

one of the session laws of eighteen hundred and sixty, being an act entitled "An act to suspend an act entitled 'An act for the establishment of State Normal Schools,'" be and the same are hereby continued in force for the further term of five years from the passage of this act.

Extension of time for the establishment of Normal Schools.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1865.

CHAPTER XIII.

An Act for the Organization and Regulation of Independent School Districts.

March 3, 1865.

1. Establishment of independent school districts.
2. How organized.
3. Who to be judges of election.
4. School directors—how chosen—term of office.
5. Directors to be a body corporate—powers of Board of Education.
6. When board to meet for organization—officers of board—term of office.
7. Compensation.
8. What to constitute a quorum.
9. Vacancy how filled.
10. Duty of Superintendent.
11. Duty of President.
12. Duty of Clerk—to make report to County Auditor—what to contain—penalty for non-compliance with provisions of this act.
13. Records to be considered prima facie evidence of facts therein stated.
14. Duty of Treasurer.
15. Time and place of holding stated meetings—may call special meetings.
16. A meeting of legal voters may be called when deemed necessary to purchase or erect a school house—limit of taxation.
17. Power of Board of Education.
18. Time for which school to be kept in operation—when to make known amount of tax to be assessed in said district.
19. Admission to be gratuitous.
20. School Examiners—how appointed—term of office—power of Examiners.
21. Taxes—how levied and collected.
22. Repeal of inconsistent acts.
23. Not to be repealed or affected by any subsequent act.
24. When act to take effect.

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

SECTION 1. That any city, town, village, township,

Establishment of
independent
school districts.

school district, or sub-school district, now or hereafter to be organized, may be organized into and established as an independent school district, in the manner and with the powers hereinafter specified: *Provided, however,* That this act shall not apply to any township, school district, or sub-school district, containing less than five hundred inhabitants, unless said school district consists in whole or in part of an incorporated city, town or village: *Provided, further,* That the provisions of this act shall not apply to any city, town or village, or any part thereof, which is now governed as to schools by any special law.

How organized

SEC. 2. That in order to such organization, written notices shall be posted up in three of the most public places in said contemplated district, signed by at least six resident freeholders of the same, requesting the qualified electors in said district to assemble upon a day, and at some suitable place in said district, to be named in said notices, then and there to vote, by ballot, for or against the adoption of this act, which notices shall be so posted up at least ten days next prior to said meeting.

Who to be judges
of election.

SEC. 3. That the electors assembled at said time and place shall proceed to appoint a chairman, assistant chairman and clerk, who shall be judges of said election. That the electors in favor of the adoption of this act for said district, shall write upon their ballots "School Law," and those opposed thereto "No School Law," the adoption or rejection of this act to be determined by a majority of votes to be cast in manner aforesaid.

School directors—
how chosen—terms
of office.

SEC. 4. That in case a majority of votes shall have been cast for said law, the electors of said district shall assemble at the place last aforesaid, within twenty days from the time of the adoption of said act, of which at least ten days previous notice shall be given by said chairman and clerk, in the manner aforesaid, and shall then and there choose, by ballot, six directors of the public schools of said district, two of whom shall serve for one year, two for two years, and two for three years, the time that each shall serve to be designated on the ballots, and annually thereafter, on the last Saturday of March, there shall be chosen, in the same manner, two directors, each of whom shall serve for three years,

and until their successors shall be elected and qualified. The persons so elected shall, within five days after their election, file in the office of the clerk of said district, their several oaths to support the Constitution of the United States and the Constitution of the State of Minnesota, and that they will discharge their duties as members of the board of education for said district to the best of their ability.

SEC. 5. That said directors and their successors in office shall be a body corporate, by the name of "The Board of Education of _____," (the name of the city, town, village or township,) and as such and by such name shall have perpetual succession, and shall receive all moneys and other property belonging or accruing to said district, or to said city, town, village, or township, or any part of the same for the use or benefit of the public schools therein, and shall succeed to all the rights and be subject to liabilities of the same, and the said board shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any court of law or equity, and shall also be capable of receiving any gift, grant, bequest, or devise, made for the use of the public schools in said city, town, village, township or district, and all moneys accruing to said city, town, village, township or district, under any law of this State for the use of the public schools therein, shall be paid over to the treasurer of said board of education.

Directors to be a body corporate—powers of Board of Education.

SEC. 6. That said board shall, within ten days after their election as aforesaid, and annually thereafter on the first Monday in April, meet and organize by choosing from their number a president, clerk, and treasurer, who shall hold their offices, as such, for one year, and until their successors shall be elected and qualified. The board of education may also elect, by ballot, a school superintendent, who shall hold his office during the pleasure of the board; who shall receive such compensation as may be fixed by the board. The superintendent shall be, ex-officio, member of the board of education, but not entitled to a vote therein. The board may, for satisfactory reasons, remove any member or officer of the board, and fill the vacancy. *Provided*, That no member shall be removed except by a

When board to meet—officers of board—term of office.

concurrent vote of at least four members of the board, and at a meeting of which he shall have been duly notified.

Compensation.

SEC. 7. No member of said board shall receive any compensation for his services, except the clerk and treasurer, whose compensation shall be fixed by the board.

What to constitute a quorum.

SEC. 8. Four members of said board shall constitute a quorum for the transaction of business, at any regular or special meeting.

Vacancy how filled.

SEC. 9. In case of vacancy, the board of education shall have power to fill the same by appointment, until the next annual district election, when the electors of said district may choose a suitable person to fill the remainder of such term. *Provided*, The clerk of said board shall give notice of such vacancy, as may be required in other cases.

Duty of Superintendent.

SEC. 10. The superintendent shall visit the schools of the district and report their condition to the board, as often as the board shall prescribe; he shall superintend the grading of the schools and examinations for promotion, and shall perform such other duties as the board shall prescribe.

Duty of President.

SEC. 11. The president and clerk shall file in the office of the clerk of the district, their written acceptance of office as such. The president shall preside at all meetings of the board and district, (except, that a president pro tempore may be chosen in his absence), shall sign all orders drawn upon the treasurer for moneys voted to be paid by said board, and perform such other duties as the board may prescribe.

Duty of Clerk—to make report to County Auditor—what to contain.

SEC. 12. The clerk shall act as clerk of the district as well as of the board, (except that in his absence a clerk pro tempore may be chosen), shall keep a record of the proceedings of all district meetings as well as of the meetings of the board, and of all reports made by him to the County Auditor, and shall keep an account of the expenses of said district, and a correct and full list of the property of said district; shall furnish to the County Auditor on or before the first day of September, in each year, an attested copy of his record, stating the amount of money voted to be raised by the district for school purposes at any annual or

special meeting, or by the board of education; he shall give due notice of all meetings of the district, shall, upon the order of the board, draw and sign orders upon the treasurer of the district for the payment of money, stating in every such order the consideration for which it was drawn, and the name of the person rendering such consideration, and the particular fund upon which it is drawn, and shall take a receipt for every such order from the person to whom the same is delivered, and preserve the same; he shall keep all records, books and papers belonging to his office, and deliver the same to his successor. He shall, between the first and fifteenth days of October, in each year, make and transmit to the County Auditor, a report in writing, showing:

To make report to
County Auditor—
what to contain.

1st. The names of all persons, male and female, respectively residing in the district on the first day of September preceding the date of his report, between the ages of five and twenty-one years.

2d. The number of those who have attended the schools during the year.

3d. The length of time schools have been taught by qualified teachers, and the wages paid them by the district.

4th. The amount of money received from the County Treasurer from the money apportioned by the County Auditor.

5th. The amount of money received from taxes voted to be raised by the district; the purposes for which they were raised; the manner in which said amount has been expended; the condition of school houses and grounds; the kind of books used, and such other facts as the State Superintendent may require; which report shall be verified by oath before some competent person.

Any failure on the part of said clerk to make report to the County Auditor as provided in this act, shall be deemed an indictable misdemeanor, punishable by a fine not exceeding five hundred dollars, which shall be applied to the use of the district. Said clerk shall furnish to each teacher, before the commencement of any school, and as often thereafter as may be deemed

Penalty for non-compliance with provisions of this act.

necessary, a school register. Said clerk shall perform such other duties as may be designated by said board.

Records to be considered prima facie evidence.

SEC. 13. The records of said board, signed by the president, or a transcript thereof, or any part thereof and all papers belonging to the office, or a transcript thereof, certified by the clerk, shall be prima facie evidence of the facts therein stated, and all records, books and papers belonging to said board, shall be subject to the inspection of any legal voter of said district.

Duty of Treasurer.

SEC. 14. It shall be the duty of the treasurer, before entering upon the duties of his office, to execute a bond to the board of education in double the amount of money, as near as can be ascertained, which will come into his hands, as treasurer, during the year, with not less than two sureties, to be approved by said board, and conditioned for the faithful discharge of his duties as treasurer. Such bond shall be filed with the clerk of the board, and in case of any breach of the condition thereof, the board shall cause a suit to be commenced thereon in the name of the Board of Education, and the money recovered shall be applied to the use of the district. Said board may require said treasurer to give additional security from time to time. Said treasurer shall receive, and upon the order of the board, signed by the clerk and president, pay out all moneys belonging to the district, paying each order only out of the particular fund upon which it is drawn, and shall keep an accurate, detailed and separate account of each fund coming into his hands, in a book or books provided for that purpose. Said treasurer shall, within the three days preceding the last Saturday in March in each year, file with the clerk of the board, a report in writing, signed by him, and containing a statement of all the moneys received by him, during the year preceding, and of all his disbursements. Said report shall be examined by the board (before which the treasurer shall exhibit his vouchers) before the annual meeting of the district, and be approved or disapproved by resolution entered upon the records of said board. Said treasurer shall make such reports of the business of his office as may be called for by the board at any time. He shall keep all records, books and papers belonging to his office, and deliver the same

to his successor in office, on demand. He shall pay over to his successor in office, upon demand, after such successor shall have given bonds as hereinbefore required, all money in his hands belonging to said district, and perform such other duties as may be ordered by the board.

SEC. 15. Said board may hold stated meetings at such times and places in said district as they may appoint. Special meetings thereof may be called by the president, or by any two members, on giving one day's notice of the time and place of the same, and said board, by resolution, shall direct the payment of all moneys that shall come into the hands of the treasurer, and no money shall be paid out of the treasury except in pursuance of such resolution, and on the written order of the clerk, countersigned by the president.

Time and place of holding stated meetings—may call special meetings.

SEC. 16. That whenever said board shall deem it necessary to purchase or erect a school house, or school houses for said district, or to purchase sites for the same, they shall call a meeting of the legal voters of the district, by giving ten days' notice of the time and place, and object of said meeting, in some newspaper printed, and in general circulation in said district, if any such there be, and if there be no such newspaper, then by posting up written or printed notices thereof in five or more of the most public places in said district, and said meeting may determine by a majority vote upon the erection of a school house or school houses, and the purchase of a site or sites therefor, and the amount of money to be raised for the purposes aforesaid, and the time or times when the same shall be paid, which moneys so voted, shall be thereupon certified by the board of education by its chairman and secretary, to the Auditor of the County, and shall be assessed in said district, collected and paid over to the treasurer of said district. *Provided*, That no tax shall be levied in any one year, exceeding eight mills on the dollar, for the purpose of building a school house or school houses, or procuring sites therefor.

When meeting of legal voters may be called—limit of taxation.

SEC. 17. The Board of Education shall have power, and it shall be their duty,

1st. To establish and organize such grades of schools, alter and discontinue the same, in said district, as they may deem expedient.

2d. To provide necessary rooms or buildings for school houses, and grounds about the same.

3d. When authorized, by a vote of the district, to purchase or erect one or more school houses, and purchase sites for the same.

Power of Board of
Education.

4th. To purchase, sell and exchange school apparatus, furniture, stoves and other appendages for school houses, and to furnish fuel for the same.

5th. To take care of the property of the district, and procure insurance, and make ordinary repairs upon the same, or any part thereof, when deemed expedient.

6th. To contract with, employ and pay teachers, who have received certificates as provided herein, and to discharge the same.

7th. To defray the necessary expenses of the board, pay the compensation of the clerk, treasurer and superintendent, and for such printing, record books, stationery and other incidental matters as may be deemed proper.

8th. To superintend and manage in all respects the schools of said district, and from time to time to adopt, alter, modify and repeal rules for their organization, government and instruction, for the keeping of registers, for the reception of pupils, resident and non-resident within the district, their suspension, expulsion and transfer from one school to another, to prescribe text books, and a course of study for the schools, and to visit each of the schools in said district not less than once in every three months.

9th. To make rules and regulations respecting the protection, care and safe keeping of the property of the district, and prescribe penalties for the breach thereof, to be recovered as penalties in other cases, before a Justice of the Peace, and to change and repeal the same.

10th. To make, change and repeal rules relating to the organization, government and business of said board, and the duties of its officers.

11th. To provide for the prompt payment, at maturity, of the principal and interest of any indebtedness of the district, by voting, from time to time, taxes upon the taxable property of said district, sufficient to meet the same, making allowance for delinquency in paying any part of such taxes.

12th. To furnish to the board of examiners, the necessary blanks for all such grades of such certificates as said board of education may at any time order, which certificates shall severally contain the branches fixed for the several grades of certificates.

SEC. 18. It shall be the duty of said Board of Education to keep said schools in operation not less than sixteen nor more than forty-four weeks in each year, to determine the amount of the annual tax to be raised for the purposes aforesaid, including all the necessary expenses of said schools, except for the erection of school houses and the purchase of sites; and on or before the first day of September of each year, to make known the amount of such tax to the Auditor of the County in which said district is situate, which tax shall be assessed in said district, collected and paid over to the treasurer of said district, and it shall be the further duty of said board to keep an accurate account of their proceedings, and of their receipts and disbursements for school purposes, and at the annual meeting for choosing directors in said districts, to make report of such receipts, and the sources from which the same were derived, and of said disbursements, and the objects to which the same were applied; and they shall also make report at the same time, of such other matter relating to said schools, as they may deem the interest of the same to require.

Time for school to be kept in operation—when amount of tax assessed to be made known.

SEC. 19. Admission to said schools shall be gratuitous to the children, wards and apprentices of all actual residents in said district, who may be entitled to the privileges of the public schools, under the general laws of this state.

Admission gratuitous.

SEC. 20. That said Board of Education, within twenty days after their election, shall appoint three competent persons, citizens of said district, to serve as school examiners of the public schools therein, one to serve one year, one for two years, and one for three years from the time of their appointment, and until their successors shall be appointed, and annually thereafter said board shall appoint one examiner to serve for three years, and until his successor is appointed and qualified; and said board shall fill all vacancies that may occur from death, removal or otherwise.

School examiners—how appointed—term of office—power of examiners.

Duty of examiners

Said examiners, or any two of them, shall examine any persons that may apply for that purpose with the intention of becoming teachers in any of the schools of said district, and if they find the applicant, in their opinion, qualified to teach in any of said schools, and to govern the same, and of good moral character, they shall give said applicant a certificate made out on such blanks as may be provided by the Board of Education, naming the branches in which the holder of said certificate was found qualified to teach, setting opposite each branch the degree of attainment, on a scale of which five shall be the maximum; and no person shall be permitted to teach in said schools without such certificate—and said examiners may, in all cases, when two of their number concur, have power to annul such certificate, and when so annulled and reported to the Board of Education, the person holding the same shall be discharged as a teacher of said schools; said examiners shall also separately or otherwise, together with said Board of Education, or any of them, or such person as they may appoint, or invite, visit said schools as often as once in every three months, and observe the discipline, mode of teaching, progress of pupils, and other such matters as they may deem of interest, and make such suggestions and report thereupon to said board as they may think proper, which report may be published at the discretion of said board, together with their annual report.

Taxes—how levied and collected.

SEC. 21. All taxes raised by virtue of this act, shall be levied and collected in the same manner, and by the same officers as county taxes are levied and collected.

Repeal of inconsistent acts.

SEC. 22. Upon the adoption of this act in the manner herein provided, by any city, town, village, township, district or sub-district, all laws now in force therein, inconsistent herewith, are hereby repealed.

Not to be affected by any subsequent act.

SEC. 23. This act shall not be repealed or affected by any subsequent act, unless specially mentioned therein.

SEC. 24. This act shall take effect and be in force from and after its passage.

Approved March 3, 1865.