, that the board may contract for other legal services when the interests of such district and such city are in conflict in any legal matter and provided further that such board may contract for architectural services for the planning and construction of new school buildings when funds have been made available for construction of such school buildings.

Subd. 7. If a majority of votes cast on the question favor the conversion to an independent district, the special district is dissolved and a new independent district is created, effective as of the date determined by the commissioner in accordance with Subdivision 3. Title to all of the property, real and personal, of the dissolved district passes to the in-

dependent district and all current outstanding contractual obligations, including the bonded indebtedness, if any, of the special district, together with any legally valid and enforceable claims against the dissolved district are imposed on the new independent district.

Subd. 8. As of the effective date of a conversion under this section, the organization, operation, maintenance and conduct of the affairs of the converted district shall be governed by general laws relating to independent districts, except as otherwise provided in this act, and all special laws and charter provisions relating only to the converted district are repealed, except Laws 1957, Chapter 264, and Laws 1917, Chapter 166, which shall continue to apply only to the school districts to which such acts applied prior to the effective date of this act, whether or not such districts are converted; provided further, where an existing pension law is applicable to employees of a special district such law shall continue to be applicable in the same manner and to the same extent to employees of the successor district, general laws applicable to independent school districts wholly or partly within cities of the first class shall not be applicable to any special district after conversion thereof to an independent district, the provision of the statute applicable only to teachers retirement fund associations in cities of the first class, limiting the amount of annuity to be paid from public funds, limiting the taxes to be levied to carry out the plan of such associations, and limiting the amount of annuities to be paid to beneficiaries, all as contained in Minnesota Statutes, Section 135.24, shall not be applicable to any such special district after conversion to an independent district, but the statutes applicable to such special district prior to the conversion shall continue to be applicable and the pension plan in operation prior to the conversion shall continue in operation until changed in accordance with law, and the teacher tenure law applicable to the special district before conversion shall continue to apply to the independent district after conversion in the same manner and to the same extent to teachers in the successor district; provided further, where existing civil service provisions of any law or charter are applicable to special district employees, such provision shall continue to be applicable in the same manner and to the same extent to employees of the successor district. Notwithstanding any contrary provision of this act, if, before the conversion, there was in the district a teachers retirement fund association operating and existing under the provisions of Chapter 343 of the Laws of Minnesota of 1909, and all acts amendatory thereof, then such teachers retirement fund as-

sociation shall continue to exist and operate under and to be subject to the provisions of Chapter 343 of the Laws of Minnesota of 1909, and all acts amendatory thereof, after the conversion to the same extent and in the same manner as before the conversion, and, without limiting the generality of the foregoing, such teachers retirement fund association shall continue, after the conversion as before the conversion, to certify to the same authorities the amount necessary to raise by taxation in order to carry out its retirement plan, and it shall continue, after the conversion as before the conversion, to be the duty of said authorities to include in the tax levy for the ensuing year a tax in addition to all other taxes sufficient to produce so much of the sums so certified as said authorities shall approve, and such teachers retirement fund association shall not be subject after the conversion to any limitation on payments to any beneficiary from public funds or on taxes to be levied to carry out the plan of such association to which it was not subject before the conversion.

Subd. 9. In the event a city has outstanding bonded indebtedness incurred for school purposes, the amount of the city debt which is properly attributable to the school district shall be fixed by mutual agreement between the governing bodies of the city and district and a statement of the amount thereof shall be published once in the official newspaper of the city. The determination shall be binding on both city and district unless set aside by an action by a taxpayer or other interested party instituted within 30 days of the date of such publication.

Subd. 10. The board of any independent district lying wholly or partly within a city of the first class may borrow money upon negotiable tax anticipation warrants or certificates of indebtedness, in the manner and subject to the limitations set forth in this section, for the purpose of anticipating general taxes theretofore levied by the district for school purposes, but the aggregate of such borrowing remaining unpaid at any time shall never exceed 50 percent of such taxes which are due and payable in the calendar year, and as to which taxes no penalty for nonpayment or delinquency has attached.

Subd. 11. The board may also borrow money, in the manner and subject to the limitations hereinafter set forth, in anticipation of receipt of state aids for schools as defined in Minnesota Statutes and of federal school aids to be distributed by or through the state department. The aggregate of such borrowings remaining unpaid at any time shall never exceed 75 percent of such aids which are receivable by said

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school district in the calendar year in which the money is borrowed, as estimated and certified by the commissioner.

Subd. 12. The board may authorize and effect such borrowing, and may issue such warrants or certificates of indebtedness upon passage of a resolution, specifying the amount and purposes for which it deems such borrowing is necessary, which resolution shall be adopted by a vote of at least two-thirds of its members. The board shall fix the amount, date, maturity, form, denomination, and other details thereof, not inconsistent herewith, and shall fix the date and place for receipt of bids for the purchase thereof, and direct the clerk to give notice thereof.

Subd. 13. The proceeds of the current tax levies and future state aid receipts or other school funds which may become available, shall be applied to the extent necessary to repay such certificates or warrants and the full faith and credit of the school district shall be pledged to their payment. They shall mature not later than the anticipated date of receipt of school taxes for the current year or of the aids so anticipated as estimated by the commissioner, but in no event later than the last day of the calendar year in which issued. The certificates shall be sold at not less than par. The certificates shall bear interest after maturity until paid at the rate they bore before maturity, and any interest accruing before or after maturity shall be paid from any available school funds.

Subd. 14. The clerk of the board shall give notice of the proposed sale, as required by Minnesota Statutes, Chapter 475. At the time and place so fixed, such certificates may be sold by the board or its officers if authorized by the board, to the bidder who will agree to purchase the same on terms deemed most favorable to the district. Such certificates shall be executed and delivered as required by Minnesota Statutes, Chapter 475. The money so received shall be disbursed solely for the purposes for which such taxes are levied or aids are receivable.

Subd. 15. Any converted district located wholly or partly within a city of the first class is subject to a further limitation on its bonded indebtedness in addition to that imposed by Minnesota Statutes Chapter 475 in that no such district is subject to a net debt in excess of 20 percent of the assessed value of all taxable property therein.

Subd. 16. The board of an independent district located wholly or partly within a city of the first class may not levy taxes on real and personal property for school purposes in

any year at a mill rate to exceed the mill rate of such district or any predecessor district or on behalf of the district for the preceding year, except as authorized by this section. When such independent district results from the conversion of a special district, the amount of taxes from which the first mill rate of the new district is calculated shall include the estimated or agreed cost of all services which may have previously been furnished by the municipality without cost to the school district. The levy under this limitation shall not include levy for pensions, employee benefits, and debt service which shall continue to be levied separately as now provided by law. Nothing herein shall authorize a levy in excess of the limitation contained in Minnesota Statutes, Section 275.12.

Subd. 17. If the board desires to increase the tax limitation imposed by subdivision 16, it shall adopt a resolution which shall contain the following information:

(a) The then current mill rate limitation imposed upon the district by subdivision 16,

(b) The increase recommended by the board, together with a statement that it is the recommendation of the board to so increase the tax rate,

(c) Setting a date and place for a public hearing on the recommendation of the board. The date shall be not less than 20 nor more than 60 days from the date of the resolution.

Subd. 18. The board shall give two weeks' published notice of the public hearing. The notice shall contain a copy of the resolution.

Subd. 19. Not less than 10 days nor more than 80 days after this special meeting, the board may establish a new limitation not in excess of that contained in the notice of hearing on the maximum tax levy that can be imposed, expressed in dollars per resident pupil unit as used in Minnesota Statutes, Section 128.081. This new limitation shall not exceed the higher of the limitations calculated as provided in Minnesota Statutes Section 275.12. This new limitation shall take effect 60 days after the date of said resolution unless the people take action to reject the limitation in the manner provided in subdivision 20.

Subd. 20. If, within 60 days after the adoption of a resolution setting a new limitation, a petition is filed with the school board signed by qualified voters of the city equal in number to not less than five percent of those voting at the last previous school district election, which petition shall contain upon each page on which signatures appear a statement

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that the signers oppose the limitation established by the board, and requesting that the proposed new limitation be submitted to the people, for their approval or rejection, the board shall have the question submitted at the next election or at a special election called for that purpose. The board shall cause a notice of election to be published once each week for three consecutive weeks prior to the date of election in a daily newspaper of general circulation in the city announcing the forthcoming election and its purpose. The first publication shall be made not more than 30 days before the election. The ballot used at the election shall have printed thereon the following :

“Shall the maximum tax levy for school purposes proposed by the school board of (\$..... per capita) or (\$..... per resident pupil unit) in accordance with the resolution of the board dated be approved.

Yes.....

No.....”

Subd. 21. If a majority of those voting on the question vote in the affirmative, the proposed new limitation shall take effect otherwise the same shall be rejected.

Subd. 22. If the people of a special district located in any county containing more than 5,000 square miles desire to change their organization to an independent district they may proceed in accordance with this subdivision.

(1) The governing body of any special district, may, and upon the filing of a petition with the clerk of the district executed by at least 200 of the qualified voters of the district shall, by resolution, order a vote to be taken on the question of such conversion at a special election called for the purpose not less than 15 nor more than 60 days from the date of the resolution. The special election notice shall specify the question to be voted on and shall be given one week's published notice and ten days' posted notice in the district.

(2) If a majority of the votes cast at the election on the question approve the proposed conversion, the clerk of the district shall forthwith certify the results to the commissioner who shall, by order, assign an identification number to the district and determine a date not later than July 1 next following the election for the effective date of the change.

(3) If the special district is governed by a board of education, such board shall continue to hold office until the

next annual election for independent districts, to be held under the provisions of law governing annual elections, at which election seven members of the independent district shall be elected three for a one-year term, two for a two-year term and two for a three-year term until successors are elected and qualify.

(4) If a district is divided into separate election districts at the time of its conversion under this section such districts shall be continued and the board before the election of a new board shall specify the terms as one, two or three years to which members from each district shall be elected at the first election or the board may by resolution declare that members shall be elected at large.

(5) As of the effective date of the conversion effected under this section, all special laws and charter provisions relating to the converted district are repealed and the organization, operation, maintenance and conduct of the affairs of the district shall be governed by general laws relating to independent districts.

(6) As of the date of the election, if a majority of votes cast on the question favor the conversion to an independent district, the special district is dissolved and a new independent district is created. Title to all of the property, real and personal, of the dissolved district passes to the independent district and all current outstanding contractual obligations, including the bonded indebtedness, if any, of the special district, together with any legally valid and enforceable claims against the dissolved district are imposed on the new independent district.

(7) In any municipality where an existing pension law is applicable to employees of a special district such law shall continue to be applicable to the same extent to employees of the successor district.

(8) In any municipality where existing civil service provisions of any law or charter are applicable to special district employees, such provisions shall continue to be applicable in the same manner and to the same extent to employees of the successor district.

Such districts shall contract with the cities in which located for such facilities as are furnished by the civil service bureau, and unless the board and city governing body each adopts a resolution declaring that a particular function would be most efficiently and effectively handled separately, the board shall contract on a pro rata cost basis with the city for

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such facilities and services as are provided by the purchasing department comptroller, legal department and other services supplied by such cities, provided, however, that the board may contract for other legal services when the interests of such district and such city are in conflict in any legal matter and provided further that such board may contract for architectural services for the planning and construction of new school buildings when funds have been made available for construction of such school buildings.

ARTICLE IV

Section 1. [123.01] For purposes of this Article, the words defined in Article I, Sec. 2, have the same meaning.

Sec. 2. [123.11] Common school districts; meetings, elections. Subdivision 1. The annual meeting of all common districts shall be held on the last Tuesday in June, at eight 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 school house, the authorizing of an issue of bonds, the fixing of a school house site, or the organization as an independent district. At the annual meeting in a common district five legal voters shall constitute a quorum. The chairman and clerk of the 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 in an annual meeting to repeal and modify their proceedings. The polls at all meetings shall be open at least one hour.

Subd. 2. The annual meeting shall have power 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 two electors who with the assistance of the clerk shall supervise the balloting and canvass the votes.

Subd. 3. Any person desiring to be a candidate for a district office at the annual meeting of the district shall file with the clerk of the 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. The

application shall be filed not less than 12 days before the annual school district meeting. The clerk of the district, in his notice of annual meeting, shall state the names of the candidates for whom applications have been filed, failure to do so shall not affect the validity of the election thereafter held. At the annual meeting of common districts, nomination of candidates for offices may be made from the floor by any qualified voter.

Subd. 4. 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 with a blank space after such names, such ballots shall be marked and signed as official ballots, and the ballots so prepared by the clerk of the district shall be used to the exclusion of all other ballots at such annual meeting or election in the election of officers of the district.

Subd. 5. At the first meeting of each district, 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.

Subd. 6. A board member elected at an annual meeting upon notice from the clerk, shall, on or before the first Saturday in July, file with the clerk his acceptance of the office and his official oath. Any person appointed by the board or elected at a special meeting to fill a vacancy shall file in writing his acceptance of the office and his official oath within ten days after the notice of such appointment or election by the clerk. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but such filing, if made at any time before action to fill the vacancy has been taken, shall be sufficient.

Subd. 7. Upon the filing of a petition therefor, executed by five resident freeholders of the common district, specifying the business to be acted upon, or upon the adoption of a proper resolution, so specifying, signed by a majority of the members of the board, the clerk shall forthwith call a special meeting of the district upon ten days' posted notice and one week's published notice if there be a newspaper printed in such district and 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 qualified to vote of the district. No business except that named in the notice shall be transacted

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at such meeting. If there are not five voters who are freeholders in the district, or if there is not a board therein, the county superintendent may call a special meeting by giving notice thereof as provided in this section. The voters at a special meeting have power to repeal or modify their proceedings.

Sec. 3. [123.12] Boards of common school districts.
Subdivision 1. The care, management and control of a common district is vested in a board of three members to be known as the school board. The term of office of a member shall be three years, and until his successor qualifies. The board of each common district shall consist of a chairman, a treasurer, and a clerk. The board may by resolution establish a time and place for regular meeting and no notice of such meeting need be sent to any members of the board.

Subd. 2. The board shall submit to the annual meeting an estimate of the expenses of the district for the coming year for a school term as determined by the board 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 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.

Subd. 3. A vacancy in any board occurs when a member (a) dies, or (b) resigns, or (c) ceases to be a resident of the district, or (d) is unable to serve on such board and attend its meetings for not less than 90 days because of illness or prolonged absence from the district.

Subd. 4. A vacancy caused by a member being unable to serve on such board and attend its meetings for not less than 90 days because of illness or prolonged absence from the district, may, after the board has by resolution declared such vacancy to exist, be filled by the board for the remainder of the unexpired term, or until such ill or absent member is again able to resume his duties as a member of such board, whichever date is earlier. When such ill or absent member is again able to resume his duties as a member of the board, the board shall by resolution so determine and declare such person to be again a member of the board and the member appointed by the board in his place to be no longer a member thereof.

Subd. 5. Any other vacancy in a board shall be filled by the board at any regular meeting thereof or by a special meeting called for the purposes 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.

Subd. 6. A majority of the voting members of the board shall constitute a quorum. No contract shall be made or authorized, except at a regular meeting of the board or at a special meeting at which all members are present or of which all members have had notice. Special meetings of the board may be called by the chairman or any member upon notice mailed to each member at least three days prior thereto.

Subd. 7. The board 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; and prescribe textbooks and courses of study.

Subd. 8. The board shall make and, when deemed advisable, change or repeal rules relating to the organization and management of the board and the duties of its officers.

Subd. 9. The board shall visit each school at least once every three months.

Subd. 10. The clerk or secretary, treasurer, and superintendent of any district shall receive such compensation as may be fixed by the board. The other members of the board shall receive such compensation as may be fixed by the board but not to exceed \$5 per diem nor more than \$75 a year. All members of the board may receive reimbursement for transportation at the rate provided for in Minnesota Statutes, Section 350.11.

Subd. 11. The district shall pay the necessary expenses of the board, including \$5 per day for attending one meeting of the boards of the county in each year, when called by the county superintendent, and mileage according to section 350.11.

Subd. 12. 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 or the Minnesota Association of Public Schools, or the Metropolitan Area School Board Association, and appoint one or more of its members to attend its annual meeting. The amount of annual membership dues in the association and actual and necessary expense incurred in attending such meeting shall be paid as other expenses of the district are paid.

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Subd. 13. The board of any district may become a member of the county school officers' association of the county and shall appoint one or more of its members to attend the annual meeting thereof. The amount of the annual membership dues in such association shall not exceed \$5, which amount shall be paid as other expenses of the district are paid.

Subd. 14. At its first meeting following July 1 each year, the board shall designate, by resolution, as the official newspaper of the district, some legal newspaper of general circulation within the district, and contract with such newspaper for its publications. If there is more than one such newspaper, the board shall let such contract to the lowest responsible bidder at the earliest practicable date. All notices and proceedings required by law to be published by the board shall be published in the official newspaper so designated. The fees for such publication shall not exceed the fees for publication of legal notices as prescribed by Minnesota Statutes.

Sec. 4. [123.13] Officers of common school districts. Subdivision 1. The chairman, when present, shall preside at all meetings of the board and of the district; countersign all orders upon the treasurer for claims allowed by the board; represent the district in all actions and 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.

Subd. 2. The treasurer shall receive and be responsible for all money in the district and 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 and shall be so drawn that when signed by the treasurer in an appropriate place, it becomes a check on the school district depository. He shall keep an account of each fund, and of all receipts and disbursements showing the sources of all receipts and the nature and purpose of disbursements. He

shall deposit the funds of the district in the official depository in accordance with the provisions of law.

Subd. 3. Within three days preceding the last Tuesday in June, the treasurer shall file with the clerk, a report of his balances, receipts and disbursements by funds for the year. 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 a further or amended report may be required by the board. He shall make such further reports as may from time to time be called for by the board and perform all duties usually incumbent on such officer.

Subd. 4. In the event that valid warrants are presented to the treasurer for payment, and he has insufficient funds on hand to pay them, he shall receive, endorse and process them in accordance with Chapter 124, Article II, Section 2.

Subd. 5. Every district treasurer shall give a corporate surety bond to the state, the board to fix the specific amount of the bond in an amount that will protect the interest of the district and pay the premium therefor, and the bond to be approved by the board and conditioned for the faithful discharge of his official duties. The 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 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 auditor and the auditor shall not deliver any warrants for tax settlements or state aids until such bond has been filed.

Subd. 6. When the duty devolves upon any person employed by a board to receive money and pay it over to the treasurer of the district the district shall require a bond from such person and pay all premiums therefor. The amount of each bond shall be fixed by the board and the bond approved by it. The bond shall be not less than \$500 conditioned for the faithful performance of his duty and shall be filed with the clerk. In lieu of individual bonds the district may prescribe and keep in effect a schedule or position insurance policy or blanket bond in such aggregate amount as the district determines insuring the fidelity of such persons in the amount of not less than \$500 for each such person.

Subd. 7. The clerk shall keep in books provided for

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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 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 commissioner;
3. The length of school term and the enrollment and attendance by grades;
4. The names and post-office addresses of all board members and officers; and
5. Such other items of information as may be called for by the state commissioner.

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 a clerk pro tem, and keep an itemized account of all the expenses of the district. 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 auditor of the proper county, 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; 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 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. 5. [123.14] General powers of common school districts. Subdivision 1. The board shall have the general charge of the business of the district, the school houses, and of the interests of the schools thereof.

Subd. 2. It shall be the duty and function of the district to furnish school facilities to every child of school age residing in any part of the district. It shall establish and organize, and 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.

Subd. 3. The voters of the district may authorize the issuance of bonds of the district in accordance with the provisions of Minnesota Statutes, Chapter 475.

Subd. 4. The board shall employ and contract with necessary qualified teachers and discharge the same for cause, but no substitute teacher shall be hired except to replace a regular teacher on leave of absence or in an emergency of less than one school year's duration.

Subd. 5. The board may provide library facilities as part of its school equipment according to the standards of the state board of education.

Subd. 6. The board may establish and maintain public evening schools and adult education programs as a branch of the public schools, and such evening schools and adult education programs 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.

Subd. 7. The board may purchase all necessary books and school supplies for indigent pupils.

Subd. 8. The board shall furnish free textbooks to all pupils.

Subd. 9. The board may furnish school lunches for pupils and teachers on such terms as it determines.

Sec. 6. [123.15] Schoolhouses and sites, common school districts. Subdivision 1. When authorized by the voters at a regular meeting or at a special meeting called for that purpose, the board may acquire necessary sites for school houses, or enlargements or additions to existing school house sites, by lease, purchase, or condemnation under the right of eminent domain; lease, erect or purchase garages for district-owned school buses; and sell or exchange school houses or sites and execute deeds of conveyances thereof. It may acquire by lease, purchase, or condemnation under eminent domain suitable tracts of land either within or without the district for the purpose of instruction, experimentation, and demonstration in agriculture. In any village or city, a school site when practicable shall contain at least one block, and, if outside of any city or village, two acres; and when any school house site shall contain less than such amount the board may,

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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. When property is taken by eminent domain by authority of this subdivision, when needed by the district for such purpose, the fact that the property so needed has been acquired by the owner under the power of eminent domain, or is already devoted to public use, shall not prevent its acquisition by the district.

Subd. 2. The annual meeting or election shall have power to designate a site for a school house and provide for building or otherwise placing a school house thereon, when proper notice has been given; but a site on which a school house stands or is begun shall not be changed except by vote therefor, of three-fifths of the voters of the district voting on the question.

Subd. 3. When authorized by a two-thirds majority of all the electors voting at an annual or special meeting, the board may erect, purchase, or acquire a dwelling house for the use of its teachers; provided 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.

Subd. 4. The board shall provide proper sanitary facilities for the schools, plant shade trees and shrubbery and otherwise improve school sites, procure insurance on school property, and make proper ordinary repairs thereon.

Subd. 5. The board may build or assist in building sidewalks for the use of pupils and the general public connecting with sidewalks in municipalities and leading to the school house. The governing body of any municipality may likewise appropriate money for the same purpose or to assist the district.

Subd. 6. When necessary, the board shall lease rooms for school purposes.

Subd. 7. The board shall purchase, sell and exchange school apparatus, furniture, stoves, buses and other equipment as may be deemed necessary by the board for school purposes.

Subd. 8. The board shall provide for the heating and care of school houses and rooms and may provide for the heating and care of garages which house school buses.

Subd. 9. The board may contract for the furnishing of heat for its buildings for such a term as it may deem for the best interest of the district, not exceeding ten years. Where

it is necessary to lay mains or pipes to connect these buildings with its heating system, the district is authorized to advance all, or any part, of the cost thereon upon such terms and conditions as shall be agreed upon.

Subd. 10. The board may authorize the use of any school houses in the district for divine worship, Sunday schools, public meetings, elections 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 a cash or corporate surety bond in a reasonable amount conditioned for the proper use of such school house, the payment 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 school house such reasonable compensation as it may fix.

The board may authorize the use of any school houses or buildings in and of the 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.

Sec. 7. [123.16] Common school districts, contracts. Subdivision 1. No contract for work or labor, or for the purchase of furniture, fixtures, or other property, except books registered under the copyright laws, or for the construction or repair of school houses, the estimated cost or value of which shall exceed \$2,000, shall be made by the board without first advertising for bids or proposals by two weeks' published notice in the official newspaper. Such notice shall state the time and place of receiving bids and contain a brief description of the subject matter. Additional publication in the official newspaper or elsewhere may be made as the board shall deem necessary.

Every such contract shall be awarded to the lowest responsible bidder, 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 law. If no satisfactory bid is received, the board may readvertise.

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 interest would suffer by delay, contracts for repairs may be made without advertising for bids.

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Subd. 2. Members of the board are authorized to contract with, do work for, and furnish supplies to the school district subject to the provisions of Minnesota Statutes, Section 471.87.

Subd. 3. Any contract made by the board for the rental of rooms for school purposes, or for the free transportation of pupils to and from schools, or for the rental of any facility or facilities owned or operated by or under the direction of any private organization, shall be effective until disapproved by the commissioner, and all such contracts shall be submitted to him for approval immediately after being signed by the parties.

Subd. 4. The commissioner shall approve each such contract unless it appears from the information available to him that:

(a) The amount to be paid by the school district concerned for the rooms or facilities rented, or for the transportation to be furnished, under such contract substantially exceeds the reasonable value thereof;

(b) The rooms or facilities to be furnished are not reasonably required for or suitable to the operation of the schools of the district, or the transportation contracted for is not suitable to the requirements of the district; or the contract does not provide adequately against any encroachment on or interference with the conduct of a public school, or

(c) The contract does not conform to law or a duly promulgated regulation of general application of the state board of education.

Subd. 5. If the commissioner determines that one or more of such circumstances (a), (b) and (c) exists, he shall notify the district board, giving it a reasonable stated time in which to meet the objections specified in the notice. If the contract is not so changed within that time, it shall be disapproved by the commissioner. If the contract is approved the commissioner shall so notify the board. The commissioner's action together with a statement as to whether or not a petition to review such action has been filed as hereinafter provided, shall appear in the proceedings of the next meeting of the board, held after receipt of notice from the commissioner, and the proceedings shall briefly identify the contract approved or disapproved.

Subd. 6. The determination of the commissioner disapproving a contract shall be subject to the review of the

state board of education, on the petition of the board, made pursuant to its resolution.

Subd. 7. The determination of the commissioner approving a contract shall be subject to the review of the state board of education, on the petition of voters of such district equal in number of five percent of those who voted at the last annual election or annual meeting of the district, except that there shall be at least five petitioners and that no more than 25 petitioners shall be required. Such petition must be filed in duplicate with the commissioner on or before the tenth day after the publication of the proceedings of the meeting of the district board which show the determination of the commissioner, the review of which is asked, or the thirtieth day after such determination, whichever date is earlier.

Subd. 8. Such petition shall:

(a) Identify the determination of the commissioner sought to be reviewed and the contract in question by the names of the parties to it, and

(b) Allege the grounds upon which the determination of the commissioner is claimed to have been erroneous, but such allegation may be on information and belief of the petitioners, and

(c) State the names, post office addresses, and voting residences of the petitioners, and

(d) State the person or persons, not more than three, and their respective post office addresses, who are authorized to receive for all of the petitioners any notices with respect to the review or any subsequent proceeding. A person, not a resident of the district, may be so named.

Subd. 9. Upon the filing of a proper petition, the commissioner shall set a time and place for hearing thereof, which shall not be less than ten nor more than 30 days after such filing. He shall cause notice of such hearing to be given by mail to the parties to the contract affected and to the person or persons named in the petition as authorized to receive notice, and in addition shall cause a notice thereof to be published in a newspaper qualified to publish proceedings of the district board concerned.

Subd. 10. The state board shall adopt rules governing the proceedings for review not inconsistent with the requirements hereof. Such rules shall be designed to give a full and fair hearing and to permit interested parties an opportunity to produce evidence relating to the issues involved. Such rules

may provide that any question of fact to be determined upon such review may be referred to one or more members of the board or to an employee of the state board of education acting as a referee to hear evidence and report to the state board the testimony taken.

Subd. 11. The state board, or the parties to the proceedings, or any person designated to receive evidence upon a review shall have the same right to issue and procure subpoenas and administer oaths as are granted in proceedings before the industrial commission. There shall be a stenographic record made of all testimony given and other proceedings during such hearing, and as far as practicable, rules governing reception of evidence in courts shall obtain.

Subd. 12. The decision of the state board shall be in writing and the controlling facts found upon which the decision is made shall be stated in sufficient detail to appraise the parties and the reviewing court of the basis and reason of the decision. If it is the decision of the state board that none of the grounds of disapproval specified herein exist, the contract in question shall be approved; if it is the decision of the state board that one or more of those grounds exist, the contract shall be disapproved.

Subd. 13. The decision of the state board may be reviewed on certiorari by the district court of the county in which the school district or any part thereof is located, and the reasonableness of the State board's decision under all the circumstances of the case shown by the record will be of a judicial question of fact.

Subd. 14. The fact of approval or disapproval of a contract shall not be evidence in any civil or criminal proceeding growing out of the making or performance of the contract or related to the official conduct of the members of the district board. Proceeding or failure to proceed shall not preclude any civil or criminal action otherwise proper. Necessary costs and disbursements, exclusive of those incurred in the administrative proceedings, on review by certiorari shall be taxed against the losing party and in the event taxed against the state shall be paid from the appropriations made to the state department of education for the payment of special state aids.

Sec. 8. [123.17] Extracurricular activities of common school districts; insurance. Subdivision 1. Whenever it shall appear to be beneficial and for the best interest of the district and the pupils of the district to carry on any school sport activities or educational activities connected with their studies outside of the territorial limits of the district, the

board may authorize such activities to be conducted under such rules and regulations as the board deems sufficient. The district may pay all necessary costs therefor from the school funds available including transportation.

Subd. 2. The board, may, and upon vote of the district, shall take charge of and control all school and quasi school activities of the teachers and children of the public schools in that district held in the school buildings or school grounds or under the supervision or direction of the school board and to that end adopt rules and regulations for the conduct of athletic, oratorical, musical, dramatic and other contests and entertainments in which the school 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 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 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 purposes of examination and auditing. Any donations to the 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 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 board shall act under the provision of this subdivision shall be participated in by the teachers of 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 board.

Subd. 3. The board of any district in this state may enter into a contract providing for the payment of cash benefits or the rendering or payment of hospital and medical benefits, or both to school children injured while participating in the athletic or supervised physical activities of the school, such contract to make the payment of such benefits or the rendering thereof the direct and sole obligation of the association or company entering into such contract with the district.

If the board deems it advisable, it may authorize em-

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ployees to collect fees from the pupils enrolled in said school who are to be or are covered by such contract, and to make payment of the premium or other charge for such contract or protection, provided payment of such premium or other charge shall not be made from funds received from the federal government or from the state or any governmental subdivision thereof, nor from funds derived by a tax levy or the issuance of bonds.

The payment of any fees, premium or other charge by such child shall not thereby make the district liable for any injuries incurred from such athletic or supervised physical school activities.

Subd. 4. Insurance laws not applicable to certain associations. The insurance laws of this state shall not apply to non-profit benefit and relief associations formed by the public schools or offices of public schools or the Minnesota State High School League, the privileges of which and applications for membership in which are confined to pupils of the schools, and the benefits and relief to be derived therefrom are limited to pupils injured or disabled from participation in school athletics or any supervised school activity.

Sec. 9. [123.18] Common school districts, transportation. Subdivision 1. The board 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, when funds are available therefor and if agreeable to the district to which it is proposed to transport the pupils, for the whole or a part of the school year as it may deem advisable, and subject to its rules. Every driver shall possess all the qualifications required by the rules of the state board of education.

Subd. 2. The board may enter a contract for the purpose of providing transportation.

Subd. 3. The board may purchase school buses either outright or on the installment plan, installments to be all paid within a period not to exceed three years from the date of purchase. On the deferred payments, the rate of interest is not to exceed four percent per annum.

Subd. 4. The board may provide for the instruction of any resident pupil in another 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, that such pupil shall continue to be a pupil of the district of his residence for the payment of apportionment and other state aids.

Subd. 5. The board may provide for the admission to the schools of the district of non-resident pupils, and those above school age, and fix the rates of tuition for such pupils. In case a person owns land and pays the taxes thereon, in a district other than the one in which he resides, then such person or his tenant shall be admitted to all benefits of said school the same as residents therein in respect to elementary pupils upon conforming to such reasonable terms for tuition and transportation as the board of education of such school district may have established for non-residents, except that he shall be entitled to have the amount of school taxes which he pays to the support of said district applied in payment of said tuition and transportation fees. In the payment of state aid, the district in which the pupil attends shall be considered the district of his residence because of the provisions of this subdivision.

Subd. 6. The board may transport pupils residing outside of the district but attending school therein upon pupils presenting themselves within the district on one of the regular routes traveled in the transportation of the pupils of the district.

Subd. 7. If high school pupils from a district within this state are being transported to a school in another state, the school board of the district from which the pupils are being transported may provide free transportation and tuition for any or all of its elementary pupils to such school in another state and be entitled to state aid as provided by law.

Subd. 8. The board may rent to any person, for any lawful purpose, any school bus owned by the district. The use and operation of such bus by such person shall not interfere with the use and operation of such bus by the district for the transportation of school children to and from school. Any such lessee so leasing or renting buses may use and operate the same as provided in this section without the payment of a motor vehicle tax thereon as provided by law. Any such lessee shall be liable for any and all claims for injuries and damages arising out of the use and operation of any bus so leased or rented; and the leasing or renting of any such bus shall be conditioned upon said lessee or renter procuring, at its own expense, insurance protecting the board and district against any and all claims for injuries and damages arising out of the use and operation of said bus.

Subd. 9. The board may provide for the protection of

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school children in the district being transported for all school purposes or activities in the district owned, operated, leased or controlled motor vehicles, against injuries or damages arising out of the operation thereof. If the board deems it advisable, insurance may be procured and paid for from any funds available. 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 district is engaged in a governmental function. The payment of any insurance premiums by such district shall not thereby make the district liable for any injuries or damages incurred by such transportation.

Subd. 10. The board may provide and pay the premiums for the protection for school children, instructors and automobile owners, and any other agency cooperating in providing cars for districts where driver training courses are being offered, against public liability, property damage, collision, fire and theft, arising out of the operation of any vehicle used in the course. Nothing herein shall make the district liable for injuries resulting from the actions of such persons.

Subd. 11. The board may provide and pay the premiums for insurance against injuries resulting to its pupils while assigned to and acting on a school safety patrol which insurance may provide for the payment of either cash benefits to such injured pupil or for the payment of hospital and medical benefits to or for such injured pupil, or both. Nothing herein shall be construed to in any way make the district liable for such injuries.

Subd. 12. The board is authorized to enter into contracts for the removal of snow from the roads used for regular bus routes transporting pupils to and from school either within or without the district.

Subd. 13. No board shall enter into any agreement for the transportation of pupils in any motor vehicle, or operate any bus, with a seating capacity of more than ten passengers, unless each vehicle used for such purpose has an emergency exit located in the center of the rear portion of the bus body, and the exit to be in condition for use at all times. No board shall hereafter purchase any bus with a seating capacity of more than 48 pupils, if such bus is to be used on rural roads or highways, unless it be mounted on a chassis equipped with an additional trailer axle that is to be used during the spring of the year when roads are restricted to four-ton axle load. No board shall hereafter enter into any agreement for the transportation of pupils on rural roads or highways in any motor vehicle which has a seating capacity of more than 48 pupils

unless it be mounted on a motor chassis equipped with an additional and suitable trailer axle to be used during the spring of the year when highways are restricted to four-ton axle load. This trailer rear axle requirement shall not however apply to a bus purchased or operated by a board of any district or by a contract hauler in those cases where the routes over which such bus is to be operated shall first have been approved by the local town or county road authorities concerned or in the case of trunk highways by the state commissioner of highways. Existing agreements for buses for the transportation of pupils in motor vehicles with a capacity of more than 48 pupils may be renewed for the particular motor vehicles named in said existing agreements even though such bus be not mounted on a chassis equipped with trailer rear axles. All such vehicles used in the transportation of pupils shall conform to the rules and regulations of the state board of education.

Sec. 10. [123.19] Common school districts, specific powers and duties. Subdivision 1. The board shall defray the necessary expenses of the board, including record books, stationery, and other incidental matters as may be proper.

Subd. 2. The board shall provide for the payment of all just claims against the district in cases provided by law.

Subd. 3. In all proper cases, the board shall prosecute and defend actions by or against the district.

Subd. 4. The board may receive, for the benefit of the district, bequests, donations or gifts for any proper purpose and apply the same to the purpose designated.

Subd. 5. The board may make rules and regulations respecting and providing for the protection of and use of the property of the district, and change or repeal such rules.

Subd. 6. The district may employ qualified accountants for the purpose of auditing, examining and reporting upon the books and records of account of the district.

Subd. 7. The district may destroy the following records:

- (1) Claims and vouchers paid by the district more than ten years prior to such destruction;
- (2) Receipts, miscellaneous papers and correspondence bearing dates more than ten years prior to destruction;
- (3) Orders and checks paid more than ten years prior to destruction.

The officer having custody of said records shall obtain written approval of the governing body of the district. The

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approval shall be in the form of a resolution listing the classes of records authorized to be destroyed and the range of dates of the records in each class. A copy of the resolution consenting to the destruction of such records shall be sent to the Minnesota State Historical Society. If no petition or application requesting the records from the historical society is received by said district within 30 days after mailing of the resolution the records shall be destroyed by the officer having custody.

This subdivision is supplementary to other statutory authority to destroy obsolete district records and does not prevent destruction of such records at an earlier time or the destruction of other records when authorized by other statutory provisions.

Sec. 11. [123.20] Board of common school district may procure liability insurance for officers and employees. The governing body of any common school district may procure insurance against liability of the school district or of its officers and employees for damages resulting from wrongful acts and omissions of the school district and its officers and employees, whether the acts or omissions relate to governmental or proprietary functions of the school district. Insofar as this insurance relates to governmental functions of the school district, the policy of insurance shall contain a provision under which the insurance company agrees to waive the defense of governmental immunity up to the limits of the policy unless the school district consents to the assertion of that defense.

Sec. 12. [123.21] Limitation of sections. Material contained in Article IV, sections 1 through 11, unless expressly stated otherwise, relates only to common school districts.

Sec. 13. [123.31] Independent school districts, voting machines used at elections. Subdivision 1. The school board of any independent school district, at any regular meeting, or special meeting called for that purpose, may provide for the use of voting machines at all elections to be held therein. Said school board and any municipal corporation, owning or using voting machines may enter into an agreement for the rental and use of said voting machines by said school district for school elections in said district.

Subd. 2. The provisions of Minnesota Statutes, Chapter 209, shall apply to the use of voting machines in school elections insofar as applicable.

Sec. 14. [123.32] Independent school districts, elections. Subdivision 1. Unless a different date is permitted

under the provisions of subdivision 22, the annual election in independent districts shall be held on the third Tuesday in May.

Subd. 2. At least 15 days before the election, the board shall, by resolution, determine precinct boundaries, if more than one is desired, and establish polling places for each precinct and appoint three election judges for each polling place and determine the hours the polls shall be open. If no action is taken by the board, the precinct boundaries and polling places shall be the same as those of the preceding election in the district.

Subd. 3. The clerk of the district shall give ten days' posted notice of the election and also if there be a newspaper published in the district, one week's published notice shall be given. The notice shall specify the time, place and purpose of the election, and shall contain information concerning the precincts, polling places and hours the polls shall be open.

Subd. 4. At the annual election board members shall be elected to fill vacancies on the board caused by expiration of term on July 1 next following the election. Any person desiring to be a candidate for a district office at the election shall file with the clerk of the district a written application to be placed on the ballot for such office, or any five voters of the district may file such written application for or on behalf of any qualified voter in the district that they desire shall be such candidate. The application shall be filed not more than 30 nor less than 12 days before the election.

Subd. 5. 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 with the same number of blank spaces for the insertion of names of other candidates as there are members to be elected. The ballots shall be marked and initialed by at least two judges as official ballots and shall be used exclusively at the election. Any proposition to be voted upon shall be stated separately on the ballot. Voting shall be by secret ballot.

Subd. 6. Election judges may be paid by the district at a rate not to exceed \$1 per hour. The election judges shall act as clerks of election, count the ballots cast, and submit them to the board for canvass.

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Subd. 7. The board of any independent school district, at any regular meeting, or special meeting called for that purpose, may provide for the use of voting machines at all elections to be held therein. Said board and any municipal corpo-

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ration, owning or using voting machines, may enter into an agreement for the rental and use of said voting machines by said district for school elections in said district. The provision of Minnesota Statutes, Chapter 209, shall apply to the use of voting machines in school elections insofar as applicable.

Subd. 8. After canvassing the election, the board shall issue a certificate of election to the candidate for each office who received the largest number of votes cast for the office. The clerk shall deliver such certificate to the person entitled thereto by registered mail, and each person so certified shall file an acceptance and oath of office in writing with the school district clerk within 30 days of the date of mailing of the certificate. 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.

Subd. 9. Any independent district may for the purpose of the election of board members alter its organization into separate election districts by the following procedure.

Subd. 10. Except in an independent school district located wholly or partly within a city of the first class upon resolution of the board which resolution may be made on its own motion or shall be made upon presentation of a petition therefor signed by at least 50 electors of the district, the board shall divide the district into as many separate election districts as there are members of the board, which proposal shall be submitted to an election as hereinafter provided.

Subd. 11. The election district lines drawn in cities or villages shall follow the lines of streets or highways, and in areas outside of cities or villages the lines drawn shall follow the lines of sections or quarter sections or highways.

Subd. 12. No one election district shall contain more than 20 percent of the total population of the district according to the most recent state or federal decennial census; or the district may conduct a special census for the purpose.

Subd. 13. The board shall designate each election district by number and by a metes and bounds description sufficient and adequate to permit identification of the geographical limits of the area.

Subd. 14. The board shall make its determination by a resolution within six months after the resolution of the board authorizing the establishment of election districts.

Subd. 15. Boundaries of separate election districts

once established under provisions of this section or boundaries of election districts in independent districts which have converted from special districts may be changed or altered by the electorate of a district voting upon a question presented in the manner required by this section for initial establishment of such separate election districts, except that the initiating petition for change of boundaries must be signed by at least 250 voters of the school district.

Subd. 16. Upon adoption of such division of the district by resolution the board shall cause its decision to be voted upon by the electorate at a special election called for the purpose.

Subd. 17. Such election shall be held on the notice and in the manner provided by law for the conduct of special elections.

Subd. 18. The question presented at the special election shall be: "Shall the school district be reorganized into election districts with boundaries as established in Resolution No. of the school board, dated"?

Yes

No"

Subd. 19. If the resolution is approved by a majority of those voting at the election the board shall forthwith meet, and by resolution establish a separate polling place for each election district. Polling places for two or more election districts may be located in the same building. Adequate precautions for proper division of the vote among election districts shall be taken by the board.

Subd. 20. Any qualified voter may file with the clerk of the district an application to be placed on the ballot in his particular election district as a candidate for office as a member of the school board from such district.

Subd. 21. At the next election of board members, and at each election thereafter held to elect members of the board, one and only one member of the board shall be elected from each election district established under the provisions of this section.

The board shall specify the election districts from which vacancies shall be filled as they occur until such time as the representation specified in this section is attained.

Subd. 22. The board of an independent district may and upon petition of 50 or more voters of the district or five

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percent of the number of votes cast at the preceding regular election, whichever is the greater, shall by resolution call a special election to vote on any matter requiring approval of the voters of the district. The clerk of the district shall give ten days' posted notice and one week's published notice of election, if there be a newspaper published in such district. The notice shall specify the time and place of election, and the questions to be submitted to the voters at the election. The procedure for a special election shall be the same as for a regular election.

Subd. 23. (1) Unless action is taken by the board under subparagraphs (2) and (3) of this subdivision, in a district which is reclassified to an independent district from a county district or a common district containing ten or more townships, by provisions of this code, the board of such district shall continue to govern the district until July 1 following the next annual election as provided for independent districts, at which election six members shall be elected at large from the district, two members for a one-year term from July 1 next following the election, two members for a two-year term from said July 1, and two members for a three-year term from said July 1, to serve until a successor is elected and qualifies; if such district is reclassified to an independent district from a common district of ten or more townships containing less than ten schools, the board of such district shall continue to govern the district, and the members presently serving shall continue to the end of their term. At the next annual election of school board members following July 1 following the adoption of the code, two members shall be elected for a three-year term and one member for a two-year term each commencing on July 1 next following the election. Thereafter, members shall be elected as in independent districts.

(2) In any district which is reclassified from a common district of ten or more townships to an independent district by the provisions of this code, the election of the board members may be held biennially concurrently with the general elections in the areas by resolution of the board made within 90 days of the adoption of this code. Board members presently serving shall continue in office until the expiration of the term to which they were elected. At the next general election following the adoption of the code, board members shall be elected to fill all vacancies then occurring and any vacancies caused by reclassification to an independent district. Provided that three board members shall be elected for a term of four years each and any necessary additional board members shall be elected for a term of two years each, to serve until a successor is elected and qualifies. The term of members shall com-

mence on the first Monday in January following the general election. Thereafter, three members shall be elected at each general election for a term of four years from the first Monday in January following the general election.

(3) If a reclassified district was a county district and if the board of such district determines, by resolution, to retain its organization providing for area representation and a five man board, a resolution affecting such organization may be adopted by the board at any time before 30 days before the next election following the effective date of this code. The resolution, if adopted, shall divide the district into five election districts coterminous with the county commissioner districts, and shall specify the terms to which members from each election district shall be elected so as to provide for a continuation of the present organizational structure of the board. In a district which is reclassified to an independent school district from a county district by provisions of this code, the election of board members may be held biennially from county commissioner districts as now established concurrently with the general elections in the areas upon resolution of the board adopted at least 30 days before the election next following the effective date of this code. If such a resolution is adopted, board members presently serving shall continue in office until the expiration of the term to which they were elected to serve until a successor is elected and qualified. Thereafter, vacancies caused by expiration of term shall be filled at each general election for a term of four years from the first Monday in January following the general election. Districts reclassified as independent districts that were county districts shall also have the powers and duties contained in Sections 123.26 to 123.29 in addition to their status as an independent district.

Subd. 24. (a) Any person entitled to vote in an election in an independent district who will be absent from the district at the time the election is held, or who by reason of physical disability or religious discipline will be unable to appear at the polling place at the time the election is held, may vote by mail in accordance with this act.

(b) Not more than 25 nor less than 5 days before the election a voter desiring an absentee ballot shall make a request in writing for an absentee ballot to the clerk of the district. The request shall be made in person or by registered mail and shall state substantially the following: a) the permanent address of the applicant; b) the reason the applicant cannot vote in person; c) that the applicant wishes a ballot for (date election to be held); and d) that the applicant will be qualified to vote at the election. The application shall be signed

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and sworn before an officer authorized to administer oaths. The temporary mailing address, if any, of the applicant shall be included in the request.

(c) As soon as the ballots are printed, the clerk shall, by certified mail or in person, deliver a ballot to each applicant. The clerk also shall furnish a "ballot envelope" and a return envelope, both envelopes addressed to the clerk of the district.

(d) Together with the ballot and envelopes the clerk shall furnish an instruction sheet to each applicant. The sheet shall read:

"Absentee Voting.....School District No."

Instructions

1. Mark your ballot in the usual manner making certain that no one observes how you vote.
2. Enclose ballot in 'ballot envelope' and seal. Do not make any marks on ballot envelope.
3. Place sealed 'ballot envelope' in regular mailing envelope furnished to you.
4. Execute certificate on bottom of this sheet and enclose with 'ballot envelope' in regular envelope and mail not later than two days before the election. If your ballot is received by the clerk after the close of the polls, it will not be counted.

CERTIFICATE

I,, hereby certify that I am a legal resident of School District Number; that I am years of age and reside at; that I am under no legal disability to vote; that I am entitled to vote at this election in the district, and I will not vote in any manner other than by the ballot contained in the enclosed 'ballot envelope.'

....."

(e) At the close of the polls but before any ballots are counted, the clerk shall deliver unopened all regular mailing envelopes which have come into his possession and all ballots delivered to him by the officers or employees of the United State Post Office Department prior to the opening of the ballot boxes by the judges together with all applications for absentee ballots to the judges of election at the proper polling places.

(f) Before opening the ballot boxes, the judges shall

inspect the regular envelopes to ascertain that they were properly mailed and then open the regular envelopes and compare the signature on the certificate contained in the envelope with the signature as it appears on the application for absentee ballot. Having satisfied themselves that the vote should be allowed, one of the judges shall deposit the unopened "ballot envelope" in the ballot box.

(g) Ballots received by the clerk after the count has been begun by the judges are void.

(h) The board is authorized to provide necessary funds to the clerk for the execution of this chapter.

(i) In any district where permanent registration of voters is required no ballot may be accepted from any voter who is not validly registered.

(j) Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any application for an absentee ballot; any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do an act contrary to the terms and provisions of this chapter with intent to cast an illegal vote in any district or to aid another in so doing shall be guilty of a felony.

Subd. 25. (a) Any voter may contest the election of any person for or against whom he had the right to vote, who is declared elected to a school district office, or other questions submitted to public vote, by proceeding as follows:

He shall file with the clerk of the district court of the county in which the administrative office of the school district is located, within 10 days after the canvass is completed, a written notice of contest specifying the points upon which the contest will be made, and cause a copy thereof to be served within said period as follows:

(1) If the contest be upon the election of any person, then upon the person whose election he is contesting and the official authorized to issue the certificate of election;

(2) If the contest be upon the question of consolidation or reorganization, then upon the county superintendent authorized by law to issue the order;

(3) If the contest be upon any other question, by serving a copy upon the clerk of the district.

When the contestee desires to offer testimony on points

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not specified in contestant's notice, he shall file and serve on the contestant notice thereof specifying such additional points. Such notices shall be treated as the pleadings in the case and may be amended in the discretion of the court in such manner and within such times as the court may by order direct. Thereafter the matter shall be tried and determined by the court at a time set by the court within 30 days after such canvass. So far as consistent with this section, the Rules of Civil Procedure shall apply.

(b) When an appeal is taken to the supreme court from the determination of the district court in any contest instituted under this code, the party appealing shall file in the district court a bond in such sum, not less than \$500, and with such sureties, as shall be approved by the judge, conditioned for the payment of all costs incurred by the respondent in case appellant fails on his appeal. The return of such appeal shall be made, certified, and filed in the supreme court within 15 days after service of notice of appeal. The appeal may be brought on for hearing in the court at any time when it is in session, upon ten days' notice from either party, which may be served during term time or in vacation; and it may be heard and determined summarily by the court.

Sec. 15. [123.33] · Boards of independent school districts. Subdivision 1. The care, management, and control of independent districts shall be vested in a board of directors, to be known as the school board. The term of office of a member shall be three years and until his successor qualifies. The membership of the school board shall consist of six elected directors together with such ex officio member as may be provided by law. But the board may submit to the electors at any school election the question whether the board shall consist of seven members and if a majority of those voting on the proposition favor a seven member board, a seventh member shall be elected at the next election of directors for a three-year term and thereafter the board shall consist of seven members.

Subd. 2. A vacancy in any board occurs when a member (a) dies, or (b) resigns, or (c) ceases to be a resident of the district, or (d) is unable to serve on such board and attend its meetings for not less than 90 days because of illness or prolonged absence from the district.

Subd. 3. A vacancy caused by a member being unable to serve on such board and attend its meetings for not less than 90 days because of illness or prolonged absence from the district, may, after the board has by resolution declared such vacancy to exist, be filled by the board at any regular or spe-

cial meeting thereof for the remainder of the unexpired term, or until such ill or absent member is again able to resume his duties as a member of such board whichever date is earliest. When such ill or absent member is again able to resume his duties as a member of the board, the board shall by resolution so determine and declare such person to be again a member of the board, and the member appointed by the board in his place to be no longer a member thereof.

Subd. 4. Any other vacancy in a board shall be filled by the board at any regular or special 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.

Subd. 5. A majority of the voting members of the board shall constitute a quorum. No contract shall be made or authorized, except at a regular meeting of the board or at a special meeting at which all members are present or of which all members have had notice. Special meetings may be called by the chairman or clerk or any three members upon notice mailed to each member at least three days prior thereto.

Subd. 6. The board shall make and when deemed advisable change or repeal rules relating to the organization and management of the board and the duties of its officers.

Subd. 7. The board 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; and prescribe textbooks and courses of study.

Subd. 8. The board 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.

Subd. 9. The board of any district may become a member of the county school officers' association of the county and shall appoint one or more of its members to attend the annual meeting thereof. The amount of the annual membership dues in such association shall not exceed \$5, which amount shall be paid as other expenses of the district are paid.

Subd. 10. 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 or the Minnesota Association of Public Schools, or the Metropolitan Area School

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Board Association, and appoint one or more of its members to attend its annual meeting. The amount of annual membership dues in the association and actual and necessary expense incurred in attending such meeting shall be paid as other expenses of the district are paid.

Subd. 11. The board shall cause its official proceedings to be published once in the official newspaper of the district. Such publication shall be made within 30 days of the meeting at which such proceedings occurred.

Subd. 12. The clerk, treasurer, and superintendent of any district shall receive such compensation as may be fixed by the board. Unless otherwise provided by law, the other members of the board shall receive such compensation as may be fixed by the board but not to exceed \$5 per diem nor more than \$75 a year. All members of the board may receive reimbursement for transportation at the rate provided for in Minnesota Statutes, Section 350.11, except in independent districts which were classified as county districts at the time of the adoption of this code in which district the members of the board shall receive \$15 while attending any regular or special meeting of the board, but not more than \$300 in any one year, and receive seven and one-half 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 a district reclassified from a county district shall receive such additional compensation as may be fixed by the board of education. The chairman shall not receive more than \$300, the clerk shall not receive more than \$720, and the treasurer not more than \$600 in any one year.

In addition to their salaries, the members of boards in districts reclassified from county districts shall be paid their actual expense and necessary travel expenses incurred and paid by each of them in the conduct of their official duties, including the visitation of schools. Such expenses should be paid upon the presentation of duly itemized statements, approved by the board, and which shall be made a part of the official records of the board.

In independent districts which were classified as common districts composed of ten or more townships at the time of the adoption of this code each member of the board shall receive as annual compensation for his services as a member of such board the amounts stated as follows:

\$200 a year where such district contains 30 public

schools; \$400 a year where such district contains 31 public schools but less than 61; \$600 a year where such district contains 61 public schools but less than 91; \$800 a year where such district contains 91 public schools or more; provided that in such 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 prescribed for all other independent districts.

In such district containing more than 20 full and fractional townships each member of the school board shall receive as annual compensation for his services as a member of such board \$600 a year.

Subd. 13. The board shall defray the necessary expenses of the board members, including \$5 per day for attending one meeting of the school boards of the county in each year, when called by the county superintendent and seven and one-half cents per mile in going to and returning from the meeting.

Sec. 16. [123.34] Officers of independent school districts. Subdivision 1. Within ten days after the election of the first 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 selecting a chairman, clerk, and a treasurer, who shall hold their offices for one year and until their successors are selected and qualify. They may appoint a superintendent who shall be ex officio a member of the board, but not entitled to vote therein. In districts in which board members are elected at the general election in November, the annual meeting of the board shall be held on the first Monday of January or as soon thereafter as practicable.

Subd. 2. The chairman when present shall preside at all meetings of the board, countersign all orders upon the treasurer for claims allowed by the board, represent the district in all actions and 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.

Subd. 3. The treasurer shall deposit the funds of the district in the official depository.

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Subd. 4. On July 1 of each year, the treasurer shall file with the clerk a report of his balances, receipts and disbursements by funds, for the year. 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. He shall make such further reports as may from time to time be called for by the board and perform all duties usually incumbent on such officer.

Subd. 5. 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 endorsement and signed by the treasurer. A record of such presentment, nonpayment and endorsement shall be made by the treasurer. Every such order shall bear interest at the rate of five percent 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.

Subd. 6. Every district treasurer shall give a corporate surety bond to the state. The board to fix the specific amount of the bond in an amount sufficient to protect the interest of the district, and the bond to be approved by the board and conditioned for the faithful discharge of his official duties. The district shall pay the bond premium. 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.

Subd. 7. When the duty devolves upon any person employed by a board to receive money and pay it over to the treasurer of the district, the district shall require a bond from such person and pay all premiums therefor. The amount of each bond shall be fixed by the board and the bond approved by it. The bond shall be not less than \$500 conditioned for the faithful performance of his duty and shall be filed with the clerk. In lieu of individual bonds, the district may prescribe and keep in effect a schedule or position insurance policy or blanket bond in such aggregate amount as the district determines, insuring the fidelity of such persons in the amount of not less than \$500 for each such person.

Subd. 8. The clerk shall keep books provided by the district for that purpose a record of all meetings of the district and the board. He shall, within three days after an election notify all persons elected 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 matter as may be called for by the commissioner;
- (3) The length of school term and the enrollment and attendance by grades;
- (4) The names and post-office addresses of all directors and other officers; and
- (5) Such other items of information as may be called for by the commissioner.

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 keep an itemized account of all the expenses of the district. He shall furnish to the auditor of the proper county, 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; draw and sign all orders upon the treasurer for the payment of money for bills allowed by the board for salaries of officers and for teachers' wages and all claims, to be countersigned by the chairman. Such orders shall state the consideration, payee, and the fund and the clerk shall take a receipt therefor.

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Teachers' wages shall have preference in the order in which they become due, and no money applicable for teachers' wages shall be used for any other purpose, nor shall teachers' wages be paid from any fund except that raised or apportioned for that purpose.

Subd. 9. Certain districts shall employ school superintendents. All districts maintaining a classified secondary 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 perform such other duties as the board shall prescribe. He shall make, either directly to the commissioner, or through the county superintendent, such reports as shall be required.

Sec. 17. [123.35] General powers of independent school districts. Subdivision 1. The board shall have the general charge of the business of the district, the school houses, and of the interests of the schools thereof.

Subd. 2. It shall be the duty and the function of the district to furnish school facilities to every child of school age residing in any part of the district. The board may establish and organize and alter and discontinue such grades or schools as it may deem advisable and assign to each school and grade a proper number of pupils. The board shall provide free textbooks for the pupils of the district.

Subd. 3. The voters of a district may authorize the issuance of bonds of the district in accordance with the provisions of Minnesota Statutes, Chapter 475.

Subd. 4. The board shall provide by levy of tax necessary funds for the conduct of schools, the payment of indebtedness, and all proper expenses of the district.

Subd. 5. Employment of teachers. The board shall employ and contract with necessary qualified teachers and discharge the same for cause, but no substitute teacher shall be hired except to replace a regular teacher on leave of absence or in an emergency of less than one school year's duration.

Subd. 6. The board may employ and discharge necessary employees and may contract for other services.

Subd. 7. The board may provide library facilities as part of its school equipment according to the standards of the state board of education.

Subd. 8. The board may establish and maintain public evening schools and adult education programs and such evening schools and adult education programs 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.

Subd. 9. The board may establish and maintain one or more kindergartens for the instruction of children above four, and under six, years of age.

Subd. 10. The board shall furnish free textbooks to all pupils.

Subd. 11. The board may furnish school lunches for pupils and teachers on such terms as it determines.

Sec. 18. [123.36] Schoolhouses and sites, independent school districts. Subdivision 1. When funds are available therefor, the board may locate and acquire necessary sites of school houses or enlargements, or additions to existing schoolhouse sites by lease, purchase or condemnation under the right of eminent domain; it may erect schoolhouses thereon; it may erect or purchase garages for district owned school buses. In any village or city, the school sites, when practicable, shall contain at least one block and if outside of any city or village, two acres; and when any schoolhouse sites shall contain less than such amount, the board may acquire other land adjacent to or near such site to make, with such site, all or part of such amount. When property is taken by eminent domain by authority of this subdivision when needed by the school district for such purposes, the fact that the property so needed has been acquired by the owner under the power of eminent domain or is already devoted to public use, shall not prevent its acquisition by the school district. The board may sell or exchange schoolhouses or sites, and execute deeds of conveyance thereof.

Subd. 2. The board shall purchase, sell, and exchange school apparatus, furniture, stoves, buses, and other equipment as may be deemed necessary by the board for school purposes.

Subd. 3. The board may make rules and regulations respecting the protection of the property of the district.

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Subd. 4. The board shall provide proper sanitary facilities for the schools, plant shade trees and shrubbery and otherwise improve school sites, procure insurance on school property, and make proper ordinary repairs thereon.

Subd. 5. The board may authorize the use of any schoolhouses in the district for divine worship, Sunday schools, public meetings, elections, 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 a cash or corporate surety bond in a reasonable amount conditioned for the proper use of such schoolhouse, the payment 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 district for the holding of primaries, elections, registrations, and all action 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.

Subd. 6. The board may build or assist in building sidewalks for the use of pupils and the general public connecting with sidewalks in municipalities and leading to the schoolhouse. The governing body of any municipality may likewise appropriate money for the same purpose or to assist the district.

Subd. 7. When necessary, the board shall lease rooms for school purposes.

Subd. 8. The board 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.

Subd. 9. The board may contract for the furnishing of heat for its building for such terms as it may deem for the best interest of the district, not exceeding ten years. Where it is necessary to lay mains or pipes to connect these buildings with a heating system, the district is authorized to advance all, or any part of the cost thereof upon such terms and conditions as shall be agreed upon.

Sec. 19. [123.37] Independent school districts, contracts. Subdivision 1. No contract for work or labor, or for the purchase of furniture, fixtures, or other property, except books registered under the copyright laws, or for the

construction or repair of school houses, the estimated cost or value of which shall exceed \$2,000, shall be made by the school board without first advertising for bids or proposals by two weeks' published notice in the official newspaper. Such notice shall state the time and place of receiving bids and contain a brief description of the subject matter.

Such additional publication in the official newspaper or elsewhere may be made as the board shall deem necessary.

Every such contract shall be awarded to the lowest responsible bidder, 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 law. If no satisfactory bid is received, the board may readvertise.

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 interest would suffer by delay, contracts for repairs may be made without advertising for bids.

Subd. 2. Members of the board are authorized to contract with, to work for, and furnish supplies to the district subject to the provisions of Minnesota Statutes, Section 471.87.

Subd. 3. Any contract made by the board for the rental of rooms for school purposes, or for the free transportation of pupils to and from school, or for the rental of any facility or facilities owned or operated by or under the direction of any private organization, shall be effective until disapproved by the commissioner, and all such contracts shall be submitted to him for approval immediately after being signed by the parties.

Subd. 4. The commissioner shall approve each such contract unless it appears from the information available to him that:

(a) The amount to be paid by the district concerned for the rooms or facilities rented or for the transportation to be furnished, under such contract substantially exceeds the reasonable value thereof; or

(b) The rooms or facilities to be furnished are not reasonably required for or suitable to the operation of the schools of the district, or the transportation contracted for is not suitable to the requirements of the district; or the contract does not provide adequately against any encroachment on or interference with the conduct of a public school; or

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(c) The contract does not conform to law or a duly promulgated regulation of general application of the state board of education.

Subd. 5. If the commissioner determines that one or more of such circumstances (a), (b), and (c) exists, he shall notify the district board, giving it a reasonable stated time in which to meet the objections specified in the notice. If the contract is not so changed within that time, it shall be disapproved by the commissioner. If the contract is approved the commissioner shall so notify the district board. The commissioner's action together with a statement as to whether or not a petition to review such action has been filed as hereinafter provided, shall appear in the proceedings of the next meeting of the district board, held after receipt of notice from the commissioner, and the proceedings shall briefly identify the contract approved or disapproved.

Subd. 6. The determination of the commissioner disapproving a contract shall be subject to the review of the state board of education, on the petition of the district board, made pursuant to its resolution.

Subd. 7. The determination of the commissioner approving a contract shall be subject to the review of the state board of education, on the petition of voters of such school district equal in number of five percent of those who voted at the last annual election or annual meeting of the district, except that there shall be at least five petitioners and that no more than 25 petitioners shall be required. Such petition must be filed in duplicate with the commissioner on or before the tenth day after the publication of the proceedings of the meeting of the district board which show the determination of the commissioner, the review of which is asked, or the thirtieth day after such determination, whichever date is earlier.

Subd. 8. Such petition shall:

(a) Identify the determination of the commissioner sought to be reviewed and the contract in question by the names of the parties to it, and

(b) Allege the grounds upon which the determination of the commissioner is claimed to have been erroneous, but such allegation may be on information and belief of the petitioners, and

(c) State the names, post office addresses, and voting residences of the petitioners, and

(d) State the person or persons, not more than three,

and their respective post office addresses, who are authorized to receive for all of the petitioners any notices with respect to the review or any subsequent proceeding. A person, not a resident of the district, may be so named.

Subd. 9. Upon the filing of a proper petition, the commissioner shall set a time and place for hearing thereof, which shall not be less than ten nor more than 30 days after such filing. He shall cause notice of such hearing to be given by mail to the parties to the contract affected and to the person or persons named in the petition as authorized to receive notice, and in addition shall cause a notice thereof to be published in a newspaper qualified to publish proceedings of the district board concerned.

Subd. 10. The state board shall adopt rules governing the proceedings for review not inconsistent with the requirements hereof. Such rules shall be designed to give a full and fair hearing and to permit interested parties an opportunity to produce evidence relating to the issues involved. Such rules may provide that any question of fact to be determined upon such review may be referred to one or more members of the board or to an employee of the state board of education acting as a referee to hear evidence and report to the state board the testimony taken.

Subd. 11. The state board, or the parties to the proceedings, or any person designated to receive evidence upon a review shall have the same right to issue and procure subpoenas and administer oaths as are granted in proceedings before the industrial commission. There shall be a stenographic record made of all testimony given and other proceedings during such hearing, and as far as practicable, rules governing reception of evidence in courts shall obtain.

Subd. 12. The decision of the state board shall be in writing and the controlling facts found upon which the decision is made shall be stated in sufficient detail to appraise the parties and the reviewing court of the basis and reason of the decision. If it is the decision of the state board that none of the grounds of disapproval specified herein exist, the contract in question shall be approved; if it is the decision of the state board that one or more of those grounds exist, the contract shall be disapproved.

Subd. 13. The decision of the state board may be reviewed on certiorari by the district court of the county in which the school district or any part thereof is located, and the reasonableness of the state board's decision under all the

circumstances of the case shown by the record will be judicial question of fact.

Subd. 14. The fact of approval or disapproval of a contract shall not be evidence in any civil or criminal proceeding growing out of the making or performance of the contract or related to the official conduct of the members of the district board. Proceedings or failure to proceed shall not preclude any civil or criminal act otherwise proper. Necessary costs and disbursements, exclusive of those incurred in the administrative proceedings, on review by certiorari shall be taxed against the losing party and in the event taxed against the state shall be paid from the appropriations made to the state department of education for the payment of special state aids.

Sec. 20. [123.38] **Extracurricular activities of independent school districts; insurance.** Subdivision 1. Whenever it shall appear to be beneficial and for the best interest of the district and the pupils of the district to carry on any school sport activities or educational activities connected with their studies outside of the territorial limits of the school district, the board may authorize such activities to be conducted under such rules and regulations as the board deems sufficient. The district may pay all necessary costs therefor including transportation from the school funds available.

Subd. 2. The board may, and, upon vote of the district shall take charge of and control all school and quasi school activities of the teachers and children of the public schools in that district held in the school building 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 the 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 contest, or otherwise, by the board upon properly allowed itemized claims. Where the district has taken charge and control of such funds, the treasurer and his bonding company and 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 thereof being complied with in regard to the purpose of such disbursements, if the 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 of 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 board.

Subd. 3. The board may enter into a contract providing for the payment of cash benefits or the rendering or payment of hospital and medical benefits, or both to school children injured while participating in the athletic or supervised physical activities of the school, such contract to make the payment of such benefits or the rendering thereof the direct and sole obligation of the association or company entering into such contract with the district.

If the board deems it advisable, it may authorize employees to collect fees from the pupils enrolled in said school who are to be or are covered by such contract, and to make payment of the premium or other charge for such contract or protection, provided payment of such premium or other charge shall not be made from funds received from the federal government or from the state or any governmental subdivision thereof, nor from funds derived by a tax levy or the issuance of bonds.

The payment of any fees, premium or other charge by such child shall not thereby make the district liable for any injuries incurred from such athletic or supervised physical school activities.

Subd. 4. **Insurance laws not applicable to certain associations.** The insurance laws of this state shall not apply to non-profit benefit and relief associations formed by public schools or officers of public schools or the Minnesota State High School League, the privileges of which and applications for membership in which are confined to pupils of the schools, and the benefits and relief to be derived therefrom are limited to pupils injured or disabled from participation in school athletics or any supervised school activity.

Sec. 21. [123.39] **Independent school districts, transportation.** Subdivision 1. The board may provide for the free transportation of pupils to and from school, and to schools, in other districts for grades and departments not

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maintained in the district, including high school, at the expense of the district, when funds are available therefor and if agreeable to the district to which it is proposed to transport the pupils, for the whole or a part of the school year as it may deem advisable, and subject to its rules. Every driver shall possess all the qualifications required by the rules of the state board of education. In any district which at the time of the adoption of this code was a consolidated district or enjoyed the privileges of a consolidated district, the board 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. The 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.

Subd. 2. The board may contract for the furnishing of authorized transportation under rules established by the commissioner of education.

Subd. 3. The board may purchase buses on the installment plan, the installments to be all paid within a period of not to exceed three years from the date of purchase and the deferred payments to bear a rate of interest of not to exceed four percent per annum.

Subd. 4. The board may provide for the instruction of any resident pupil in another 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, that such pupil shall continue to be a pupil of the district of his residence for the payment of apportionment and other state aids.

Subd. 5. The board may provide for the admission to the schools of the district, of non-resident pupils, and those above school age, and fix the rates of tuition for such pupils. In case a person owns land and pays the taxes thereon, in a district other than the one in which he resides, then such person or his tenant shall be admitted to all the benefits of said school the same as residents therein, in respect to elementary pupils upon conforming to such reasonable terms for tuition and transportation as the board of education of such school district may have established for non-residents, except that he shall be entitled to have the amount of school

taxes which he pays to the support of said district applied in payment of said tuition and transportation fees. In the payment of state aid, the district in which the pupil attends shall be considered the district of his residence because of the provisions of this subdivision.

Subd. 6. The board may transport pupils residing outside of the district but attending school therein upon pupils presenting themselves within the district on one of the regular routes traveled in the transportation of the pupils of the district.

Subd. 7. If high school pupils from a district within this state are being transported to a school in another state, the board of the district from which the pupils are being transported may provide free transportation and tuition for any or all of its elementary pupils to such school in another state and be entitled to state aid as provided by law.

Subd. 8. The board may rent to any person, for any lawful purpose, any bus owned by the school district. The use and operation of such bus by such person shall not interfere with the use and operation of such bus by the district for the transportation of children to and from school. Any such lessee so leasing or renting buses may use and operate the same as provided in this section without the payment of a motor vehicle tax thereon as provided by law. Any such lessee shall be liable for any and all claims for injuries and damages arising out of the use and operation of any bus so leased or rented; and the leasing or renting of any such bus shall be conditioned upon said lessee or renter procuring, at his own expense, insurance protecting said board and said district against any and all claims for injuries and damages arising out of the use and operation of said bus.

Subd. 9. The board may provide for the protection of school children in the 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 the board deems it advisable, insurance may be procured and paid for from any funds available. 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 district is engaged in a governmental function. The payment of any insurance premiums by such district shall not hereby make the district liable for any injuries or damages incurred by such transportation.

Subd. 10. The board may provide and pay the premi-

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ums for the protection for school children, instructors and automobile owners, and any other agency cooperating in providing cars for districts where driver training courses are being offered, against public liability, property damage, collision, fire and theft, arising out of the operation of any vehicle used in the courses. Nothing herein shall make the district liable for injuries resulting from the actions of such persons.

Subd. 11. The board may provide and pay the premiums for insurance against injuries resulting to its pupils while assigned to and acting on a school safety patrol, which insurance may provide for the payment of either cash benefits to such injured pupil or for the payment of hospital and medical benefits to or for such injured pupil, or both. Nothing herein shall be construed to in any way make the district liable for such injuries.

Subd. 12. The board may enter into contracts for the removal of snow from roads used for regular bus routes transporting pupils to and from school either within or without the district.

Subd. 13. No board shall enter into any agreement for the transportation of pupils in any motor vehicle, or operate any bus, with a seating capacity of more than ten passengers, unless each vehicle used for such purposes has an emergency exit located in the center of the rear portion of the bus body, and the exit to be in condition for use at all times. No school board shall hereafter purchase any bus with a seating capacity of more than 48 pupils, if such bus is to be used on rural roads or highways, unless it be mounted on a chassis equipped with an additional trailer axle that is to be used during the spring of the year when roads are restricted to four-ton axle load. No board shall hereafter enter into any agreement for the transportation of pupils on rural roads or highways in any motor vehicle which has a seating capacity of more than 48 pupils unless it be mounted on a motor chassis equipped with an additional and suitable trailer axle to be used during the spring of the year when highways are restricted to four-ton axle load. This trailer rear axle requirement shall not, however, apply to a bus purchased or operated by a school board of any district or by a contract hauler in those cases where the routes over which such bus is to be operated shall first have been approved by the local town or county road authorities concerned or in the case of trunk highways by the state commissioner of highways. Existing agreements for school buses for transportation of pupils in motor vehicles with a capacity of more than 48 pupils may be renewed for the particular mo-

tor vehicles named in said existing agreements even though such bus be not mounted on a chassis equipped with trailer rear axles. All such vehicles used in the transportation of pupils shall conform to the rules and regulations of the state board of education.

Sec. 22. [123.40] Independent school districts, specific powers and duties. Subdivision 1. The board shall provide for the payment of all just claims against the district in cases provided by law.

Subd. 2. In all proper cases, the board shall prosecute and defend actions by or against the district.

Subd. 3. The board may receive, for the benefit of the district, bequests, donations, or gifts for any proper purpose and apply the same to the purpose designated. In that behalf, the board may act as trustee of any trust created for the benefit of the district, or for the benefit of pupils thereof, including trusts created to provide pupils of the district with advanced education after completion of high school, in the advancement of education.

Subd. 4. The board may employ qualified accountants for the purpose of auditing, examining and reporting upon the books and records of the district.

Subd. 5. The district may destroy the following records:

- (1) Claims and vouchers paid by the district more than ten years prior to such destruction;
- (2) Receipts, miscellaneous papers, and correspondence bearing dates more than ten years prior to destruction;
- (3) Orders and checks paid more than ten years prior to destruction.

The officer having custody of said records shall obtain written approval of the governing body of the district. The approval shall be in the form of a resolution listing the classes of records authorized to be destroyed and the range of dates in each class. A copy of the resolution consenting to the destruction of such records shall be sent to the state archives commission. If no petition or application requesting the records from the historical society is received by said school district within 30 days after mailing of the resolution, the records shall be destroyed by the officer having custody.

This subdivision is supplementary to other statutory or charter authority to destroy obsolete district records and does

not prevent destruction of such records at an earlier time or the destruction of other records when authorized by other statutory or charter provision.

Subd. 6. The board of any district which prior to the adoption of this code was classified as a ten or more township district, a county district, or a consolidated district, or any district which possessed the powers of a consolidated district or any district which contains at least 18 sections of land and any county board of education for unorganized territory, may acquire by lease, purchase or condemnation a site and erect thereon necessary and suitable buildings or rent existing buildings as and for dwellings for its teachers and employees. The board in such district may sell, lease or otherwise dispose of any property so acquired.

Subd. 7. In a district which has been converted from a special district to an independent district and which is located wholly or partly in a city of the first class, the board by a two-thirds vote, may issue and sell in each calendar year bonds of such district in an amount not to exceed one-half of one percent of the assessed value of the taxable property in such district. The proceeds of the sale of such bonds shall be used only for acquisition, construction, and betterment purposes. The provisions of this section shall apply to the issuance and sale of such bonds and to the purposes for which the same may be issued notwithstanding any provision to the contrary in any other existing law or city charter relating thereto.

Sec. 23. [123.41] Board of independent school district may provide liability insurance for officers and employees. The governing body of any independent school district may procure insurance against liability of the school district or of its officers and employees for damages resulting from wrongful acts and omissions of the school district and its officers and employees, whether the acts or omissions relate to governmental or proprietary functions of the school district. Insofar as this insurance relates to governmental functions of the school district, the policy of insurance shall contain a provision under which the insurance company agrees to waive the defense of governmental immunity up to the limits of the policy unless the school district consents to the assertion of that defense.

Sec. 24. [123.42] Limitation of sections. Material contained in Article IV, Sections 13 through 23, unless expressly stated otherwise, relates only to independent school districts.

Sec. 25. [123.51] Special school districts, laws ap-

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plicable. Special districts as now organized shall continue to operate under the special legislation and charter provisions governing them until conversion to independent districts. The provisions of Laws 1957, Chapter 947 relating to independent districts shall apply to and govern each special district unless the special laws and charter provisions governing the special district provide for the matter, in which case the special laws and charter provisions relating to the special district shall apply and control.

Sec. 26. [123.56] **Unorganized territory; county board of education, duties, powers.** Subdivision 1. The power of providing for the education of children of school age residing in any unorganized territory within the state shall be vested in the county board of education for unorganized territory of the county where such unorganized territory is situated.

Subd. 2. The chairman of the board of county commissioners, the county superintendent, and the county treasurer, shall ex officio, compose the county board of education for unorganized territory in each county. The chairman of the county board shall be the chairman of the county board of education for unorganized territory; the county treasurer shall be the treasurer of this board; and the county superintendent shall be the clerk of this board of education.

In any county now or hereafter having more than 15,000 inhabitants and an area of more than 3,000 square miles, the county board of said county shall elect one of its members for a term to be determined by said county board who shall serve in place of the chairman and said member elected by said county board shall be the chairman of the county board of education for unorganized territory of said county, but not extending beyond his term as county commissioner.

Subd. 3. The county attorney shall act as counsel for the board of education for unorganized territory.

Subd. 4. Should a vacancy occur in this board of education or should any member thereof refuse or be incapacitated to serve upon this board, the county board shall fill such vacancy as provided in section 375.08.

Subd. 5. 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 the board. The board may also hold special meetings as may be deemed necessary.

Subd. 6. It shall be the duty of the county board of

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education for unorganized territory to furnish school facilities to every child of school age residing in any part of the unorganized territory, either by building school houses, leasing school rooms, transporting the children to the nearest school, boarding the children within convenient distance from a school at the expense of the board, or otherwise, and to provide necessary supplies and text and library books.

The county board of education for unorganized territory may also employ such clerical, stenographic, and supervisory help as may be needed who shall perform such other services as the board may direct.

Subd. 7. The clerk of the board shall perform the same duties and make the same reports as the clerk of an independent district.

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 the 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 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.

Subd. 8. The treasurer of the board shall perform the same duties and make the same reports as the treasurer of an independent district.

Subd. 9. For their services performed for the unorganized territory, the chairman of the board of education shall be paid one-half of one percent of the cash disbursements for the year but not to exceed \$300 in any one year and expenses including mileage in accordance with the provisions of Minnesota Statutes, Section 350.11, for distance actually traveled by him in performance of his duties not exceeding the total sum of \$400 in any one year from such mileage and expenses; the treasurer of the board shall be paid two percent, and the clerk two percent, 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 in any one year the total sum of \$1,200 for treasurer and \$1,500 for clerk, but only after all reports required

by law have been made in conformity thereto. This section shall not apply to counties having a population of more than 200,000.

Subd. 10. The 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 authorized school purposes. 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.

Subd. 11. When not otherwise provided, the powers and duties of the county board of education for unorganized territory shall be the same as those of school boards of independent districts.

Subd. 12. The county board of education for unorganized territory is authorized to acquire sites by lease, purchase or condemnation and to erect thereon necessary buildings as dwellings for its teachers and employees. It is authorized to sell or otherwise dispose of any property so acquired.

Subd. 13. The county board of education for unorganized territory in any county 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, school buildings and teacherages, for paying any judgment lawfully rendered against it, or for refunding outstanding bonds, or floating indebtedness, in such amounts and at such periods as the board may decide; the 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 percent per annum, which bonds shall be signed by the chairman and the treasurer of the board and countersigned by the clerk thereof. Any bonds issued hereunder shall be sold conformable to the provisions of section 475.60.

Subd. 14. In any county of this state now or hereafter having unorganized territory with an assessed valuation of all taxable real and personal property of more than \$1,500,000 and having at any time an area of more than 3,500 square miles, the board of education of such unorganized territory shall have authority, and is hereby empowered, by the unanimous vote of such board, to issue and sell the bonds of such unorganized territory, as above provided. The net bonded indebtedness of such unorganized territory shall at no time exceed 85 percent of its assessed valuation.

Subd. 15. The sale of these bonds shall be conform-

able to the provisions of section 475.60, or by contracting with the United States government for the purchase of these bonds without calling for bids therefor, and that no bonds shall be authorized or sold 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 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 the district. The 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 the notice shall hear all objections and thereafter shall decide whether such bonds shall be authorized and sold.

Subd. 16. Every county board of education for unorganized territory issuing bonds 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.

Subd. 17. 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 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 the county board of education for unorganized territory notwithstanding the 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 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 percent 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 percent, 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 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.

Subd. 18. When 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, 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 the request, which 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 board shall take into consideration the indebtedness of the unorganized school territory and 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.

Subd. 19. In such cases 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, 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 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 be final and conclusive. Within five days after the filing of this 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, shall transmit to the treasurers of the counties affected by the apportionment a certified copy of such apportionment and application, if any.

Subd. 20. 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.

Sec. 27. [123.61] **Limitations.** Every district which for one year shall have exercised the powers and franchises of a district shall be deemed legally organized.

Sec. 28. [123.62] **Plats.** The auditor shall keep in his office books containing a correct plat and description of each district, whether wholly or partly in his county, and of the unorganized territory. The auditor shall submit, on or before December 31 of each year, to the state department a description and plats showing changes made in district boundaries during the calendar year.

Sec. 29. [123.63] **Eminent domain.** In any municipal corporation or district in this state where the governing body or 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 sites and grounds for public school buildings and such power and authority shall be exercised under and pursuant to the terms and provisions of chapter 117. Any such corporation or school district shall have the right, upon the filing of the award of the commissioners provided for in chapter 117, and upon giving the notice therein required of the filing of such award, to enter upon and appropriate the lands so condemned without 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 the commissioners or by the court upon appeal therefrom, together with all costs and expenses adjudged against it therein within the time specified in chapter 117. 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. 30. [123.64] Agricultural education. The board of any district in which instruction in agriculture is afforded is authorized and empowered to purchase or otherwise acquire by condemnation proceedings as provided for acquiring school-house sites in the name and in behalf of such district, a suitable tract of land either within or without the limits of such 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. 31. [123.65] Discontinuance of schools. The board of any district in any emergency or upon authorization by a majority of the voters present at any regular or special school meeting of the district, 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 districts or of 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 shall conform to the rules and regulations of the state board of education. The teachers shall keep the registers separately for the pupils from each district discontinuing its schools and 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 be entitled to special state aid under such rules as may be fixed by the state board of education.

Sec. 32. [123.66] Records as evidence. The records of all 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.

Sec. 33. [123.67] County attorney, duties. When the boundaries of any district are coterminous with the boundaries of a county unless the board retains separate counsel, the county attorney may serve as attorney for the board without additional compensation from the district, but the board of county commissioners of such county may allow

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such additional compensation for legal services rendered to the board as the board of county commissioners deem proper.

Sec. 34. [123.68] County school districts, continuance, laws applicable. Any school district classified as a county school district at the time of the enactment of Laws 1957, Chapter 947 shall continue to operate under the laws now governing it. The provisions of Laws 1957, Chapter 947 relating to independent school districts shall apply to and govern each county school district unless the particular laws governing the county school district provide for the matter, in which case the provisions relating to the county school district shall apply and control.

ARTICLE V

Section 1. [124.01] For purposes of this Article, the words defined in Article I, Sec. 2, have the same meaning.

Sec. 2. [124.02] Certification of annual tax. On or before October 10 in each year, the clerk of any district being entirely in one county shall certify the tax levied by the board or annual meeting to the county auditor. In school districts lying in more than one county, the clerk shall certify the tax levied to the auditor of the county in which the administrative offices of the school district are located.

Sec. 3. [124.03] Agricultural land tax differential ratio. Subdivision 1. The rate of taxation for school maintenance purposes in districts maintaining a graded elementary or secondary school and for the unorganized territory of counties is limited as follows:

(a) In counties containing 20 or more common districts the rate on agricultural lands and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, shall not exceed by more than 10 percent the average rate for school maintenance purposes on agricultural lands and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, in districts not maintaining graded elementary or secondary schools in the same county.

(b) In counties containing less than 20 common districts the rate on agricultural lands and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, shall not exceed one-half the rate for school maintenance purposes on non-agricultural lands in the same district or unorganized territory.

(c) In independent districts organized under the reorganization or consolidation statutes or containing at least 18 sections of land the rate on agricultural lands and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, and upon personal property having a taxable situs on farms shall not exceed one-half the rate for school maintenance on other taxable property in the same district.

(d) In independent districts organized under the consolidation or reorganization statutes or which contain at least 18 sections of land, and which district contains a village located entirely within the boundaries of the district, and if the assessed valuation of the village does not exceed 10 percent of the total assessed valuation of the property within the district, the rate on agricultural lands and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, in the district shall not exceed the average rate for school maintenance on agricultural lands and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, in common districts of the county in which the district is located by more than 100 percent.

Subd. 2. The limitation imposed on the tax ratio by this section does not apply to the additional tax levy for maintenance made in excess of either of the following amounts:

(a) In any district formed under the reorganization or consolidation statutes or having an area of at least 18 sections or having acquired the rights and privileges of a consolidated district: The total amount of revenue available to the district, including state aid, that will be raised by a 50 mill levy on all taxable property other than agricultural land, and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, together with the proceeds from the maximum levy on agricultural land and personal property having a taxable situs on farms and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes; and

(b) In any district not included in (a): The total amount of revenue available to the district, including state aid, that will be raised by a 40 mill levy on all taxable property other than agricultural land, and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, together with the proceeds from the maximum levy on agricultural

land and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes.

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Sec. 4. [124.04] Capital expenditure taxing authority. Subdivision 1. Subject to statutory limitations on its taxing power and within such limitations, the board of any independent district not located in a city of the first class may levy annually an amount equal to 8 mills on each dollar of assessed valuation of the taxable property in the district as adjusted for the preceding year by the Equalization Aid Review Committee. The tax so levied shall be collected in the manner provided by law for the collection of other school taxes. The proceeds of the tax may be used to acquire, improve and repair school sites and to erect, equip, repair and improve buildings and fixtures, and the board may establish a fund in which the proceeds of this tax may be accumulated until expended by the board.

Subd. 2. Subject to statutory limitations on its taxing power in accordance with the provisions of subdivision 2 of this section, any common district not located in a city of the first class may levy annually a tax in any amount that does not exceed \$600 or 30 mills on the dollar valuation of the taxable property in the district as adjusted for the preceding year by the Equalization Aid Review Committee. The tax levied shall be collected in the manner provided by law for the collection of other school taxes. The proceeds of the tax may be used to acquire, improve and repair school sites and to erect, equip, repair and improve buildings and fixtures, and the board may establish a fund in which the proceeds of this tax may be accumulated until expended by the board.

Sec. 5. [124.05] Depository law. Subdivision 1. At the annual organizational meeting in independent districts and at the annual district meeting in common districts or at other times if necessary, the board shall designate one or more national or state banks as official depositories for district money, and thereupon shall require the treasurer to deposit all or part of the district money in such bank or banks. Such designation shall be in writing and set forth all the terms and conditions upon which the deposits are made; signed by the Chairman and Clerk, and made a part of the minutes of the board. Thereupon such bank or banks shall become legal depositories for district money. If the board shall refuse or fail to designate one or more depositories in accordance with this subdivision, the treasurer shall deposit the funds of the district in accordance with the provisions of subdivision 2 of this section, and shall file a statement of his selection of

the depository with the Clerk of the district. The treasurer shall not thereafter be liable for the loss of any funds through the insolvency or default of such depository in the absence of negligence on his part in the selection of the depository.

Subd. 2. In the event that the bank selected as a depository is a member of the Federal Deposit Insurance Corporation, the district may deposit an amount not to exceed \$10,000 in the depository without the execution of any bond. In the event that it is desired to deposit more than \$10,000 in any bank, prior to such deposit, the board shall require the bank to deposit a sufficient bond to the district, executed by a corporate surety company authorized to do business in the state in a sum at least equal to the estimated sum to be deposited in excess of \$10,000. The bond shall be approved by the board and filed in the office of the auditor of the county wherein the district may be situated. In lieu of such bond, the depository shall assign to the district treasurer collateral security for deposits, in accordance with Minnesota Statutes, Section 118.01.

Subd. 3. When the board, by unanimous resolution, deems it advisable, it may invest such amount of funds as will not in the opinion of the board be currently needed by the district in any of the bonds of any county, city, town, village, school district, drainage or other district created pursuant to law for public purposes in Minnesota, Iowa, Wisconsin, and North and South Dakota, or in U. S. Treasury bonds with maturity date not to exceed 5 years from the time of purchase, U. S. Treasury Bills, U. S. Certificates of Indebtedness, or U. S. Treasury Notes.

Subd. 4. Any board investing funds in such authorized securities shall deposit such securities for safekeeping with the county treasurer of the county wherein such district is located or with any bank maintaining a safekeeping department. Such county treasurer or bank shall give a receipt for each and all of such securities to the board, and such county treasurer or bank shall keep such securities for safekeeping until such time as the board shall adopt a resolution requesting the county treasurer or bank to turn such securities or any of them over to the treasurer of such district.

Sec. 6. [124.06] **Insufficient funds to pay warrants.** In the event that a district has insufficient funds to pay its usual lawful current obligations, subject to Minnesota Statutes 471.69, the board may enter into agreements with banks or any person to take its orders at any rate of interest not to exceed 5 percent per annum. Any order drawn after having

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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 endorsement and signed by the treasurer. A record of such presentment, nonpayment and endorsement shall be made by the treasurer. Every such warrant shall bear interest at the rate of 5 percent per annum from the date of such presentment. The treasurer shall serve a written notice upon the payee or his assignee, personally, or by mail, when he is prepared to pay such warrants; 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 warrant shall draw an interest if such address is not given when the same is unknown to the treasurer, and no warrant shall draw an interest after the service of such notice.

Sec. 7. [124.07] Land in settlement of claim against surety. Subdivision 1. Power of board to accept. When any district now has or asserts any claim or judgment against any sureties on the bonds of any depository of its funds for the failure of any such depository to account for or pay over any such funds and the board or other governing body of the district determines that the claim or judgment, or some part thereof, is not collectible in cash, then any such 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.

Subd. 2. Title to be held by district. Title to lands or interests so acquired shall be held by the district. Each tract or portion shall be sold by the district as soon as there may be realized the fair value as determined by such board. Any such sale may be authorized by resolution of the board, 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 the board approves. Conveyances, contracts, or other instruments evidencing any sale shall be executed by the chairman and the clerk of the board. Lands so acquired and held for resale shall be deemed public lands used for exclusively public purposes, and as such shall be exempt from taxation.

Sec. 8. [124.08] Naming of aid funds. For the purpose of aid to public schools, these funds are established:

(1) The school endowment fund, which shall consist of the income from the permanent school fund; and

(2) The school aid fund, which shall consist of the amount transferred from the income tax school fund and other sums appropriated by the legislature for aid to public schools.

Sec. 9. [124.09] Apportionment of the school endowment fund. The school endowment fund shall be apportioned semi-annually by the state board, on the first Monday in March and October in each year, to districts whose schools have been in session at least nine months, in proportion to the number of pupils between the ages of five and twenty-one years who shall have been in average daily attendance during the preceding year, provided, that apportionment shall not be paid to the district attended for pupils for whom tuition is received by such district.

Sec. 10. [124.10] Auditor's duties. Subdivision 1. A copy of the apportionment of the school endowment fund shall be furnished by the state board to the state auditor, who thereupon 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 school endowment fund the amount of such apportionments.

Subd. 2. The county auditor, upon receiving the warrant from the state, shall forthwith apportion the amount thereof to the various districts entitled thereto, and shall at the time of making the March and November tax settlements of each year apportion to the several 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; 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 apportionment all amounts received from special state aid to schools not theretofore apportioned.

Subd. 3. The county auditor, on the first Wednesday after such apportionment, shall report to the commissioner on the amount apportioned, the sources from which such money was received, and the total average daily attendance of pupils in the county entitled to apportionment.

Sec. 11. [124.11] Dates of aid payments. Special state aid shall be paid to districts in September and March

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based upon information available. In August a final distribution for the previous school year shall be made.

Sec. 12. [124.12] Subdivision 1. Manner of payment of state aids. The school aid fund and all other sums made available by the legislature as special state aid to schools shall be paid in the following manner :

Subd. 2. On or before October 1 in each year, it shall be the duty of the commissioner 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 chapter. 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 auditor together with a copy of the certificate prepared by the commissioner.

Subd. 3. Upon receipt by the auditor of such warrants and the certificate, it shall be the duty of the auditor to credit the several districts with the amounts stated in the certificate, then charging the county treasurer with the aggregate amount so received, and forthwith deliver the warrants to the county treasurer. The funds so credited to the several districts shall be paid to the treasurer thereof in the same manner now provided by law for the payment of school funds to school district treasurers.

Sec. 13. [124.13] Overall limit on state aid to districts. The total amount of aid paid by the state to any district for any year shall not exceed the total amount expended by the district for education of resident pupils during such year, except aid paid pursuant to Minnesota Statutes 290.62 shall not be withheld when expended for lawful school purposes.

Sec. 14. [124.14] Rules of state board. The state board shall supervise distribution of the school aid fund in accordance with law. It may make rules and regulations consistent with law for such distribution which will enable districts to perform efficiently the services required by law and further education in the state, including reasonable requirements for such reports and accounts to it as will assure accurate and lawful apportionment of aids. Public schools shall at all times be open to the inspection of the state board, and the accounts and records of any district are open to inspection by the public examiner, or the state board.

Sec. 15. [124.15] Reduction of aid by state board for violation of law by district. Subdivision 1. The amount of special state aids to which a district is entitled shall be the amount computed according to statutes. The annual state aid certificate made by the commissioner to the state auditor shall show the amount of any reductions made.

Subd. 2. Whenever the board of the district authorizes or permits within the district violations of law by

(1) Employment in a public school of the district of a teacher who is not qualified.

(2) Noncompliance with a mandatory rule or regulation of general application promulgated by the state board in accordance with statute in the absence of special circumstances making enforcement thereof inequitable, contrary to the best interest of, or imposing an extraordinary hardship on, the district affected, or

(3) Continued performance by the district of a contract made for the rental of rooms for school purposes, or for the free transportation of children to and from school or for the rental of any facility owned or operated by or under the direction of any private organization, which contract has been disapproved where time for review of the determination of disapproval has expired and no proceeding for review is pending, or

(4) Any practice which is a violation of Section 3 of Article VIII of the Constitution of the State of Minnesota, or

(5) Failure to provide reasonably for the school attendance to which a resident pupil is entitled under Minnesota Statutes.

The special state aid to which a district is otherwise entitled for any school year shall be reduced in the amount and upon the procedure provided in this section.

Subd. 3. When it appears to the commissioner that one or more of the violations enumerated is occurring in a district, he shall forthwith notify the board of that district in writing thereof. Such notice shall specify the violations, set a reasonable time within which the district shall correct the specified violations, describe the correction required, and advise that if the correction is not made within the time allowed, special state aids to the district will be reduced. The time first allowed for correction may be extended by the Commissioner if there is reasonable ground therefor.

Subd. 4. The board to which such notice is given may

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by a majority vote of the whole board decide to dispute that the specified violation exists or that the time allowed is reasonable or the correction specified is correct, or that the commissioner may reduce aids, in which case written notice of such decision shall be given the commissioner. If the commissioner, after such further investigation as he deems necessary, adheres to his previous notice, such board shall be entitled to a hearing by the state board, in which event a time and place shall be set therefor and notice be given by mail to the board of the district. The state board shall adopt rules governing the proceedings for hearings which shall be designed to give a full and fair hearing and permit interested parties an opportunity to produce evidence relating to the issues involved. Such rules may provide that any question of fact to be determined upon such review may be referred to one or more members of the board or to an employee of the state board acting as a referee to hear evidence and report to the state board the testimony taken. The state board, or any person designated to receive evidence upon a review under this act, shall have the same right to issue subpoenas and administer oaths and parties to the review shall have the same right to subpoenas issued as are accorded with respect to proceedings before the Industrial Commission. There shall be a stenographic record made of all testimony given and other proceedings during such hearing, and as far as practicable rules governing reception of evidence in courts shall obtain. The decision of the state board shall be in writing and the controlling facts upon which the decision is made shall be stated in sufficient detail to apprise the parties and the reviewing court the basis and reason of the decision. The decision shall be confined to whether or not the specified violations or any of them existed at the date of the commissioner's first notice, whether such violations as did exist were corrected within the time permitted, and whether such violations require reduction of the state aids under this section.

Subd. 5. If the violation specified is corrected within the time permitted, or if the commissioner on being notified of the district board's decision to dispute decides such violation does not exist, or if the state board decides after hearing no violation specified in the commissioner's notice existed at the time thereof, or that such as existed were corrected within the time permitted, there will be no reduction of special state aids payable to such school district; otherwise special state aids payable to the district for the year in which the violation occurred will be reduced as follows: The total amount of special state aids to which the district may be entitled will be reduced in the proportion that the period during which a specified

violation continued, computed from the last day of the time permitted for correction, bears to the total number of days school is held in the district during the year in which such violation exists.

Subd. 6. Reductions in special aid under this section shall be from foundation program aid. If there is not sufficient foundation program aid remaining to be paid for the school year in which the violation occurred, the reduction shall be from the other special aids payable to the district for that year in the order in which special state aids are listed in this code. If the violation is for performance of a contract for transportation, which has been disapproved, the primary reduction shall be from transportation aid. If reduction is for several violations one of which is continued performance of such a contract, the transportation aid will be the primary fund for reduction in the proportion that the violation for performance of such a contract bears to the total number of violations involved. If there is not a sufficient amount of special state aids remaining payable to the district for the school year in which the violation occurred to permit the full amount of reduction required, that part of the required reduction not taken from that school year's aids will be taken from the special state aids payable to the district for the next school year, and the reduction will be made from the various aids payable for the next year in the order above specified.

Subd. 7. Decision of the state board under this section may be reviewed on certiorari by the district court of the county wherein the district, or any part thereof, is located.

Subd. 8. Any notice to be given the board of a district will be deemed given when a copy thereof is mailed, registered, to the superintendent of the district, if there is a superintendent, and to the clerk of the board of the district, unless it is shown that neither the superintendent nor the clerk in fact received such notice in the ordinary course of mail, in which event time for correction will be accordingly extended by the commissioner so that a reasonable time will be allowed from actual receipt of notice for correction. If notice is sent by the commissioner with respect to a violation which is continued by the district in a succeeding year, no separate notice for that violation for the succeeding year will be required. Proceedings initiated by such notice shall include any continuing violation notwithstanding that a part thereof occurs in a year different from that in which it started. The commissioner may require reasonable proof of the time that a violation ceased for the determination of the amount of aids to be withheld. Costs and disbursements of the review by the district

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court, exclusive of those incurred in the administrative proceedings, may be taxed against the losing party and in the event taxed against the state shall be paid from the appropriations made to the department for the payment of special state aids.

Sec. 16. [124.16] Increase in aid by 10% by state board for calamity. In any case when pupils are prevented from attending school because of epidemic, calamity or weather, or other justifiable cause, the state board in determining the amount of state aid to be allotted to the district may increase the sum to which the district is otherwise entitled not to exceed ten percent.

Sec. 17. [124.17] Definition of pupil units. Subdivision 1. A pupil unit is the denominator used to compute the distribution of state aid. Pupil units for each resident pupil in average daily attendance shall be counted as follows:

(1) In an elementary school, for kindergarten pupils attending half-day sessions throughout the school year, one-half pupil unit and other elementary pupils, one pupil unit.

(2) In secondary schools, pupils in junior high school or a six-year high school and all other pupils in secondary schools, one and one-half pupil units.

(3) In area vocational-technical schools one and one-half pupil units.

Subd. 2. Average daily attendance means the quotient to be obtained by dividing the number which represents the total of all days which all pupils attend school during the school year by the number of days during the school year while the school is in session.

Sec. 18. [124.18] Consolidation; instruction by other district. Subdivision 1. Aid payments in case of alteration of boundaries. Where two or more districts hereafter unite the state aid shall continue to be paid for the remainder of the school year in which the union was completed as the state aids were paid to the individual districts prior to the union.

Subd. 2. Tuition. Every district which provides instruction in other districts and which receives foundation program aid, and the county which pays tuition aid shall pay to the district furnishing elementary and secondary or area vocational-technical school instruction on account of such instruction, the actual cost thereof chargeable to maintenance exclusive of transportation costs.

There shall also be paid for capital outlay and debt service to the district providing such instruction \$10 per pupil unit in average daily attendance for each non-resident pupil unit, except that every district educating non-resident pupils may charge and include in its tuition, for capital outlay and debt service, an amount per pupil unit in average daily attendance based on the amount that the average expenditure for capital outlay and debt service determined by dividing such annual expenditure by the total number of pupil units in average daily attendance in the district exceeds \$10 per pupil unit. If the district has no capital outlay or debt service the district receiving such funds may use them for any purpose for which it is authorized to spend money.

Sec. 19. [124.19] Requirements for aid generally. Subdivision 1. Every district which receives special state aid shall (1) maintain or provide instruction in other districts, in state college laboratory school or in the University laboratory school, at least nine months in a year. The normal school year when school is in session shall be not less than 170 days. A district which holds school for that period and is otherwise qualified is entitled to special state aid as by law provided. If school is held a less period such special state aid shall be reduced in the proportion that school is held bears to 170 days, but districts maintaining less than 170 days of school in session do not lose special state aid if the circumstances causing such loss of school time below 170 days were beyond the control of the board and provided proper evidence has been submitted; provided further, that days devoted to teachers' institutes or other meetings authorized or called by the commissioner may be included as part of the 170 days of school in session, and (2) expend for teachers' salaries not less than 65% of the maintenance expenditures exclusive of transportation but when such expenditures exceed \$150 per pupil unit in average daily attendance, such annual teachers' salary expenditures need not exceed 65% of the \$150 per pupil unit in average daily attendance exclusive of transportation. When the expenditure for teachers' salaries in a district does not meet these requirements, the special state aid to that district shall be reduced in the proportion that such salaries are reduced below the requirement, and (3) in any city of the first class in this state, operating under a home rule charter and in which city the schools are operated as a part of the city government under a board of education the city council or other governing body thereof is authorized and empowered to amend at any time the budget of said city in reference only to receipts and expenditures made or to be made for education purposes within said city to the extent that if cur-

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rent receipts, during the applicable period of operation of said budget, exceed the amount of the estimate of special state aids set out in said budget, such receipts over the estimate thereof may be spent in the years received for educational purposes.

Subd. 2. When a district employs a teacher or teachers that do not hold a valid teaching certificate, special state aid shall be withheld in the proportion that the number of such teachers is to the total number of teachers employed by the district.

Sec. 20. [124.20] Aid computation for summer school classes. State aid for summer school classes which are not a part of the regular school term in hospitals, sanatoriums, home instruction programs, in elementary and secondary schools and summer school instruction, in area vocational schools or teachers college laboratory schools or in the University laboratory school shall be paid at a proportionate rate for aids paid during the regular school term.

Sec. 21. [124.21] Foundation program aid. Sub-division 1. (a) Foundation program aid shall be special state aid for schools as computed under this section.

(b) Current adjusted assessed valuation for the purpose of this act means the adjusted assessed valuation as determined by the equalization aid review committee under the provisions of this section; provided that for the 1959-1960 and 1960-1961 school years and thereafter it shall mean the correct assessed valuation approved by the equalization aid review committee and filed with the commissioner of education in the calendar year 1958 and annually thereafter.

(c) Actual maintenance cost per pupil unit in average daily attendance for the purpose of this section shall mean maintenance cost per pupil unit in average daily attendance exclusive of transportation, expenditures for junior colleges, high school teacher training departments, veterans training program, community services and receipts from the sale of other items sold to the individual pupil by the school such as lunches, paper, workbooks, and other materials used in the instructional program; provided, that for the 1959-1960 school year it shall mean the 1958-1959 maintenance cost per pupil unit in average daily attendance as indicated in this paragraph and for years to follow it shall mean the maintenance cost per pupil unit in average daily attendance in the previous year.

Subd. 2. The maximum amount of foundation program

aid, including the amounts payable as apportionment of the school endowment fund and Minnesota Statutes 1957, Section 290.62, which a district or unorganized territory may receive shall equal (a) or (b) as calculated under the provisions of this subdivision, whichever is greater, less the maximum foundation program aid payable to the county for resident pupils of the district, computed under the provisions of this subdivision:

(a) Aid shall be paid to a district on the basis of its actual maintenance cost per pupil unit in average daily attendance or \$270 whichever is the lesser for each resident elementary, secondary, and area vocational-technical school pupil unit in average daily attendance less 19 mills times the current adjusted assessed valuation of the district or unorganized territory; provided that for the purpose of this subdivision the current adjusted assessed valuation in any district or unorganized territory which receives refunds under the gross earnings aid law or airport construction aid law shall include the taxable valuation of exempt property used in computing the amount of such refund.

(b) The amount payable under Minnesota Statutes 1957, Section 290.62 plus \$87 for each resident elementary, secondary, and area vocational-technical pupil unit in average daily attendance, which \$87 per pupil unit in average daily attendance shall include the amount payable as apportionment of the school endowment fund.

Subd. 3. The maximum amount of foundation program aid which a county may receive as partial reimbursement for tuition paid shall be the total of the amounts of maximum foundation program aid earned by the attendance in classified secondary or area vocational-technical schools of pupils residing in districts of the county which do not maintain classified secondary schools. For each such district in which (a) in subdivision 2 of this section determines the maximum foundation program aid due, the maximum foundation program aid paid to the county shall be that amount which bears the same ratio to the maximum foundation program aid to which the district is entitled under (a) as the total number of secondary and area vocational-technical pupil units of the district bears to the total number of elementary, secondary, and area vocational-technical pupil units of the district. For each such district in which (b) in subdivision 2 determines the amount of maximum foundation program aid due, the maximum foundation program aid paid to the county shall be \$87 times the total number of secondary and area vocational-technical pupil units of the district, which \$87 per

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pupil unit shall include the amount payable as apportionment of the school endowment fund.

Subd. 4. The equalization aid review committee, consisting of the commissioner of education, the commissioner of administration, and the commissioner of taxation, is hereby continued and permanently established. The duty of this committee shall be to review the assessed valuation of the districts of the state. When such reviews disclose reasonable evidence that the assessed valuation of any district furnished by any county auditor is not based upon the correct full and true valuation of taxable property in such district, then said committee shall call upon the department of taxation to ascertain the correct full and true value of such property, and adjust such values as required by law to determine the correct assessed valuation. The department of taxation shall take such steps as it may consider necessary in the performance of that duty and may incur such expense as is necessary therefor. On July 1, annually, the department of taxation shall submit its report to said committee for approval or rejection and, if approved, such report shall be filed with the commissioner of education not later than the following January 1, and shall replace, for the school year following the next January 1, the valuation figure provided by any county auditor for the calculation of foundation aid and gross earnings aid. A copy of this report shall be forthwith mailed by certified mail to the clerk of each district involved and to the county auditor and county assessor or supervisor of assessments of the county or counties in which such district is located.

Should any district within 30 days after receipt of a copy of the report filed with the commissioner of education show the equalization aid review committee that an error has been made in the determination of its correct full and true valuation, and the committee agrees that such error has been made, the committee shall redetermine the correct full and true value of such property and adjust such values as required by law to determine the correct assessed valuation of said district and file such redetermination with the commissioner of education. For such purposes, the committee may call upon the department of taxation to assist it in determining whether error has, in fact, been made.

Sec. 22. [124.22] **Transportation aid.** Subdivision 1. To receive state aid for transportation, independent districts must contain not less than 18 sections of land or if the district contains at least 12 sections but less than 18 sections of land, it must have been entitled to aid for transportation prior to 1 July 1957, and schools in such districts shall be in

session at least nine months in the year. They shall have suitable school houses with the necessary rooms and equipment. For transportation or board of resident pupils in such independent districts, the state shall reimburse such districts at rates to be determined by the state board; provided, that no district shall receive annually more than an average of \$60 per pupil per year transported or boarded, and provided further that such reimbursement shall not exceed 80 percent of the actual total cost thereof including the actual depreciation.

Subd. 2. For assisting in providing for the school attendance of isolated pupils, the state board may assist districts or the county board of education for unorganized territory in any county in providing for the transportation or board of such isolated pupils. To this end, the state board may grant to such districts not to exceed \$72 annually for each pupil transported or boarded. Such reimbursement shall not exceed 80 percent of the total cost thereof provided this limitation does not apply to the county boards of education for unorganized territory.

Subd. 3. In a district or unorganized territory without a secondary school resident pupils, including seventh and eighth grade pupils may attend a classified secondary school in another district and shall receive board and lodging in or transportation to a district having a classified secondary school at the expense of the district of the pupil's residence. The county shall reimburse the district not to exceed one and one-half times the amount of state aid. The county may pay the reasonable cost of such board and lodging or transportation in excess thereof. The state will reimburse the county therefor not to exceed \$48 per pupil per year. ① insert

Subd. 4. In a district which does not maintain an area vocational-technical school or vocational classes, a resident pupil when authorized by the board in the district where he resides may attend a classified public area vocational-technical school or vocational classes in a classified secondary school in another district when the resident district does not provide instruction in the vocational course or courses desired by the pupil. When he so attends, the resident district shall provide him board and lodging or transportation between his district and the school attended as provided in subdivision 3 above.

Subd. 5. In a district which closes or has closed its school and transports its elementary pupils to another district and pays tuition for them, the state shall reimburse the district for one-half the expense of transporting the pupils, but not to exceed \$18 per year per pupil.

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Sec. 23. [124.23] Aid to pupils attending state schools of agriculture. Subdivision 1. For the tuition of the students who have completed the eighth grade, who have not graduated from high school or any state schools of agriculture and who are not over 21 years of age attending the state schools of agriculture the state shall pay to the University of Minnesota, to be applied upon the tuition and laboratory and equipment fees of such pupils for the six months period of the school year an amount not to exceed \$7 per pupil per school month, and in addition thereto, aid for such pupils transported or boarded at the rate of \$5.50 per pupil per month.

The appropriation for the above tuition and transportation shall be paid each year of the biennium out of the balance of the income tax school fund to the University of Minnesota, which in turn shall distribute these funds to each of the state schools of agriculture in proportion to the number of eligible pupils.

Sec. 24. [124.24] Emergency aid. Emergency aid is money paid by the state to a district which by reason of calamity, high tax delinquency or excessive debt, or a combination thereof, or by other justifiable cause is unable by taxation to collect sufficient revenue to maintain its schools therefrom on minimum standards established by the state board. Such aid will be paid only when specifically directed by the state board.

Sec. 25. [124.25] Aid to districts educating persons resident on nontaxable land. When elementary or secondary pupils living on land owned by the University of Minnesota as a research center or as a housing project located outside a city of the first class attend school in a district in which such research center or housing project is located, the state shall pay state aid to such district at the same rate per pupil unit in average daily attendance exclusive of transportation as is paid by a district for the education of its residents in another district on a non-resident basis.

The state aid referred to in this section shall be paid from the special state aid fund based upon an annual application submitted to the commissioner.

Sec. 26. [124.26] 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 district maintaining such schools in accordance with requirements established by the state board from funds appropriated for that purpose, or such funds combined with federal funds insofar 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 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. 27. [124.27] Aid for teacher training in secondary schools. For teacher training in secondary schools the state board is authorized within the legislative appropriation therefor to determine the amounts of state aid to be granted to any district for the maintenance of this work.

Sec. 28. [124.28] Gross earnings refund. Subdivision 1. When the properties of any district are made up, to the extent of at least 20 percent 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, such district shall receive annually a refund from such gross earnings taxes in the amount that would be produced by a tax on such exempt property at the current tax rate for school purposes in the district including the rate for nonresident high school children levied by the county provided that any district which has 15 percent in value of such exempt property and presently receiving gross earnings refund shall continue to receive it until June 30, 1961. For the purpose of determining the amount of this refund, the value of such exempt property shall be set at 30 percent of its full and true value except that in no case shall the assessed value of said exempt property for this purpose exceed such an amount as when added to the assessed value of all other property in the district exceed \$3,000 per resident pupil unit. In the determination of the amounts to which districts shall be entitled in the distribution of any state aids that are based upon total valuation per pupil this valuation shall be included.

Subd. 2. Any district entitled to a tax refund under the provisions of this section shall apply to the state auditor on or before July 1 of each year for such a refund and the state auditor shall immediately secure the necessary information on the valuation of the railroad property located in such a district from the railroad and warehouse commission subject to taxation under the gross earnings tax act, except rolling stock and the main tracks, and the local school tax rate in such a district, and compute the amount of the refund. For the purposes of this section the railroad valuation shall be taken as of December 31 of the year preceding the application, the taxable valuation as of the first Monday of January of the year of

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the application, the tax rates of the year of the application and the enrollments as of June 1 of the year of application. The state auditor shall forthwith draw a warrant on the state treasurer for such a refund to be paid from the appropriation otherwise made for that purpose. Provided, however, that no school district qualifying for a refund under this section shall receive more money than would be produced by a tax rate of 160 mills applied to the railroad property assessed at 30 percent of its full value as reported by the railroad and warehouse commission; nor shall any school district receive a larger refund the second fiscal year of the biennium than it receives the first fiscal year of the biennium by reason of the school district raising its mill rate for school purposes by more than five mills.

If the appropriation made for the purposes of this section is insufficient to pay all the school districts eligible for refund under this section the appropriation shall be prorated among the school districts entitled thereto.

Subd. 3. For the purpose of determining the applicability of this section to any district, the valuation of taxable property shall be the adjusted value of such property as determined by the equalization aid review committee, and the valuation of the exempt property shall be the full value of the exempt property as reported annually by the railroad and warehouse commission. For the purpose of determining refunds the valuations of the taxable property shall be taken at 30 percent of the valuations as adjusted by the equalization aid review committee and the valuation of the exempt property shall be taken at 30 percent of its full value. The eligibility of a school district under this section is determined by adding the adjusted taxable valuation of the taxable property of the district as determined by the equalization aid review committee to the full value of the exempt property as reported by the railroad and warehouse commission; then by dividing the amount of the exempt property by the total of such taxable property and exempt property; if the result is 20 percent or more the school district is eligible, otherwise not, unless it qualifies temporarily under section 1.

Sec. 29. [124.29] Special law relating to gross earnings refund. The money received from the federal government by any district as its share of the distribution of proceeds from the sale of timber or rental of lands shall not be chargeable against gross earnings aid received by a district.

Sec. 30. [124.30] Aid in lieu of nontaxable land. Subdivision 1. In any district where 40 percent or more of the total land area is exempt from real property taxes, there

is hereby appropriated annually for school maintenance purposes only, an amount equal to ten cents for each acre of non-taxable lands to be paid from the state income tax fund to the district within which such land is situated, except that no district shall receive hereunder in any one year more than an amount in excess of \$25 per pupil unit in average daily attendance in kindergartens and grades one through twelve, nor in any event more than \$25,000.

Subd. 2. No district with an assessed valuation of \$1,300 or more per pupil unit in average daily attendance shall receive any aid under the provisions of this section. This subdivision does not apply to any district formed in accordance with the provisions of the consolidation law, in which more than 85 percent of the lands are tax exempt nor to any district with more than 30 townships in which more than 50 percent of the land in such district is tax exempt.

Subd. 3. For purposes of this section, each county auditor shall supply to the state auditor plats with checkings thereon indicating the location and description of tax exempt lands situated within the districts of the county.

Subd. 4. There is hereby annually appropriated from the state income tax fund \$260,000 to be distributed by the state auditor under the terms of this section, and in the event that said sum shall be insufficient to pay the full amount to which said districts shall be entitled, the state auditor shall apportion said sum pro rata to each entitled district.

Sec. 31. [124.31] Aid in lieu of taxes on state trust fund lands. Subdivision 1. There is annually appropriated from the revenue fund \$50,000 in aid of the public schools of this state available on or before April 1 of each year.

Subd. 2. The amount so appropriated shall be allocated by the state auditor among those school districts which contain in excess of two sections of state trust fund lands which have never been sold. Each such district shall receive a fractional part of the appropriation equal to the part of the total unsold state trust fund land in all qualifying districts which lie within the district, subject however, to the following limitations:

(a) no district shall receive an amount in excess of five cents per acre of such trust fund lands.

(b) no district shall receive an amount in excess of \$15 per pupil enrolled in grades 1 through 12.

(c) in calculating the acreage of state trust fund land in any district, lands which have heretofore been or hereafter

may be leased by the state for mineral purposes shall not be included in the calculation.

Subd. 3. 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.

Subd. 4. The state auditor shall supply to each county auditor plats indicating the location and description of the trust fund lands situated within the townships of his county.

Sec. 32. [124.32] **Handicapped children.** Subdivision 1. The state shall pay to any district and unorganized territory; (a) for the employment in its educational program for handicapped children, two-thirds of the salary of essential professional personnel, but this amount shall not exceed \$3,600 for the normal school year for each full-time person employed, or a pro rata amount for a part-time person or a person employed for a limited time, including but not limited to summer school; (b) for the employment of an individual jointly with another district or districts or unorganized territory in its educational program for handicapped children, two-thirds of the salary of essential professional personnel, but this amount shall not exceed \$3,600 per annum for each full-time person employed, for a limited time including but not limited to summer school.

Subd. 2. The state shall reimburse each district or unorganized territory for supplies and equipment purchased or rented for use in the instruction of handicapped children in the amount of one-half of the sum actually expended by the district or unorganized territory but not to exceed \$50 in any one school year for each handicapped child receiving instruction.

Subd. 3. When a handicapped or a mentally retarded pupil cannot be transported on a regular school bus, the state shall reimburse each district or unorganized territory for the transportation or board and lodging of a mentally retarded or otherwise handicapped pupil when approved by the state board, at rates to be determined by the state board, but this amount shall not exceed \$225 annually for each such pupil. Transportation funds may be used to reimburse for expenditures in conveying mentally retarded or otherwise handicapped pupils between home and school and within the school plant.

Subd. 4. The aids provided for handicapped children shall be paid to the district providing the special instruction and services. Foundation aid shall be paid to the district or unorganized territory of the pupils' residence. The amount of

aid for special instruction and services for handicapped children may not exceed the amount expended for such special instruction and services for handicapped children for the year for which the aid is paid.

Sec. 33. [124.33] Trainable children; payments by state. Subdivision 1. Amount. The state shall pay to any district and unorganized territory; (a) for the employment in its program for trainable children, two-thirds of the salary of essential personnel, but this amount shall not exceed \$3,600 per annum for each full-time person employed, or a pro rata amount for a part-time person or a person employed for a limited time, including but not limited to summer school; (b) for the employment of an individual jointly with another district or districts or unorganized territory in its program for trainable children, two-thirds of the salary of essential personnel, but this amount shall not exceed \$3,600 per annum for each full-time person employed, or a pro rata amount for a part-time person or a person employed for a limited time including but not limited to summer school.

Subd. 2. Reimbursement by state to district for supplies and equipment. The state shall reimburse each district or unorganized territory for supplies and equipment purchased or rented for use in the instruction of trainable children in the amount of one-half the sum actually expended by the district or unorganized territory but not to exceed \$50 in any one school year for each trainable child receiving instruction.

Subd. 3. State to reimburse district for transportation or board and lodging. The state shall reimburse each district or unorganized territory for the transportation or board and lodging of trainable children when approved by the state board but this amount shall not exceed \$225 annually for each such child. Transportation funds may be used for conveying trainable children between home and school and within the school plant.

Subd. 4. Aids are additional to basic and equalization aids. The aids provided for the instruction of trainable children shall be paid to the district providing the special instruction and services. Foundation program aid shall be paid to the district or unorganized territory of the pupil's residence. The amount of aid for special instruction and services for trainable children may not exceed the amount for such special instruction and services for trainable children for the year which the aid is paid.

Sec. 34. [124.34] Aid to junior colleges. Subdivi-

tion 1. The state board shall distribute to each public school district maintaining a junior college annually the sum of \$200 for each student in average daily attendance in said junior college.

Subd. 2. At the close of each school year, each district maintaining a junior college shall submit to the commissioner satisfactory enrollment and attendance records as prescribed by the commissioner. Not later than September 1 of each year, the commissioner shall certify to the state auditor a statement showing the number of students in average daily attendance at each junior college during the preceding year. The junior colleges established after April 27, 1957, shall be paid aid for the first year on the basis of the enrollment at the end of the second week of operation with adjustment to be made for the following year based on the average daily attendance of the first year, and thereafter aid shall be paid as otherwise provided in this subdivision. The state auditor, not later than October 1 following the receipt of such statement, shall draw his warrant upon the state treasurer in favor of each of the districts maintaining junior colleges for the amount determined by the commissioner. No state aid herein provided for shall be paid to any district unless such district maintaining a junior college charges its resident students an amount equivalent to three-fourths of the amount charged to the non-resident tuition which shall be five-sixths of the state college tuition. These tuitions represent the minimum amount to be charged.

Subd. 3. No state aid shall be paid under this section to any district which establishes a junior college subsequent to the passage of this section within 36 miles of any existing junior college or state college.

Subd. 4. This section shall take effect from and after its passage and the first payment hereunder shall be based upon the 1956-57 school year and the moneys thereof shall be taken out of the general revenue fund.

Sec. 35. [124.35] Loans to distressed districts. Financial aid to distressed districts shall be governed by the provisions of the "Maximum Effort School Aid Law".

Sec. 36. [124.48] Indian scholarships. The state board may award scholarships to any student who has one-fourth or more Indian blood and who, in the opinion of the board, has the capabilities to profit from education. Scholarship shall be for advanced or specialized education in accredited or approved colleges or in business, technical or vocational schools. Scholarships shall be used to defray tuition,

incidental fees and the cost of board and room and shall be paid directly to the college or school concerned. The amount and type of each such scholarship shall be determined through the advice and counsel of the Minnesota Indian Scholarship Committee. No scholarship shall exceed \$800 to any Indian student in any one school year. If a course of study is completed in less than 36 weeks, the scholarship shall be prorated accordingly.

When an Indian student satisfactorily completes the work required by a certain college or school in a school year he is eligible for additional scholarships, if additional training is necessary to reach his educational and vocational objective. Scholarships may not be given to any Indian student for more than four years of study.

Sec. 37. [124.49] **Nursing scholarships.** Subdivision 1. **Entitlement, use, amount.** The state board may award scholarships to students attending a school of nursing in this state accredited in accordance with the laws pertaining to registered nurses and licensed practical nurses. Such scholarships shall be awarded to those students who are residents of this state and who are in need of economic assistance in securing such nursing education, and shall be awarded on the basis of need and ability. These scholarships shall be used solely to defray tuition and other fees and expenses incidental to such nursing education, and shall be awarded only to students enrolled in a school of nursing which provides students an educational experience in a rural or a state hospital for the mentally ill. No student shall receive a scholarship of more than \$600. Two-thirds of the scholarship shall be available to the student in the first year of her course, and the remainder thereof shall be divided equally between the remaining years of the course, provided, however, that the practical nurse scholarship shall not exceed \$300 and shall be available to the student in the first year of her course.

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Subd. 2. **Conditions of grant.** The recipient of any scholarship provided for hereunder must agree to accept an educational experience in a rural hospital or a state hospital for the mentally ill, and must further agree to practice the profession of nursing for at least one year immediately after graduation in the State of Minnesota.

Sec. 38. [124.50] **Non-resident school attendance authorized.** Any person of school age residing in a district in which no classified secondary school or area vocational-technical school is maintained is entitled to attend such school outside his resident district under regulations established by the state board.

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Sec. 39. [124.51] County non-resident tuition tax program. Subdivision 1. It is the duty of the county superintendent in each county annually before July 1 to certify to the county board the number of resident pupils of each district in the county wherein no classified secondary school or area vocational-technical school was maintained in the preceding school year, who attended a classified secondary school in another district, naming the district attended, the length of time attended by each pupil, and the tuition charged for each pupil by the district which furnished the instruction.

In counties having no superintendent of schools, the district board shall make such certification.

Subd. 2. The auditor of the county of the pupil's residence shall thereupon cause to be paid out of the county school tax fund hereby created to each such district which furnished such instruction the tuition so charged for such instruction.

Subd. 3. State apportionment, and special state aid paid by the state on account of such secondary school or area vocational-technical school instruction shall be paid to the county which pays such secondary school tuition.

Subd. 4. The county board in the county which pays such tuition, at its July meeting shall determine the total sum to be paid on account of such tuition for the current school year in excess of the aid to be received from the state on account thereof, and shall levy a tax for such sum sufficient to pay such tuition, and the county auditor shall spread such tax on the property in the districts of the county which maintains no classified secondary school in the manner provided by law for spreading other taxes therein and such taxes shall be collected in the same manner as other taxes on property are collected. When collected such taxes shall be credited to the county school tax fund which is hereby created. In the event that the tax levy in any year is insufficient with state aid to reimburse the county for its expenditures for tuition in that year, the county auditor shall extend a separate tax in any subsequent year against the same area to make up the deficit. The proceeds of such tax shall be retained by the county.

When the tax rate required to produce the amount levied for county tuition in any county in any year exceeds by 50 percent the average rate of the tax levied for such purposes in all counties of the state, which average rate shall be determined by dividing the total amount of taxes levied for the current school year only by all counties for such purposes by

the total taxable valuation of all property in all counties of the state against which taxes were imposed for such purposes by such counties in such year, then one-half of the amount of any excess over 150 percent of the amount which would be produced by a levy of such state rate upon the total taxable valuation of all property in such county against which a tax for such purposes was levied shall be paid to such county from the appropriation for this item, and if such appropriation is insufficient to pay the full amounts due all counties, entitled to such payments, then they shall be paid their pro rata share of such appropriation.

Subd. 5. The county board in the county which shall receive state aid for transportation shall, at its July meeting, determine the total sum to be paid on account of such transportation for the preceding year in excess of the aid received from the state on account thereof, and shall levy a tax for such sum sufficient to pay such transportation, and the county auditor shall spread such tax on the property of the county. Such taxes shall be collected in the same manner as other taxes are collected. When collected such taxes shall be credited to the county school transportation tax fund, which is hereby created.

Subd. 6. Until there shall be money in such fund out of which to make the disbursements herein provided, such disbursements shall be paid out of the general revenue fund of the county, but any money paid from the general revenue fund shall be replaced therein from money thereafter collected and credited to the county school tax fund.

Subd. 7. When, by reason of reorganization of districts there is a surplus in the county treasury to the credit of the county school tax fund on account of an excessive tax levy heretofore made, and when there is no need therefor, the surplus shall be paid by the county treasurer to the reorganized district upon the order of the county board.

Sec. 40. [124.52] Acceptance of federal aid. The provisions of the act of Congress 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.

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Sec. 41. [124.53] **Vocational education.** The state board is hereby designated the state board for vocational education and has the duty of cooperating with the United States Office of Education or other federal agency in the administration of the program of vocational education and is given all power necessary to such cooperation. The state board is authorized to make such expenditures as it may deem necessary to carry out the provisions hereof from money available for the purposes.

The state board shall appoint such officials or assistants as may be necessary, fix the salaries of such persons appointed, and make expenditures from the state funds appropriated for the salaries and necessary expenses of such officials and assistants, or use a portion of such funds in matching federal funds available for the same purpose.

Sec. 42. [124.54] The state treasurer is appointed custodian of all funds for vocational education, 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 for such purpose.

Sec. 43. [124.55] **Federal aid, report of treasurer to the legislature.** The state treasurer, as custodian for vocational educational 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 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. 44. [124.56] **Appropriation account.** 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. 45. [124.57] **Aid for vocational education.** Whenever any district shall have established a vocational school, department, or classes in accordance with the rules and regulations established by the state board adopted by that board, and the plan for vocational education, and approved by the United States office of education or other federal

agency to which its functions are assigned, the state board shall reimburse such district or state tax supported institution for its expenditures for salaries and necessary travel of vocational teachers or other reimbursable expenditures 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 in the event of such funds not being sufficient to make such reimbursement in full, the state board shall prorate the respective amounts available to the various districts entitled to receive reimbursement. All instruction may be given at the place of the abode of the pupils, and adults may be given instruction in adjoining or nearby districts.

In like manner the state board shall have power to reimburse other governmental agencies for expenditures for salaries and necessary travel expenses of vocational teachers from federal funds, according to rules and regulations adopted by the state board.

When local districts desire but cannot provide vocational instruction for the related training required by apprentices and other learners in the trade, industrial, and distributive fields, the state board is empowered upon request of such local district or districts to employ itinerant vocational teachers to provide this service and pay the salary and necessary travel expense from authorized federal and state vocational aid funds under such rules as it may adopt. An itinerant vocational teacher in this section is defined as a vocational teacher employed to give part-time or periodic vocational instruction in one or more districts.

Sec. 46. [124.58] Matching aid. When aid is received from the United States conditioned upon the state meeting requirements specified by the government of the United States the state board shall allot the necessary funds to be paid by the state out of the school aid fund.

Sec. 47. [124.59] Federal aid. Any district or any other governmental agency designated by the state board 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 and approved by the United States.

Sec. 48. [124.60] Teacher training aid. Teacher training schools and departments shall be entitled to federal money for the preparation of teachers of agriculture, trade

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and industrial education, home economics and distributive education by meeting the requirements fixed by the state board and approved by the United States for the preparation of such teachers. The state board 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 these institutions, provided that no federal funds may be applied directly or indirectly to the purchase, erection, preservation, or repair of any building or equipment, or for the purchase or rental of lands or for the support of any religious or privately owned school or college.

Sec. 49. [124.61] Teachers' training, federal aid. All disbursements of federal money for the benefit of teacher training schools or departments shall be made on the requisition of the state board 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 vocational schools, departments, or classes shall be made on the requisition of the state board by the state treasurer to the treasurers legally qualified to receive and disburse the funds for the districts or governmental agencies establishing and maintaining such schools, departments, and classes as herein provided.

Sec. 50. [124.62] Federal aid to education, acceptance by the state. Subdivision 1. In the event that the United States enacts legislation providing educational assistance to the states for the purpose of

- (1) General improvement of public elementary and secondary schools,
- (2) Improvement of school library service,
- (3) Improvement of health, welfare, and recreational service in the public schools,
- (4) Improvement of nursery schools and kindergartens,
- (5) Improvement of services for handicapped pupils,
- (6) Improvement of educational and vocational guidance activities,
- (7) Improvement of vocational education,
- (8) Improvement of rehabilitation and placement services,
- (9) Improvement of technical and vocational institutes of secondary grade,

(10) Stimulation and improvement of part-time, civic, vocational and general adult education and recreational activities conducted by school systems,

(11) Transportation of pupils,

(12) Purchase of books and instructional material,

(13) Provision of scholarships,

(14) Improvement of teacher preparation,

(15) Construction of school buildings,

(16) Facilitating administration in state department of education,

(17) Stimulating and facilitating adequate rural library services and,

(18) 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 and pending further action by the legislature.

Subd. 2. Pursuant to such acceptance, the state board shall have authority to make and secure approval of plans to carry out the purposes of the provisions accepted.

Subd. 3. The state treasurer shall be the custodian of all funds received from the United States on account of such acceptance, and he shall disburse such funds on requisition of the state board for purposes consistent with the acts of Congress and in accordance with the provisions of this section and of the order of acceptance.

Sec. 51. [124.63] County board, distribution of federal aid. Any county board may 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 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 the board by resolution duly adopted by it, which resolution shall specify the terms and conditions under which this money shall be so paid over and disbursed to any district.

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Sec. 52. [124.64] Federal aid to Indians, power of state board. The state board is hereby authorized to enter into contracts with the United States for the education of Indians in Minnesota, to receive grants of money from the United States and to disburse the same in accordance with the terms of the contract and such rules and standards as the state board may establish.

Sec. 53. [124.65] Types of school aid. Appropriations made for special state aid are for the following purposes:

Foundation program aid; emergency aid; transportation aid; aid for special classes of handicapped children; teacher training; gross earnings tax refund, and vocational aid. Before any other aids are paid, transportation aid shall be paid.

Sec. 54. [124.66] Purposes of school aid. State aid from the school aid fund and any other money set apart for use with the school aid fund shall be for the following 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 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; and

(5) To provide for the maintenance of teacher training departments in high schools.

Sec. 55. [124.67] The provisions and benefits of Public Law 85-864, an act of the 85th Congress of the United States entitled "An act to strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national needs; and for other purposes", cited as the "National Defense Education Act of 1958", approved September 2, 1958, be and the same are hereby accepted, and the benefits of all funds appropriated under the provisions of such act are hereby accepted as provided in such act.

Sec. 56. [124.68] The provisions of Public Law 531, an act of the 83rd Congress of the United States entitled "An act to authorize cooperative research in education", and ap-

proved July 26, 1954, be and the same are hereby accepted, and the benefits of all funds appropriated under the provisions of such act are hereby accepted as provided in such act.

ARTICLE VI.

Section 1. [125.01] For purposes of this article, except for section 17, the teacher tenure act for cities of the first class, the words defined in Article I Sec. 2 have the same meaning.

Sec. 2. [125.02] 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. 3. [125.03] Certification of teachers; definition of teacher. Subdivision 1. The term "teachers" for the purpose of certification, means and includes any and all persons employed in a public school as members of the instructional and supervisory staff such as superintendents, principals, supervisors, classroom teachers, librarians and the county superintendents of schools.

Subd. 2. The teacher elected as county superintendent shall hold a valid certificate as required by the state board of education.

Subd. 3. Any county superintendent of schools elected for a term beginning on or before the first Monday in January, 1959, shall be deemed eligible for re-election.

Sec. 4. [125.04] Qualified teacher defined. A qualified teacher is one holding a valid certificate from the state board, as hereinafter provided, to perform the particular service for which he is employed in a public school.

Sec. 5. [125.05] State board to issue certificates. The authority to certify teachers is vested in the state board. Certificates shall be issued to such persons as the state board finds to be physically competent and morally fit to teach. Qualifications of teachers and other professional employees shall be determined by the state board under the rules which it promulgates. Certificates of qualifications of teachers shall be issued by the commissioner and the commissioner shall issue certificates to any qualified blind graduates of a school of education.

Sec. 6. [125.06] Applicants trained in other states. When a certificate to teach is authorized to be issued to any holder of a diploma or a degree of a Minnesota state college, or 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, be issued to any holder of a diploma or a degree of a teacher training institution of equivalent in content to that required by such Minnesota state college or 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. 7. [125.07] Duration and renewal of certificates.
Subdivision 1. Expiration and renewal. All certificates, except as herein provided, shall bear the date of issue and 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 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 requirements for a regular renewal. Any person who applies for the issuance or renewal of a teachers' certificate and who possesses the training prescribed by law or regulation, 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.

Subd. 2. Permanent certificates. If the holder of a five-year certificate shall present to the state 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, recreational, or adult education certificate.

Subd. 3. Elementary limited certificates; expiration

and renewal. An elementary school limited certificate shall bear the date of issue and 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.

Sec. 8. [125.08] Teachers' certificates, fees. 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 \$2. For each permanent certificate the fee shall be \$10. For all others, the fee shall be \$3 for each certificate or renewal thereof. Such fees shall be paid to the commissioner, 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.

Sec. 9. [125.09] Suspension or revocation of certificates. Subdivision 1. Grounds for revocation. The state board may, on the written complaint of the board employing a teacher, or of the superintendent of the county where such teacher is employed, or of the commissioner, which complaint shall specify generally the nature and character of the charges, suspend or revoke such teacher's certificate or license to teach for any of the following causes:

- (1) Immoral character or conduct;
- (2) Failure, without justifiable cause, to teach for the term of his contract;
- (3) Gross inefficiency or wilful neglect of duty; or
- (4) Affliction with active tuberculosis or some other communicable disease, while suffering from such disability.

Subd. 2. Hearing on charges. The commissioner 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 his answer to the charges specified. The commissioner shall thereupon fix in writing a time for a hearing upon the complaint, and serve a copy thereof on the teacher. Such hearing shall be conducted by the state board, or by the commissioner or assistant commissioner, as the rules of the state board may provide, unless the complaint is filed by the commissioner, in which case it shall be conducted by the state board or a member thereof designated by the state board. The hearing shall be held in the office of the state board unless the teacher at the time of filing his

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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 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 the proceedings and of all evidence produced thereat and forthwith filed with the state board upon the conclusion of such hearing. A copy thereof shall be furnished to such teacher upon his request.

Subd. 3. **Decision by state board.** Upon concluding such hearing, if conducted by the state board, or the filing of such report, if conducted by the commissioner, deputy commissioner, or member of the state board, the state 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 state 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 state board shall be final and all orders of suspension or revocation shall be included in the certificate records of the department.

Sec. 10. [125.10] **Outstanding certificates not impaired.** No provision or regulation adopted by the state board shall affect the validity of certificates or licenses to teach in force on May 1, 1949, 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 procedures specified by law.

Sec. 11. [125.11] **Recording of certificates; county and district superintendent.** No person shall be accounted a qualified teacher 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. 12. [125.12] **Employment; contracts, termination.** Subdivision 1. **Teacher defined.** A superintendent, principal, supervisor, and classroom teacher and any other professional employee required to hold a certificate from the

state department shall be deemed to be a "teacher" within the meaning of this section.

Subd. 2. Hiring, dismissing. School boards shall hire or dismiss teachers at meetings called for that purpose; provided 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 board. No teacher related by blood or marriage, within the fourth degree, computed by the civil law, to a board member 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 school districts, by at least two members of the board; 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.

Subd. 3. Termination of contract. Contracts governing the first and second years of a beginning teacher's first teaching experience in Minnesota are not subject to this subdivision. Thereafter, the teacher's contract shall remain in full force and effect, except as modified by mutual consent of the board and the teacher, until terminated by a majority roll call vote of the full membership of the board, or by the written resignation of the teacher, before April 1. Provided: before a teacher's contract is terminated by the board, the board shall notify the teacher in writing and state its reason for the proposed termination. Within 10 days after receipt of this notification the teacher may make a written request for a hearing before the board and it shall be granted before final action is taken. Such termination shall take effect at the close of the school year in which the contract is terminated in the manner aforesaid. Such contract may be terminated at any time by mutual consent of the board and the teacher and this section shall not affect the powers of a board to discharge or demote a teacher under and pursuant to other provisions of law.

Subd. 4. Retirement. Notwithstanding the foregoing provisions, a board may provide by rule that its teachers shall be retired at age 65.

Subd. 5. Exception. This section shall not apply to any district in a city of the first class.

Sec. 13. [125.13] Exchange teachers. Subdivision 1. A person holding a certificate and contract to teach in a

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Minnesota public school and assigned by the employing district to teach elsewhere is an exchange teacher.

Subd. 2. Any district is authorized to assign a teacher for service elsewhere than in the employing district in exchange for a teacher with qualifications satisfactory to the commissioner.

Subd. 3. The exchange teacher shall retain all rights in the employing district as though teaching in that district.

Sec. 14. [125.14] Summer schools; teachers' contracts. In order to encourage further preparation and education of its teachers, the 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. 15. [125.15] 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 fifteen years, and between fifteen and twenty-one 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. 16. [125.16] Teachers' reports. Each teacher in districts maintaining ungraded elementary schools only, and each superintendent of districts maintaining graded elementary or secondary 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 districts in more than one county a report shall be made according to rules established by the state board. The teachers, principals, and superintendents in districts maintaining graded elementary or secondary schools shall make such reports as may be required by law or the rules of the state or local board under like penalty.

Sec. 17. [125.17] 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, for the purposes of the following subdivisions in this section shall be defined as follows:

(a) **Teachers.** The term "teacher" includes every person regularly employed, as a principal, or to give instruction in a classroom, or to superintend or supervise classroom instruction, or as placement teacher and visiting teacher. Persons regularly employed as counselors and school librarians shall be covered by these sections as teachers if certificated as teachers or as school librarians.

(b) **School board.** The term "school board" includes a majority in membership of any and all boards or official bodies having the care, management, or control over public schools.

(c) **Demote.** The word "demote" means to reduce in rank or to transfer to a lower branch of the service or to a position carrying a lower salary or compensation.

Subd. 2. Probationary period; discharge or demotion. All teachers in the public schools in cities of the first class 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 shall see fit. The school board may, during such probationary period, discharge or demote a teacher for any of the causes as specified in this code. A written statement of the cause of such discharge or demotion shall be given to the teacher by the school board at least 30 days before such removal or demotion shall become effective, and the teacher so notified shall have no right of appeal therefrom.

Subd. 3. 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 cause after a hearing.

Any probationary teacher shall be deemed to have been re-employed for the ensuing school year, unless the school board in charge of such school shall give such teacher notice in writing before April 1 of the termination of such employ-

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ment. In event of such notice the employment shall terminate at the close of the school sessions of the current school year.

Subd. 4. 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 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; or

(5) Discontinuance of position or lack of pupils.

Subd. 5. Hearing of charges against teacher. The 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 having charge of the school in which the teacher is employed. Such school board before discharging or demoting a teacher shall then accord the teacher against whom such charges have been filed a full hearing and give to the 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 last known post-office address; provided, that if the charge be made by any person not in connection with the school system the charge may be disregarded by such school board. Upon such hearing being held such school board shall hear all evidence that may be adduced in support of the 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 conducting such a hearing shall have authority to issue subpoenas and to administer oaths to witnesses.

Subd. 6. Counsel; examination of witnesses. Each party appearing before the school board shall have the right to be represented by counsel, and such counsel may examine and cross-examine witnesses and present arguments.

Subd. 7. Hearings. All hearings before the school board shall be private or may be public at the decision of the teacher against whom such charges have been filed.

Subd. 8. 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 the school board. If the charges, or any of such, are found to be true, the school board conducting the hearing shall discharge, demote, or suspend the teacher, as seems to be for the best interest of the school. No teacher shall be discharged for either of the causes specified in subd. 4, except during the school year, and then only upon charges filed at least four months before the close of the school sessions of such school year.

Subd. 9. 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.

Subd. 10. Suspension pending hearing; salary. Upon the filing of charges against a teacher, the school board may suspend the teacher from regular duty. If, upon final decision, the teacher is suspended or removed, the school board may in its discretion determine the teacher's salary or compensation as of the time of filing the charges. If the final decision is favorable to the teacher there shall be no abatement of salary or compensation.

Subd. 11. 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. In the event it becomes necessary to discontinue one or more positions, in making such discontinuance, teachers shall be discontinued in any department in the inverse order in which they were employed.

Sec. 18. [125.18] Sabbatical leave for school teachers.
Subdivision 1. A teacher who holds a certificate from the department and a contract for employment in a public school may be granted a sabbatical leave by the board employing such person under rules promulgated by such board.

Subd. 2. Any teacher who makes application for and accepts sabbatical leave shall agree that, upon the conclusion of said sabbatical leave, he shall return to his position for a period determined by the board before the leave is granted, or

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repay the district the portion of salary received while on sabbatical leave.

Subd. 3. Any teacher who has been granted a sabbatical leave shall retain all rights in the employing district as though teaching in that district.

Subd. 4. The term sabbatical leave, as used in this section, shall mean compensated leaves of absence granted for purposes of professional improvement or service.

ARTICLE VII

Section 1. [126.01] For purposes of this article, the words defined in Article I, Section 1, have the same meaning.

Sec. 2. [126.02] 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 except pupils in the 11th and 12th grades attending any such school, insofar as he or she is physically fit and able to do so, shall participate in the physical training program. Suitable modified courses shall be provided for students physically or mentally unable or unfit to take the courses prescribed for normal pupils. No pupil shall be required 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.

Subd. 2. Training of teachers. All colleges, schools, and other educational institutions giving teacher training shall provide courses in physical and health education, training, and instruction and every pupil attending any college, school, or educational institution in preparation for teaching service shall take such courses.

Sec. 3. [126.03] Instruction in morals. Instruction shall be given in all public schools in morals, in physiology and hygiene, and in the effects of narcotics and stimulants.

Sec. 4. [126.04] Instruction as to effect of alcohol on human system. The state department 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. 5. [126.05] Courses in effects of narcotics and

alcohol in teacher training schools. All educational institutions giving teacher training shall offer courses in the effects of narcotics and alcohol upon the human system, upon character, and upon society, and every student attending such institution in preparation for teaching service shall be required to take and to satisfactorily complete such courses.

Sec. 6. [126.06] Declaration of Independence and Constitution. In the eighth grade and in the secondary school grades of all public schools and in the corresponding grades in all other schools within the state, 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 commissioner.

Sec. 7. [126.07] 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 secondary and elementary schools other languages may be taught, when made a part of a regular or optional course of study. Instruction may be given in such languages in elementary grades, not to exceed one hour in each day, by unanimous vote of the school board.

Sec. 8. [126.08] Patriotic exercises. In all of the schools in 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 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 these days shall not exceed one-half hour.

Sec. 9. [126.09] 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 pertaining to the state of Minnesota and its geography, history, industries, and resources.

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Sec. 10. [126.10] 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 Francis Willard Day, October 9 as Leif Ericson Day, and February 15 as Susan B. Anthony 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. 11. [126.11] Arbor Day. Subdivision 1. The first Friday in May is designated Arbor Day. On that day there may be special observances throughout the state celebrating and emphasizing the importance of cultivating forest, fruit and ornamental trees. In the public schools of the state, time may be devoted by the teachers, either in the classroom or outside of the classroom, to appropriate instructions and exercises commemorating the history and tradition of Arbor Day observances in the past and illustrating the future value to the state of cultivating, planting and developing the trees and forest resources. These observances shall not consume more than one-half of the normal school day.

Subd. 2. The department of conservation may assist and encourage the observance of Arbor Day by any public school, group or association requesting assistance. The department may lend its facilities and resources to such public school, group or association for the planting and cultivating of trees.

Subd. 3. The governor shall in any way he deems necessary encourage the observances and exercises set forth in this section and he shall by proclamation call the public's attention to the importance of the state forest resources and the policy herein set forth.

Sec. 12. [126.12] Length of school term. The school shall be maintained not less than nine 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 part of the school week.

Sec. 13. [126.13] Conduct of school on certain holidays. The governing body of any district may 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, Columbus Day and Veterans' Day, provided that on Washington's birthday, Lincoln's birthday, and Veterans' day at least

one hour of the school program be devoted to a patriotic observance of the day.

Sec. 14. [126.14] 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 school 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 districts may direct and within the principal rooms of such school building at all other times while the same is in session.

Subd. 2. School boards to provide flags and staffs. It shall be the duty of each board 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 safe-keeping of such flag when not in use, as by this section directed, at all times.

Sec. 15. [126.15] School safety patrols. Subdivision 1. Establishment. 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.

Subd. 2. Appointment of members. Unless the parents or guardian of a pupil object in writing to the school authorities to the appointment of the pupil on a school safety patrol, it is lawful for any pupil over nine years of age to be appointed and designated as a member thereof, provided that in any school in which there are no pupils who have attained such age any pupil in the highest grade therein may be so appointed and designated.

Subd. 3. Liability not to attach. No liability shall attach either to the school, educational institution, governing board, directing authority, or any individual director, board member, 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

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by any pupil, whether a member of the patrol or otherwise by reason of the operation and maintenance thereof.

Subd. 4. **Identify, operation.** Identification and operation of school safety patrols shall be uniform throughout the state and the method of identification and signals to be used shall be as prescribed by the commissioner of highways.

Sec. 16. [126.16] **License to sell; conditions.** Before any person, company, or corporation shall offer any school textbook for adoption, sale, or exchange, in the state of Minnesota, the person, company, or corporation shall comply with the following conditions:

(1) File a copy of such textbook in the office of the commissioner, with a sworn statement of the usual list price, the lowest wholesale price, and the lowest exchange price, based on five-year adoption periods, at which such textbook is sold, or exchanged for an old textbook in the same subject of like grade, and kind, but a different series, to any school board, school corporation, or school textbook commissioner anywhere in the United States;

(2) File with the commissioner a written agreement (a) to furnish such textbook or books to any board at the lowest prices so filed, and to maintain such prices uniformly throughout the state; (b) to reduce such prices automatically in Minnesota whenever reductions are made elsewhere in the United States, and guarantee that at no time shall any textbook so filed by the person, company, or corporation be sold in Minnesota at a higher price than is received for such textbook elsewhere in the United States; and (c) that all textbooks offered for sale in Minnesota shall be equal in quality to those deposited in the office of the commissioner as regards paper, binding, print, illustrations, subject matter, and all points that may affect the value of the textbooks;

(3) File with the commissioner a surety bond of not less than \$2,000, and not more than \$10,000, in an amount to be fixed by the commissioner, which shall run to the state of Minnesota, and be approved by the attorney general.

Upon compliance with the foregoing conditions, the person, company, or corporation shall be licensed to sell school textbooks in the state of Minnesota.

Sec. 17. [126.17] **Failure to conform to agreement; forfeiture of bond.** If in any case the person, company, or corporation shall furnish to any district, textbooks inferior in any particular to the samples on file with the commissioner, or charge a higher price than was filed with the commis-

sioner, or than the same are sold elsewhere in the United States, then it shall be the duty of the county superintendent, on written complaint filed with him by the board of such district, or of the superintendent of a district having a secondary school, or of the principal of schools of the district to inform the commissioner of the failure of the person, company, or corporation to comply with the terms of his contract. The commissioner shall thereupon notify the person, company, or corporation of the complaint and, if the person, company, or corporation shall disregard the notification and fail to comply immediately with the terms of agreement filed with the commissioner, the bond of the person, company, or corporation shall be forfeited and the attorney general shall, upon written request of the commissioner, proceed to collect the full amount of the bond of the person, company, or corporation.

Sec. 18. [126.18] List of textbooks and prices; duties of commissioner. When the publisher shall prepare an abridged or special edition of any of his textbooks listed with the commissioner and supply such special edition elsewhere at a lower wholesale price than the wholesale price scheduled with the commissioner, the publisher must agree to furnish such special edition at the wholesale price at which it is furnished elsewhere, so long as it is supplied at this lower price anywhere outside of Minnesota; and it shall be understood that the bond given by the publisher shall cover this provision as to special edition. In case an action is brought upon such bond, the state, if successful, shall recover the full amount of the bond, which amount shall be paid into the state school fund.

ARTICLE VIII

Section 1. [127.01] For purposes of this Article, the words defined in Article I, Sec. 2, have the same meaning.

Sec. 2. [127.02] 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.

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Sec. 3. [127.03] 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. 4. [127.04] Judgment paid by treasurer. Except as hereinafter provided, no execution shall issue upon any judgment against a school district for the recovery of money. Unless the same be stayed by appeal, the treasurer shall pay such judgment, upon presentation of a certified copy thereof, 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. 5. [127.05] 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 the district. If such tax is not levied and certified to the county auditor on or before October first next after presentation, 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. 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. 6. [127.06] Issuance of execution. If the judgment is not paid within 80 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. 7. [127.07] Exclusion or 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 for-

felt to the party aggrieved \$50.00 for each such offense, to be recovered in a civil action.

Sec. 8. [127.08] 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 upon notice to the offending district and upon proof of the violation of the provisions of this section, shall withhold in the semiannual apportionment the share of such district and the county auditor shall thereupon exclude such district from his apportionment for such period.

Sec. 9. [127.09] 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 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. [127.10] 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, nor more than \$50, for the use of the district.

Sec. 11. [127.11] 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. [127.12] 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 for each offense.

Sec. 13. [127.13] Failure of auditor to report. Any county auditor who shall fail to make to the commissioner any report of apportionment required by law shall forfeit, for the benefit of the school fund of the county, the sum of \$50.

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Sec. 14. [127.14] 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 commissioner, shall forfeit to the school fund of the county, for each such omission, \$50, to be deducted from his salary by the board of county commissioners.

Sec. 15. [127.15] 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, nor more than \$200 for each such offense. 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. [127.16] 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 when 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.

Sec. 17. [127.17] 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 board of the district concerned.

Subd. 2. Rules and regulations. The boards shall enforce the provisions of this section and 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.

Subd. 3. Penalties. The boards 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 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 boards or a majority of their membership, such pupil is guilty of violating any of the provisions of this section or is guilty of violating any rule or regulation adopted by such boards for the purpose of governing such schools — or enforcing this section.

Subd. 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 of such schools to join any fraternity, society, or association organized outside of the 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 city or village, or, upon failure to pay such fine, to be imprisoned for not more than 10 days.

Sec. 18. [127.18] Failure to report. No warrant shall be drawn for the payment of the salary of a county superintendent for the months of October and December of any year until the reports required by law relating to apportionment and others as required by the commissioner shall have been filed and proof made of the filing of such superintendent's reports to the commissioner of education.

Sec. 19. [127.19] Officers, teachers; neglect of duty; penalty. Any school officer, truant officer, teacher of a public or private school, graded elementary school principal, district superintendent or county superintendent of schools refusing, wilfully failing, or neglecting to perform any duty imposed upon him by the provisions of law relating to the compulsory attendance in school of children of school age shall be guilty of a misdemeanor; and, upon conviction thereof, punished for each offense by a fine of not to exceed \$10.00 or by imprisonment in the county jail for not to exceed ten days. All such fines, when collected, shall be paid into the

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county treasury for the benefit of the school district in which the offense is committed.

Sec. 20. [127.20] 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, 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 the offense is committed.

Sec. 21. [127.21] Combination to control prices; duty of attorney general. If at any time any publisher shall enter into any understanding, agreement, or combination to control the prices or to restrict competition in the adoption or sale of school books, then the attorney general shall institute and prosecute legal proceedings for the forfeiture of the bond of the publisher and for the revocation of his license to sell school books in this state, and each and every contract made by the publisher under this chapter shall thereupon become null and void at the option of the other parties thereto.

Sec. 22. [127.22] Failure to place samples on file; penalty. Any publisher who shall sell or offer for sale or adoption in the state, school textbooks of any kind without first placing samples of the same on file with prices and obtaining a license therefor from the commissioner of education, shall be guilty of a gross misdemeanor; and, upon conviction thereof, fined not less than \$500, and not more than \$2,000.

Sec. 23. [127.23] State officials to be disinterested; penalty for violation. If the commissioner (of education), his assistant or any employee connected with his office, or any member of any school board shall accept or receive any money, gift or any property, or favor from any person, firm, or corporation offering for sale any textbooks, or any agent thereof, or from any person in any way interested in the sale of textbooks, he shall, upon conviction, be punished by a fine not exceeding \$500, or by imprisonment in the county jail for not more than six months, or both by such fine and imprisonment.

Sec. 24. [127.24] Teachers, county and city officials to be disinterested. Any teacher in the public schools of Minnesota, or any county or district superintendent of schools, or any member of any school board or board of education, or any person connected with the public school system of Minnesota in any capacity, who shall in any way be interested in the profits, proceeds, or sale of any school textbooks used in the schools of Minnesota under his charge, or with which he is connected in any official capacity, shall be liable to a fine of not less than \$50.00, nor more than \$200; provided, that this shall not apply nor have reference to royalties or profits received by a person from the sale of school books of which he is himself the author.

Sec. 25. [127.25] Appeals. Subdivision 1. Any district or any person aggrieved by final order of the county board or final order of the commissioner, or final order of the county superintendent, made pursuant to the provisions of this code, may appeal from such final order to the district court upon the following grounds:

(1) That the county board, the commissioner, or the county superintendent had no jurisdiction to act;

(2) That the county board, the commissioner, or the county superintendent exceeded its jurisdiction;

(3) That the action appealed from is arbitrary, fraudulent, capricious or oppressive or in unreasonable disregard of the best interest of the territory affected;

(4) That the order of action appealed from is based upon an erroneous theory of law.

An appeal from a final order of a county board shall be taken by serving a notice of appeal upon the county auditor. An appeal from a final order of the commissioner shall be taken by serving a notice of appeal upon the commissioner. An appeal from a final order of the county superintendent shall be taken by serving a notice of appeal on the county superintendent. An appeal from a final order of a county board or a county superintendent shall be taken to the district court in the county of the board or superintendent. An appeal from a final order of the commissioner shall be taken to the district court for Ramsey county. Notice of appeal must be served within 30 days of the issuance of the order appealed from and shall be accompanied by a corporate surety bond in the amount of \$250, conditioned for the payment of all costs taxed against appellant on such appeal. The notice of appeal shall be filed with the clerk of the district court and

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noticed for hearing in the manner provided for the trial of civil actions by Minnesota Rules of Civil Procedure.

Any order of the commissioner rejecting a consolidation plat shall be deemed a final order for the purposes of this section. In an appeal from an order of a county superintendent effecting a consolidation the action of the commissioner approving the plat is reviewable and the commissioner may be called by either party as a witness in such appeal proceedings and may be examined under the Rules of Civil Procedure relating to the cross-examination of adverse parties.

Subd. 2. Any school district or any person affected by final order of the county board or final order of the commissioner or final order of the county superintendent shall be permitted to intervene in appeals under this section as a party respondent.

Subd. 3. An appeal lies from the district court to the Supreme Court in accordance with the provisions of Minnesota Statutes 1953, Chapter 605.

Sec. 26. Minnesota Statutes 1957, Sections 120.01 to 120.58, 121.01 to 121.15, 122.011 to 122.061, 122.58 to 122.67, 126.01 to 126.16, 127.01 to 127.14, 128.01 to 128.36, 130.01 to 130.33, 131.01, 131.073 to 131.26, 132.01 to 132.14, 133.01 to 133.10, Laws 1957, Chapters 417, 520, 541, 735, 860, and 868, Laws 1959, Chapters 109, 165, 226, 259, 308, 309, 482, 504, 516, 532, 624, and 653, and Extra Session Laws 1959, Chapter 56 are repealed.

Sec. 27. The provisions of this act shall become effective on July 1, 1959.

Approved June 30, 1959.

EXTRA SESSION
CHAPTER 72—H. F. No. 27

[Not Coded]

An act relating to the operations of state government; appropriating moneys for education and related purposes, including the University of Minnesota and its hospitals, aids to rural libraries, junior colleges, and for a school construction loan program, and limiting and regulating the use thereof; providing aid to school districts affected by gross earnings taxation and for the payment of agricultural agents; author-