

MASON'S MINNESOTA STATUTES

1927

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CHAPTER 14

EDUCATION

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Indebtedness and obligations of school districts, see §§ 1938-1 to 1938-13, 1946-1 to 1946-12, 1958-1, 1968-1, 1968-2, 1969, herein.

2741. Public schools—Tuition free—Age of pupils
 —All schools supported in whole or in part by state school funds shall be styled public schools and admission to and tuition therein shall be free to all persons between the ages of five and twenty-one years, in the district in which such pupil resides. Provided, that the school board of any district may, by resolution, exclude all children under six years of age, and may also adopt rules and regulations for the admission of children who become six years of age during the school year after the commencement thereof. (R. L. '05 § 1279, G. S. '13 § 2670, amended '21 c. 61)

2742. School districts—For school purposes the state is divided into common, special, and independent school districts, each of which shall be a public corporation. Common school districts shall be numbered consecutively in each county, and each shall be known as school district No. of county. A district, when situate in two or more counties, shall be known as joint school district No. of and counties. Independent school districts shall be known by the names or numbers given them at their organization. (1280) [2671]

Corporations only for specified objects (11-31, 12: 17-412, 391: 49-106, 51+814).
 As to special districts (112-167, 127+56; 115-222, 132+317).
 Special school districts (151-56, 185+963).

2743. Formation of districts—A majority of the freeholders qualified to vote for school officers residing in an incorporated village, wherein there is no school house or upon any territory not less than four sections in extent, and in which reside not less than twelve children of school age, whether or not such territory be in whole or in part included in any existing common, independent, or special school district, may petition the county board of the proper county to make such territory a school district, common or independent. (R. L. '05 § 1281, G. S. '13 § 2672, amended '23 c. 71 § 1)
 120-443, 139+949; 151-56, 185+963.
 157-263, 196+467; 165-384, 206+719.

2744. Petition—The petitions shall contain:
 1. A correct description of the territory to be included in such proposed district.

2741 Et seq.
 03 — 289
 20 — 141
 2741 Et seq.
 33 — 23
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 2741 Et seq.
 33 — 435
 34 — 38
 3065

2. The number of persons residing therein.

3. The names and ages of all children of school age residing therein, and the existing district in which each such child lives.

4. The districts in which such territory lies, and the number of such children in each such district.

5. The reasons for the formation of the proposed district.

Such petitions shall be acknowledged by the petitioners and submitted to the county superintendent, and if he shall approve of the same he shall endorse such approval in writing upon said petition, stating his reasons therefor; and if he shall disapprove of same he shall indorse thereon in writing his reasons for such disapproval. (R. L. § 1282, amended '07 c. 110 § 1) [2673]

Cited (119-119, 137+302).
165-384, 206+719.

2745. Notice of hearing—Upon the presentation of such petition, the county board shall appoint a time and place for hearing thereon, and shall cause two weeks' published notice thereof to be given in the county, and ten days' posted notice in each district affected. Such notice shall also be served on the clerk of each district, by mail, at least ten days before the time set for hearing, and the auditor's certificate shall be proof of the mailing. (1283) [2674]

G. S. 1894 § 3668, cited (101-163, 112+253).

2746. Proceedings on hearing—At the hearing the board shall receive any evidence and consider any arguments for and against such proposed organization, and shall make an order either granting or denying the petition; and, if the petition be granted, the order shall particularly describe the district, state its name or number, shall be signed by the chairman, and attested and filed with the auditor, who shall mail to the clerk of each district affected a copy thereof, and shall cause ten days' posted notice to be given of a meeting to organize such district. The board may adjourn the hearing from time to time, and, upon the recommendation or with the written approval of the county superintendent, enlarge or change the boundaries proposed in the petition. (1284) [2675]

89-351, 94+886; 107-442, 120+898.

2747. Appeal from order—Any person aggrieved may appeal from such order to the district court of the county upon the following grounds:

1. That the county board had no jurisdiction to act.
2. That it has exceeded its jurisdiction.
3. That its action is against the best interests of the territory affected.

Such appeal shall be taken by serving upon the county auditor within thirty days from the making of the order a notice of appeal, specifying the grounds thereof. The appellant shall also execute and deliver to the auditor a bond to the county in the sum of one hundred dollars, to be approved by the county auditor, conditioned for the payment of all costs taxed against the appellant on such appeal. Such further proceedings shall be had upon such appeal as upon other appeals from the county board. (1285) [2676]

84-417, 419, 87+1019; 101-163, 112+253; 110-300, 125+504; 122-383, 142+723; 131-80, 15+669; 140-133, 167+358; 149-320, 183+979; 160-59, 184+369.

2748. Changing boundaries of school districts—By like proceedings, and upon petition of the majority of the freeholders of each district affected, qualified to vote at school meetings, the boundaries of any existing district may be changed, or two or more districts consolidated, or one or more districts annexed to an existing district. No change in the boundaries of a

district by organization of a new district or otherwise shall be made, so as to leave the old district without at least one school house used for school purposes and without at least four sections of land, nor shall any change of districts in any way affect the liabilities of the territory so changed upon any bond or other obligation; but any such real estate shall be taxed for such outstanding liability and interest, as if no change had been made. In case of the consolidation or annexation of districts, whether under the foregoing or any other provisions of the law, action shall be brought by or against the new or remaining district upon any cause existing in favor of or against any discontinued district, but a judgment in such action against such existing district shall be satisfied only from taxes upon the real property included in the discontinued district, when the liability was incurred.

Provided, that when any incorporated borough, village or city of seven thousand or less inhabitants, has within its limits a school district, however organized, or is wholly or partly included within the boundaries of any school district, however organized, or whenever any such school district shall include within its boundaries part or the whole of any incorporated borough, village or city of seven thousand inhabitants or less, the boundaries of any such district or districts may be enlarged or changed so as to include all lands within the corporate limits of such borough, city or village or so as to include lands within and outside of such incorporated borough, city, or village, but contiguous to said district in the following manner, to-wit;

Whenever a majority of the legal voters residing within such school district and a majority of the legal voters residing upon the lands proposed to be attached or annexed to such school districts shall petition the board of county commissioners of the county wherein such district is situated for an enlargement of such district, and shall file a petition with the auditor of said county, it shall be the duty of the board of county commissioners at its next regular meeting, or special meeting, to set a time and place for hearing upon such petition, and it shall cause a copy of the notice of such hearing to be posted in some public place in each district to be affected by such proposed change, and a copy thereof to be served upon the clerk of each of said districts, at least ten (10) days before the time appointed for such hearing. The posting of such copy of notice shall be proven by the affidavit of the person posting the same; said affidavit shall state the time and place of posting and serving of the copy of notice as herein specified, and upon filing proof of the posting and serving of such notice in the office of the county auditor, the board of county commissioners shall at the time and place fixed proceed with the consideration of such matter and shall hear all evidence offered by any person interested, tending to show what territory should be included within such district, and having heard the evidence they shall, if they find it conducive to the good of the inhabitants of the territory affected, proceed to enlarge the said school district as asked for in the petition, and to fix the boundaries thereof and of all the remaining school districts thereby affected, attaching to or detaching contiguous territory to or from any of such districts, in such manner as in their judgment the best interests of the persons and districts thereby affected may require; provided, that no action or order changing any boundaries of any school district shall be valid unless and until the foregoing requirements as to posting and serving of notices have been observed; and provided further, that whenever the territory affected by any of the

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foregoing proceedings lies in two or more counties, like proceedings shall be had in each county affected, and no order in such proceedings shall be valid unless concurred in by the county board of all such counties affected.

At the time of making such division, enlargement or change of boundaries, the county commissioners shall apportion to the district so enlarged that portion of the debts of said other districts as may seem to them right and proper, and said apportionment when so made shall be binding upon all the districts affected, and the county commissioners may also apportion to said districts so enlarged, such portion of the property of such other districts as shall seem to them just and proper. Said last mentioned apportionment shall be subject to review by the district court;

And provided further, that any person or officer of any school district aggrieved by any order of the county board made pursuant to the provisions of this section, may appeal to the district court from such order, such appeal to be governed by the provisions of section 1285, Revised Laws 1905. (R. L. '05 § 1286, amended '07 c. 88; '09 c. 13; '11 c. 264; '13 c. 435 § 1; '23 c. 304) [2677]

40-13, 41+539.

1909 c. 13, amending 1907 c. 188, so as to permit appeals from orders pursuant thereto, operated retroactively (110-300, 125+504).

"Legal voters," held not to include women (139+049).

126-209, 148+52; 130-25, 153+253; 134-82, 158+729; 135-439, 161+152; 140-133, 167+358; 141-300, 170+216; 144-195, 175+101; 141-174, 173+852; 144-433, 175+899; 147-7, 179+217; 148-321, 181+920; 144-431, 175+898; 151-399, 186+802; 192+345.

150-163, 184+791; 192+345; 194+8.

158-317, 197+742.

An appeal to the district court from an order of the board of county commissioners, presents the question whether the order of consolidation or refusal to consolidate was arbitrary, unreasonable, and against the best interests of the territory affected. 155-453, 194+8.

An appeal to the Supreme Court from an order of the district court approving or disapproving the consolidation order of the county board presents, in the absence of some point of law raised by the record, the single question whether the order of the district court is clearly and manifestly against the evidence. 155-453, 194+8.

Petition held sufficient. 165-384, 206+719.

Section is valid. 165-384, 206+719.

2748-1. Platted territory annexed to and included in corporate limits of cities of fourth class part of existing organized school districts in such cities—That any platted territory heretofore annexed to and included within the corporate limits of any city of the fourth class shall be a part of the organized school district then existing within such city, provided that this act shall not affect any school district whose territory includes two or more villages or parts thereof. ('25, c. 134)

Unconstitutional as special legislation 164-66, 204+572.

2749. Annexation of additional territory to school districts—[Repealed.]

This section (Laws 1919, c. 236) is repealed by Laws 1923, c. 151, § 1.

157-263, 196+467; 158-317, 197+742.

2749-1. Annexation of school districts to other districts on annexation of city of fourth class to city of third class—Resolution of annexation—Certification and filing—Where a city of the fourth class has been or is hereafter annexed to a city of the third class and each of such cities at the time of such annexation was respectively wholly embraced within the territorial limits of two adjoining school districts, however organized, the said school district within such city of the fourth class was so embraced may be annexed to such adjoining school district by resolution declaring in favor of such annexation duly adopted by the respective governing bodies of such school districts. Up-

on the adoption of such resolutions, the clerk of such respective districts shall certify to the same and to the vote thereon, and shall forthwith file one of said certificates in the office of the secretary of state, and shall file for record another thereof in the office of register of deeds in each county in which said school districts, or any part thereof, are located, and thereupon such annexation shall be effected and completed. ('25, c. 324, § 1)

2749-2. Same—Division of annexed districts into wards or precincts—If the annexing district is divided into wards or precincts, which said wards or precincts serve as election units, out of which, respectively, and by which, respectively, the respective members of the governing body of the said annexing district are elected, the territory so annexed shall be a part of such ward or precinct, or form such new and separate ward or precinct as shall be specified in a resolution adopted by the governing body of the annexing school district forthwith upon completion of the said annexation proceedings. ('25, c. 324, § 2)

2749-3. Same—Debts, etc., of annexed districts—In the event of such annexation, the district, as thus enlarged, shall assume and be responsible for the obligations, debts and liabilities of the annexed school district, as well as its own, and shall own all of the property theretofore owned by such annexed district. ('25, c. 324, § 3)

2749-4. Same—School taxes—In all cases where the territory so annexed, is situated in a county other than the county in which such annexing school district is situated, all school taxes levied by such enlarged school district upon the property situated in such other county shall be duly certified to the county auditor of the county in which such annexed territory is situated, and the county treasurer of such county, to whom the said school taxes are payable, and upon payment of the same, shall pay, at the times provided for by law, to the treasurer of such enlarged school district all of such school taxes. ('25, c. 324, § 4)

2750. Districts in two or more counties—Whenever the territory affected by any of the foregoing proceedings lies in two or more counties, like proceedings shall be had in each county affected, and no order in such proceedings shall be valid unless concurred in by the county boards of all such counties. (1287) [2682]

G. S. 1894 § 3670 cited (101-163, 112+253).

When any part of such territory is located in different counties, proceedings must be had in each county. 158-317, 197+742.

The words "territory affected" embraces the whole of the petitioning district to which lands are attached, and the whole of districts from which lands are detached. 158-317, 197+742.

2751. District in more than one county—That the first proviso of section one, chapter three hundred seventy-one, of the Laws of nineteen hundred and one, be amended so as to read as follows: Provided, that when the territory of the district or districts to be affected by such formation, alteration, consolidation or setting off of any freeholder from one district and attaching him to another consists of parts of two or more counties, the petition shall be in duplicate or more, as the case may be, and one presented to the commissioners of each of such counties, who shall severally proceed to hear the petition in the manner directed; that to effect the formation, alteration, consolidation or setting off of any freeholder from one district and attaching him to another, in such petition desired, shall require the concurrent action of the commissioners of each of such counties. The determination of the commissioners in each county shall be entered upon their records in the several counties by the

several county auditors, who shall file the copies thereof with the clerks of the districts affected thereby in their respective counties in the manner directed, and also, with the county auditors in each of the counties petitioned. Provided, further, that whenever the territory of such district in either of said counties has an assessed valuation of not less than fifty thousand dollars, and has resident therein not less than fifteen children of school age, the county commissioners of either county may organize that part of such district lying in their county into a separate school district, or consolidate the same with an adjoining district in the same county. Provided, that this act shall only apply to counties having a population of 225,000 or more and counties adjoining thereto. ('05 c. 183 § 1) [2683] 151-56, 185+963.

2752. Apportionment of property—That in case any division of a school district is made under this act, the county commissioners of the counties in which said district is situated shall divide and apportion property of such district in proportion to the assessed valuation thereof. ('05 c. 183 § 2) [2684]

2753. Nominal districts—Any district in which for two years no school has been held may be dissolved by the county board, and its territory attached to one or more existing districts, upon notice as in other cases of change of boundaries, in the most equitable manner possible, and with regard to the convenience of the inhabitants; and any funds belonging to such dissolved district after the payment of its debts shall be distributed among such districts by the auditor in proportion to the assessed value of the real property so attached to each. (1288) [2685]

2754. Procedure for consolidation of school district—Two or more school districts of any kind may consolidate either by the formation of a new district or by the annexation of one or more districts or unorganized territory to an existing district in which is maintained a state graded, semi-graded, or high school as hereinafter provided.

A district so formed by consolidation or annexation shall be known as a consolidated school district. Before any steps are taken to organize a consolidated school district, the superintendent of the county in which the major portion of territory is situated, from which it is proposed to form a consolidated school district, shall cause a plat to be made showing the size and boundaries of the new district, the location of school houses in the several districts, the location of other adjoining school districts and of school houses therein, and the assessed valuation of property in the proposed district, together with such information as may be of essential value, and submit the same to the superintendent of education, who shall approve, modify, or reject the plan so proposed, and certify his conclusions to the county superintendent of schools. ('15 c. 238 § 1)

144-431, 175+898; 150-58, 184+369; 151-52, 185+961; 151-54, 185+962.
166-507, 208+408.

2755. Certain districts to receive aid as consolidated districts—To receive state aid as a consolidated school of Class A or Class B, as defined in this act, the consolidated districts must contain not less than twelve sections: Any existing school district having the area and meeting the requirements specified in this act may be granted the rights and privileges of a consolidated school district upon formal application to the commissioner of education pursuant to resolutions adopted by a vote of not less than two-thirds of the full school board, accompanied by a plat prepared by the county superintendent of schools of the county in which the

school is located. Provided that this act shall not affect the rights or status of any consolidated school district now organized. ('15 c. 238 § 2, amended '21 c. 230)

127-84, 148+891; 130-55, 153+112; 144-431, 175+898; 150-58, 184+369.

166-507, 208+408.

2756. Petition for formation of consolidated school districts to contain signatures of at least 25% of free holders who have been residents of districts for thirty days prior to signing—After approval by the superintendent of education of the plan for the formation of a consolidated school district, and upon presentation to the county superintendent of a petition signed and acknowledged by at least twenty-five (25) per cent of the resident freeholders of each school district or area affected, qualified to vote at school meetings, who have been such freeholders for at least thirty (30) days immediately preceding the signing and acknowledging of the petition, asking for the formation of a consolidated school district in accordance with the plans approved by the superintendent of education, the county superintendent shall, within ten days, cause ten days posted notice to be given in each district affected and one week's published notice, if there be a newspaper published in such district, of an election or special meeting to be held within the proposed district, at a time and place specified in such notice, to vote upon the question of consolidation. ('15 c. 238 § 3, amended '17 c. 470 § 1)

146-404, 178+892; 150-58, 184+369; 151-54, 185+962; 151-399, 186+802.

166-507, 208+408.

2757. Liability of consolidated school districts—At such meeting the electors shall elect from their number a chairman and clerk, who shall be the officers of the meeting. The chairman shall appoint two tellers, and the meeting and election shall be conducted as are annual meetings in common and independent districts. The vote at such election or meeting shall be by ballot, which shall read "For Consolidation," or "Against Consolidation." The officers at such meeting or election shall, within ten days thereafter, certify the result of the vote to the superintendent of the county in which such district mainly lies. If a majority of the votes cast be for consolidation, the county superintendent within ten days thereafter shall make proper orders to give effect to such vote, and shall thereafter transmit a copy thereof to the auditor of each county in which any part of any district affected lies, and to the clerk of each district affected, and also to the superintendent of education. If the order be for the formation of a new district, it shall specify the number of such district. The county superintendent shall also cause ten days' posted notice, and one week's published notice, if there be a newspaper published in such district, to be given of a meeting to elect officers of the newly formed consolidated school district; provided, that the board of a consolidated school district shall from and after the formation of the consolidated district have all the powers, privileges and duties, now conferred by law upon boards of independent districts.

After the formation of any consolidated school district, appeal may be taken as now provided by law in connection with the formation of other school districts. Nothing in this act shall be construed to transfer the liability of existing bonded indebtedness from the district or territory against which it was originally incurred. Provided that when territory of an adjoining district is attached to the consolidated district subsequent to consolidation proceedings, such new territory so subsequently attached shall be liable for its propor-

tionate share of any bond, or other then outstanding indebtedness, incurred by the consolidated district for the construction of school buildings or the purchase of school equipment, but shall not be liable for any portion of any indebtedness incurred by any constituent territory from which said consolidated district was formed, which indebtedness was so incurred prior to the consolidation. ('15 c. 238 § 4, amended '17 c. 410 § 1; '19 c. 342 § 1)

151-52, 185+961.
166-507, 208+408.

2758. Consolidation of districts having an area of one square mile and a voting school population of 100—In like manner, one or more school districts may be consolidated with an existing district in which is maintained a state high or graded, or semi-graded school in a district containing an incorporated village, in which case the school board of the district maintaining a state high or graded, or semi-graded school in a district containing an incorporated village, shall continue to be the board governing the consolidated school district, until the next annual school election, when successors to the members whose terms then expire shall be elected by the legally qualified voters of the consolidated school district; provided, however, that in case of consolidation with a school district in which there is maintained a state high or graded, or semi-graded school in a district containing an incorporated village, consolidation shall be effected by vote of the rural school districts only, in the manner provided under this act, and by the approval of such consolidation of the rural school district or districts with the one in which there is maintained a state high or graded, or semi-graded school in a district containing an incorporated village, by the school board thereof. Provided that the provisions in this section shall be applicable to a district that has an area not exceeding one (1) mile square in which there is contained a voting school population of one hundred (100) voters or more. ('15 c. 238 § 5, amended '17 c. 410 § 2)

192+345.
166-507, 208+408.

2759. Consolidation with unorganized districts—In like manner any portion of an unorganized school district or district governed by a county board of education may be consolidated with an existing district in which is maintained a state high, graded or semi-graded school, by a vote of the county board of education in the county in which is located such unorganized territory and by the approval of such consolidation of the unorganized territory by the school board of the district in which is maintained a state graded, semi-graded or high school. ('15 c. 238 § 6)

150-58, 184+369; 151-52, 185+961.

2760. Certificate of officers—The officers of the several districts forming a consolidated school district shall within ten days from receipt of copy of the order of the county superintendent certifying the formation of the new district, or immediately after election and qualification of members of the school board in the consolidated school district, turn over to the proper officers of the newly elected school board, or to the proper officers of the school board in the district maintaining the state high or graded, or semi-graded school, all records, funds, credits, buildings, property and other effects of their several districts. ('15 c. 238 § 7)

150-58, 184+369; 151-52, 185+961.

2761. Powers of consolidated boards—For the purpose of promoting a better condition in rural schools,

and to encourage industrial training, including the elements of agriculture, manual training and home economics, the board in a consolidated school district is authorized to establish schools of two or more departments, provide for the transportation of pupils, or expend a reasonable amount for room and board of pupils whose attendance at school can more economically and conveniently be provided for by such means; locate and acquire sites of not less than two acres, and erect necessary and suitable buildings thereon, including a suitable dwelling for teachers, when money therefor has been voted by the district. They shall submit to the superintendent of education a plat of the school grounds, indicating the site of the proposed buildings, plans and specifications for the school building and its equipment, and the equipment of the premises. ('15 c. 238 § 8)

150-58, 184+369; 151-52, 185+961.

2762. Requirements for receiving state aid—(1) For receiving state aid for transportation, schools in consolidated districts shall be in session at least eight months in the year and be well organized. They shall have suitable school houses with the necessary rooms and equipment. The board in a consolidated school district shall arrange for the attendance of all pupils living two miles or more from the school, through suitable provision for transportation or for the boarding and rooming of such pupils as may be more economically and conveniently provided for by such means.

(2) Besides maintaining schools in consolidated districts conforming to the above requirements the school board may maintain other schools of not more than two departments, and receive state aid for these schools as provided for ungraded elementary schools. ('15 c. 238 § 9, amended '21 c. 349 § 1)

150-58, 184+369; 151-52, 185+961.

2763. Qualifications of principal—The principal of a consolidated school shall be qualified to teach the elements of agriculture, as determined by such tests as are required by the superintendent of education. A school of this class shall have suitable rooms and equipment for industrial and other work, a library, and necessary apparatus and equipment for efficient work, and a course of study embracing such branches as may be prescribed by the superintendent of education.

(2) The principal and other teachers, including special teachers, shall have such qualifications as may be fixed by the superintendent of education. ('15 c. 238 § 10)

150-58, 184+369; 151-52, 185+961.

2764. Schools to receive amount expended for transportation of children—Consolidated schools shall receive annually the amount reasonably expended for the transportation of pupils, but not to exceed the amount provided for in section 7 of the state aid law.

In addition to the annual aid consolidated schools shall receive an amount to aid in the construction of buildings, equal to forty (40) per cent of the cost of such buildings, but no school shall receive more than a total of six thousand dollars (\$6,000) for aid in the construction of buildings. The annual aid and the aid for buildings shall be paid in the same manner as now provided by law for the payment of other state aid to public schools.

Every school located in a consolidated district shall be classified under one of the following heads:

(1) Ungraded elementary, (2) Graded elementary, (3) four-year high school, (4) high school department, (5) junior high school or (6) senior high school, and every such school shall possess all the rights and

privileges of the rank and class which it has attained and shall be entitled to state aid according to such rank and class. ('15 c. 238 § 11, amended '19 c. 443; '21 c. 467 § 18)

2765. Certain sections and chapters repealed—Sections 1289, 1290, 1291, 1292, 1293 Revised Laws 1905, and chapter 326 Session Laws of 1905 and chapter 304 Session Laws of 1907. Chapter 207 Session Laws of 1911, and chapters 279 and 428 Session Laws 1913 and other acts and parts of acts inconsistent herewith are hereby repealed. ('15 c. 238 § 12)

2766. Consolidated school districts may be dissolved—Any consolidated school district, which has not issued any bonds since its organization, and in which district the voters thereof have voted against issuing bonds may be dissolved in the following manner:

Upon presentation, prior to May first of any year, the clerk of any such consolidated school district of a petition signed and acknowledged by at least twenty-five (25) per cent of the resident free-holders, qualified to vote at school meetings, of such consolidated school district, asking that the question of the dissolution of such consolidated school district be submitted to the qualified voters of said district, the clerk shall, within ten days, cause ten days posted notice to be given in each of said original school districts, or parts of districts, and one week's published notice, if there be a newspaper published in such original school districts or parts of districts, of an election or special meeting to be held, at a time and place specified in such notice, to vote upon the question of such dissolution. ('23 c. 316 § 1)

2767. Voters of district to vote on question of dissolution—At such meeting the electors shall elect from their number a chairman and clerk who shall be the officers of the meeting. The chairman shall appoint two tellers, and the meeting and election shall be conducted as are annual meetings in consolidated school districts. The vote at such election or meeting shall be by ballot which shall read "For Dissolution" or "Against Dissolution."

The officers at such meeting or election shall, within ten days thereafter, in case of dissolution, certify the result of the vote to the superintendents of the counties in which such original school districts or parts of districts lie, and in case of no dissolution to the superintendent of the county in which such consolidated district mainly lies. If a majority of the votes cast be for dissolution, the county superintendents, within ten days thereafter, shall make proper orders to give effect to such vote, and shall thereafter transmit a copy thereof to the auditor of each county in which any of said original school districts or parts of districts lie, and to the clerk of each of said districts, and also to the superintendent of education. The county superintendents shall also cause ten days posted notice to be given of a meeting to elect officers for such original school district, or parts of districts, and thereupon such original school districts, or parts of districts, shall be governed by such laws, and acts amendatory thereof and supplementary thereto, as were applicable to them prior to such consolidation.

The school board of the consolidated school district shall, notwithstanding such vote of dissolution, continue to maintain the schools therein until the end of the school year in the same manner as if no dissolution had been voted, and the terms of office of the members of said board shall not terminate until all the provisions of Section 3 hereof have been fully performed. ('23 c. 316 § 2)

Section 3 is § 2768. herein.

2768. Funds to be distributed to original districts—In case of the dissolution of any such consolidated school district, the funds in its treasury and undistributed taxes, shall be apportioned to the original school districts, and parts of districts, to the extent the same were collected from the territories thereof. All taxes collected after such dissolution shall be paid to the original school district, or part of district, in which the property upon which the taxes are collected is located; such board shall also apportion to the several original school districts, or parts of districts, that portion of the debts of the dissolved district represented by outstanding orders or otherwise, and shall also apportion the property thereof as may seem to it right and proper, and said apportionment when so made shall be binding upon the said original school districts, or parts of districts, affected, but shall be subject to review by the district court. ('23 c. 316 § 3)

2769 to 2773. [Unconstitutional.]

These sections (Laws 1923. c. 435, §§ 1 to 5) were held unconstitutional as violative of Const. Art. 4, §§ 33, 34. 166-507, 208+409.

2774. Division of funds on change of district—That whenever the boundaries of any school district are changed, or when a school district is formed from territory comprising two or more districts, or when any school district is divided, the county board shall make a division of all moneys, funds and credits belonging to such districts and shall make an award of such moneys, funds and credits to the district or districts affected by such change, and in making such award the commissioners shall take into consideration the indebtedness, if any, of the district so divided, and shall make such division as they deem just and equitable. ('07 c. 109 § 1) [2696]

126-211, 148+53; 129-300, 152+541.

It was the duty of the county board to determine the respective rights of plaintiff and defendant in the taxes received under chapter 271, Laws of 1919, and not having done so, the record fails to show that defendant is entitled to the share of these taxes turned over to plaintiff by the county officers. 211+332.

2775. Duty of auditor—When a school district has been formed from territory comprising two or more districts, or where a school district has been divided and the county board has, by resolution, made a division of the moneys, funds and credits belonging to such districts the auditor of the county shall be required to make a division of all the moneys, funds and credits evidenced by the records in his office pursuant to and as required by said resolution. ('07 c. 109 § 2) [2697]

2776. Consolidation of school districts—When an incorporated village or a city of the fourth class contains two or more school districts of any kind situated wholly or in part within the corporate limits of such village or city, when only one of such districts maintains a state high school, such districts may be consolidated and form one district in the manner herein-after provided. ('17 c. 453 § 1)

143-433, 174+414; 150-58, 184+369; 151-52, 185+961.

2777. School districts may consolidate—Procedure—Whenever a petition signed and acknowledged by at least twenty-five per cent of the legal voters of each school district affected shall be presented to the state commissioner of education requesting that the said districts be united to form one district, and requesting the said state commissioner to call an election within each affected district to vote upon the consolidating of such districts, the state commissioner of education shall make proper inquiry as to the advisability of such

proposed consolidation, and if he shall deem it for the best interest of education therein and of the territory affected, he shall order an election to determine the question of such proposed consolidation to be held within each of the districts affected. Notice of such election shall be given by posted and published notice as required by law for the consolidation of school districts. Such elections shall be conducted in the same manner as are annual school elections in independent districts. The vote shall be by ballots which shall read: "For Consolidation" or "Against Consolidation." ('17 c. 453 § 2; amended '21 c. 441 § 1)

141-433, 174+414; 150-53, 184+369; 151-52, 185+961; 151-54, 185+962.

2778. Elections—The officers of such election shall certify and make return of the result of the election to the State Commissioner of Education. If a majority of the legal votes cast at such election in each school district shall be in favor of such consolidation, such districts shall be consolidated and the state commissioner of education, within ten days after the result of such certification and return, shall make an order to give effect to such vote and declare the consolidation, specifying the number of such new district and transmit a copy thereof to the auditor of each county in which any part of any district affected lies and to the clerk of each district affected.

After the formation of any consolidated school district under this act any person aggrieved may appeal from said order of the commissioner declaring such consolidation to the district court of the county as now provided by law in connection with the formation of other school districts. ('17 c. 453 § 3; amended '21 c. 441 § 3)

2779. Existing indebtedness—Nothing in this act shall be construed to transfer the liability of existing indebtedness from the district or territory against which it was originally incurred. ('17 c. 453 § 4)

2780. State aid—A consolidation formed under this act shall not entitle the district to any of the state aid for consolidated schools unless the district and its schools conform in all respects to the provisions for consolidated schools under chapter 238, General Laws of 1915. ('17 c. 453 § 5)

2780-1. Consolidation of school districts in certain counties—Resolution—Submission to voters—Records, funds, etc.—Any county having less than five (5) organized school districts and having within its borders a district of ten or more townships, which contains more than one-half of the area of the county, may consolidate such districts into one county district, which shall be designated as County District of _____ County, in the following manner:

The board of county commissioners of such county may by a resolution, and upon petition to such board signed by not less than ten per cent of the qualified voters of the county according to the votes of the then last preceding general election, shall submit to the qualified electors of the county at the next general election to be held in such county not less than thirty days thereafter, the proposition of consolidating said districts into a county district. The ballots submitting the same shall read as follows:

For Consolidations
Against Consolidation

Such ballots shall be voted, canvassed and the result declared and returned in the same manner as ballots for elective county officers. If a majority of the votes cast on the proposition be for consolidation, the county auditor shall make proper orders to give effect

to such vote and shall transmit a copy thereof to the clerk of each district.

The school board of each district shall continue to maintain schools therein in the same manner as if no consolidation had been voted until July 1st next following, at which time all records, moneys, credits and funds of said districts, except the ten townships district herein referred to, shall be delivered to the county treasurer to act as custodian of same until such time as the organization of the county district shall have been completed. The county treasurer shall give a receipt for such records and funds and shall cause the financial accounts and statements to be audited by competent authority. ('27, c. 82, § 1)

2780-2. Same—School board—Election, etc.—The school board of any such county district shall consist of six members to be elected at the same time, in the same manner and for the same term as school board members in a ten or more townships districts, provided, that each member of the board of the ten or more townships district herein referred to shall continue to serve as a member of the school board of the county district for the full term for which he was elected and until his successor has qualified. The board of county commissioners shall be and are hereby authorized to appoint the remaining members of such board for the same term as such members herein referred to. The school board shall organize in the same manner and at the same time as boards of independent districts. ('27, c. 82, § 2)

2780-3. Same—School board—Powers—The school board of any such county district shall have and shall exercise all powers, and be subject to the same laws and regulations as school boards of ten or more townships and independent consolidated districts, and all laws applicable to ten or more townships and independent consolidated districts shall apply to said county district. ('27, c. 82, § 3)

2780-4. Same—Elections in county district—The election of the county district shall be held on the same day as the election in ten or more townships district, at the same time and in the same manner as elections are held therein. ('27, c. 82, § 4)

2780-5. Same—Election districts—That until otherwise determined by the electors, county commissioner districts numbers 1 and 5 shall constitute election district number 1, from which shall be elected two members of said board, and county commissioner districts numbers 2, 3 and 4 shall constitute election district number 2, from which shall be elected three members of said board, and that the remaining member of said board shall be elected at large in said county. ('27, c. 82, § 5)

2780-6. Same—School board—Compensation—The members of the board shall receive a per diem of \$6.00 while attending any regular or special meeting of the board, but not, however, more than \$72.00 in any one year, and shall receive 4¢ per mile in going to and from his place of residence to the place of meeting by the usual route of travel. ('27, c. 82, § 6)

2780-7. Same—Office of county superintendent of schools abolished—Upon the completion of the organization of a county district and the election of a superintendent, the office of county superintendent of schools in said county shall cease to exist from January 1 next following and the functions and duties of the county superintendent of schools shall be performed by the superintendent of the county district. ('27, c. 82, § 7)

2781. Indebtedness of old school district—Whenever any school district has heretofore been included in

2780¹
Et seq. 9
29 — 9
2780¹
Et seq. 31
31 — 31
31 — 271
3036¹
2780¹
Adding
Sub. Sec. 8
33 — 30

a consolidated school district, the bonded and floating indebtedness of such old school district existing at the time of the going into effect of such consolidation shall be paid in the manner following:

A. Each year the county auditor shall extend a tax against the territory chargeable with the payment of any outstanding bond for an amount sufficient to pay the interest or instalment of principal due upon such bond in the year following. Such tax when so collected shall be turned over by the county treasurer to the treasurer of the consolidated school district, who shall keep the same in a separate fund and use the money so received for the payment of such interest or instalment of principal. In case, either because all of said taxes so levied are not paid or for any other reason, the amount so raised by such tax levy shall not be sufficient to pay such interest or instalment of principal, then the amount so remaining unpaid for such year shall be included in the levy to be made the following year.

B. The county auditor shall also levy a sufficient tax against the territory which was included in the old school district at the time of the consolidation to pay the outstanding liability of such old district, excepting bonded indebtedness, as such outstanding liability may be represented by school district orders duly issued prior to such consolidation. The money collected from such tax levy shall be by the county treasurer paid over to the treasurer of the consolidated school district, who shall keep the same in a separate fund and therefrom pay such outstanding school district orders with interest thereon. In case the money so collected shall not be sufficient to pay all of such outstanding orders with interest thereon, then the county auditor shall the following year levy a tax sufficient to pay such residuum so unpaid, and so continue from year to year until full payment has been made.

C. In case any such old school district included in a consolidated school district has outstanding obligations not represented by bonds or school district orders, the claims against such old school district may be presented to the board of the consolidated district, and if found correct may be allowed by said board and school district orders issued therefor against the territory included in such old school district to be so designated, and money to pay the same shall be provided by tax levy, and the county auditor, county treasurer and consolidated district treasurer shall take the same procedure and perform the same duties and acts as in paragraph B hereof provided.

D. The school board of a consolidated district in which was included any school district having a bonded indebtedness may refund such bonded indebtedness by a three-fourths vote of the members of such school board and issue refunding bonds therefor which shall be chargeable against the territory that was chargeable with the payment of the bonds so proposed to be refunded. Such refunding bonds shall not run for a period shorter than five years nor longer than twenty years. The first refunding bond shall be due six years from the date of its issuance and shall be for not less than one-tenth of the bond issue in question nor more than one-fifth thereof, and each subsequent bond shall be for a like amount and shall be payable one year from the due date of the bond to be paid the preceding year. The county auditor shall extend a tax against all the territory chargeable in the first instance with the payment of the old bonds sufficient to pay the interest on such refunding bonds and any instalment of principal that may be due in the following year. Such

tax for the first year shall be fifty per cent in excess of the amount to be due the succeeding year, and thereafter each yearly levy shall be in such amount in excess, not exceeding fifty per cent, of the amount to be due the succeeding year, as the auditor may deem necessary. The county treasurer, upon the collection of such tax, shall apply the proceeds thereof to the payment of such interest or instalment of principal, and shall file with the county auditor receipts therefor, together with the cancelled bonds so taken up. The state board of investment may invest the funds under its control in refunding bonds so issued under the provisions of this paragraph.

E. Whenever any person has a claim against a school district which has been included in a consolidated district, which claim is not represented by a bond or school district order and which claim the consolidated district school board will not allow and issue a school district order therefor as provided in paragraph C hereof, such person may institute action in the proper court against the territory included in such old school district at the time of the consolidation by serving a summons and complaint upon the consolidated district school board, which board shall defend such action in behalf of the territory affected. In case judgment is secured by any such person on any such claim, then upon filing a certified copy of such judgment with the county auditor, such county auditor shall proceed by tax levy substantially as provided in paragraph B hereof and the money so received from such tax levy shall be paid by the county treasurer in payment of such judgment. ('17 c. 432 § 1)

150-58, 184+369; 151-52, 185+961.

2782. Care and distribution of moneys received—Such moneys so received by the county treasurer and by the treasurer of the consolidated district shall be considered as county and school district moneys so received by them respectively, and such treasurers and their bondsmen shall be liable for the proper care and distribution thereof to the same extent as they are liable for other county and school district funds that may be received by them. ('17 c. 432 § 2)

150-58, 184+369; 151-52, 185+961.

2783. Change of common or special to independent districts—Any common or special district may be changed to an independent district as hereinafter provided. (R. L. § 1295; amended '13 c. 356 § 1) [2698].

2784. Notice of meeting—To effect such change, ten days' posted notice of a meeting shall be given, signed by six or more resident freeholders, stating the object of the meeting, and notifying the voters of said district to assemble upon a specified day, at a place in said district named in said notice, then and there to vote by ballot upon the question of organization as an independent district. (1296) [2699]

2785. Vote upon change—At the time and place mentioned in said notice, the electors assembled shall appoint a chairman, assistant chairman, and clerk, who shall be the judges of such election. The voting shall be by ballot, and those favoring such change shall write upon their ballots, "Independent district—Yes," and those against, "Independent district—No." (1297) [2700]

2786. Meeting to elect officers—If a majority of votes cast be in favor of the change, the clerk shall forthwith give notice thereof to the county auditor, and, within twenty days thereafter, shall call a meeting to elect officers, upon ten days' posted notice, and the same proceedings shall thereafter be had as in the organization of other independent districts; and

the officers of the common or special district shall act as officers of the new district until the qualification of officers and organization of the new board. (1298) [2701]

2787. Dissolving independent districts—Any independent district may change its organization to that of a common school district by a vote, by ballot, of two-thirds of the electors voting upon the question at any annual or special meeting; notice having been given that such question would be submitted at such meeting. In case of such affirmative vote, the meeting shall elect the proper officers in the same manner as in the organization of a common school district, and the chairman, treasurer, and clerk of the independent district shall be the chairman, treasurer, and clerk, respectively, and shall constitute the board of the common district until their successors shall qualify, and the common district shall in all things be the successor of the independent district. (1299) [2702]

2788. Rehearing before county board—When the boundaries of any district have been changed by order of the county board, if there shall be filed with the auditor a petition to such board for rehearing, signed by not less than five freeholders, legal voters in said district, the auditor shall present the same to the board at its next meeting. The board shall thereupon set a time and place for rehearing, and shall cause notice thereof to be served on the clerks of the districts affected by such change, and posted as in case of the original petition. The hearing may be adjourned from time to time, and the board shall make such order in the premises as it shall deem just. (1300) [2703]

149-419, 183+979.

The county board created district No. 13 out of territory theretofore included in district No. 5 and denied an application for a rehearing. Held, that the order denying a rehearing could not be reviewed in an action brought by the new district to recover its share of the funds in the treasury of the old district. 211+832.

2789

31 — 189

2789. Aggrieved person may appeal to court where his land is set off from school district and added to another—When any freeholder shall present to the board of any county a petition, verified by him, stating that he owns land in such county adjoining any district therein, or separated therefrom by not more than one-quarter section, and that such intervening land is vacant and unoccupied, or that its owner is unknown, and that he desires his said land, together with such intervening land, set off to such adjoining district, and his reasons for asking such change, the board, upon notice and hearing as in other cases, and upon proof of all the allegations of the petition, may make its order granting the same, and like notice of such change shall be given as in other cases; provided, that any person or officer of any school district aggrieved by any order of the county board made pursuant to the provisions of this section, or by any order of the county board, made on the rehearing before it of any such petition, may appeal to the district court from such order, such appeal to be governed by the provisions of Section 2676, General Statutes 1913. (R. L. '05 § 1301; G. S. '13 § 2704; amended '15 c. 113 § 1)

Explanatory note—For G. S. 1913, § 2676, see § 2747, herein.

131-79, 154+669; 149-419, 183+979.

2790. Districts to be composed of adjoining territory—All districts shall be composed of adjoining territory, and any part of a district not so situated, and not containing a school house used as such, shall be by the county board, upon notice as in other cases, attached to a proper district. (1302) [2705]

211+960.

2791. Plats and description of districts—The county auditor shall keep in his office books containing a correct plat and description of each district organized, whether wholly or partly in his county. (1303) [2706]

211+960.

2792. Presumption of legal organization—Every school district which for one year shall have exercised the powers and franchises of a district shall be deemed legally organized. (1304) [2707]

54-213, 55+1122; 65-406, 83+66.

211+960.

33 — 84 ; 2793 ; 31 — 390 ;

2793. School meetings of common and independent districts—The annual meeting of all common and independent districts shall be held on the third Tuesday in July, at 7 o'clock p. m., unless a different hour has been fixed at the preceding annual meeting, upon ten days' posted notice given by the clerk, and specifying the matters to come before such meeting; but failure of the clerk to give such notice, or to specify the business to be transacted thereat, shall not affect the validity of any business, except the raising of money to build or purchase a schoolhouse, the authorizing of an issue of bonds, the fixing of a schoolhouse site, the organization as an independent district, or the change from an independent to a common district. The boards of education or trustees in special school districts may fix the time of the annual meeting, when so authorized by vote of the district: Provided, that the polls at all school meetings shall be held open at least one hour. (1305) [2710] (Amended '25, c. 147, § 1)

The Corrupt Practices Act (sections 567-609, Gen. St. 1913) does not apply to annual school district elections. 159-438, 199+173.

Cited (110-473, 126+279).

2794 ; 29 — 392 ;

2794. Special school meetings—Upon the written request of five freeholders and voters of a district, specifying the business to be acted upon, or upon the adoption of a proper resolution, so specifying, by the school board, or upon a request, so specifying, signed by a majority of the members of the school board, the clerk shall call a special meeting of such district upon ten days' posted notice and one week's published notice, if there be a newspaper printed in such district, and shall specify in such notice the business named in such request or resolution and the time and place of 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 signed by five freeholders and voters of the district. No business except that named in the notice shall be transacted at such meeting.

2794 ; 240nw 849 ; See 1958 ; See 2798 ;

In case it shall be made to appear by affidavit that there are not five voters who are freeholders in any school district, or that there is not a legal school board therein, the county superintendent of schools of the county in which such district is located, shall, if in his opinion there is need for such school meeting, call such meeting by giving notice thereof as hereinbefore provided. (R. L. § 1306; amended '13 c. 142 § 1) [2711]

45-88, 47+462.

2795. Notice of meetings in common school districts—The annual school meeting of any common school district may in its discretion authorize and direct the district clerk to mail a notice of annual and special school meetings to the electors of the district, at least five days before the date of the meeting; provided, that the failure or neglect of the clerk to mail such notice shall not affect or invalidate the said meet-

ing or the business transacted thereat. ('11 c. 357 § 1) [2713]

2796. Records to be evidence—The records of all school districts and boards, and all transcripts thereof, or of 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. (1307) [2714]

12-17, 1; 17-412, 391.

2797. Publication of proceedings of boards of independent school districts—The school board of each independent school district in this state shall cause to be published once, in some newspaper published in such school district, or if there be no newspaper so published therein, then in some newspaper published in the county in which such school district is located, the official proceedings of such board, and such publication shall be made as soon as may be, and not later than thirty days after the meeting at which such proceedings were had. Such publication shall be let annually by contract to the lowest bidder, at the first regular meeting of said board after the annual election in such district; provided, that not more than fifty cents per folio shall be paid for such publication. ('15 c. 360 § 1; amended '19 c. 496 § 1)

2798. Powers of annual meeting—The annual meeting, not less than five legal voters being present, shall have power:

1. To elect a chairman and clerk pro tem., if the chairman and clerk of the board be absent; but in common and independent districts the chairman and clerk of the school board shall officiate in their respective capacities at all meetings of the electors of the district.

2. To adjourn from time to time.

3. To elect by ballot officers of the district. In all elections or vote by ballot, the clerk shall record the names of all voters participating therein, and the chairman shall appoint as tellers two disinterested electors, who, with the assistance of the clerk, shall supervise the balloting and canvass the votes.

4. 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, designating a new site, by a majority of the legal voters of the district, who have resided therein not less than one year prior to the vote.

5. To repeal and modify their proceedings from time to time, in accordance with the powers therein conferred. (R. L. § 1308; amended '11 c. 249 § 1) [2715]

Subd. 3 (61-259, 63+638; 77-167, 79+668; 110-473, 126+279). Subd. 4 (71-311, 73+956). Subd. 5 (12-17, 1).

121-376, 141+801; 193+951.

Laws 1925, ch. 43, held invalid as special legislation. 163-412, 204+49.

The electors of a common school district have authority to designate a site, direct the erection of a new schoolhouse, and provide funds therefor. When this is done, it becomes the duty of the school board to carry into effect such instructions. 164-134, 204+925.

Mandamus to compel action. 164-134, 204+925.

2799. Candidates for school district offices—Filing of applications with clerk—Ballots—Any person desiring to be a candidate for a school district office at the annual meeting of such district shall file with the clerk of such district an application to be placed on the ballot for such office or any five (5) voters of the district may file such application for or on behalf of

any qualified voter in the district that they desire shall be such candidate. Such applications shall be filed not more than thirty (30) nor less than twelve (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, however, shall not affect the validity of the election thereafter held. The Clerk shall prepare at the expense of the district, necessary ballots for the election of officers, placing thereon the names of the proposed candidates for such office, and with a blank space after such names, and such ballots shall be substantially prepared as are ballots for general elections such ballots shall be marked and signed as official ballots, and which said ballots so prepared by the clerk of the said district shall be used to the exclusion of all other ballots at such annual school meeting in the election of officers of said district; provided that nothing in this act shall apply to or affect school districts employing but one teacher. ('17, c. 384; amended '25, c. 295)

The provision of this section as originally enacted, relating to the preparation of ballots by the clerk for the annual school district elections, held directory merely, and voters at such elections using other ballots properly marked were not to be disfranchised. 162-98, 202+72.

2800. Additional powers of meetings in common school districts—In addition to the foregoing powers, any common school district at its annual meeting, or at a special meeting when proper notice has been given, may vote a sufficient fund for maintenance of its schools and for all other proper purposes, appoint a librarian, and make rules for the use and management of the library, and direct the school board to make designated improvements to school property, and to provide free text-books for the schools. (1309) [2716]

2801. Election of officers in certain districts—In any common school district containing over three hundred voters, in counties having a population of more than fifty thousand and less than one hundred thousand, the school board shall divide the district for the purpose of electing officers, voting on the issue of bonds, or other matter specifically submitted for vote by ballot, into precincts for each three hundred voters, or major fraction thereof. The voters present at the opening of the polls shall choose a moderator and two clerks, who shall forthwith certify the result of the vote to the clerk of the district. Such vote shall be canvassed and the result announced at the annual meeting, except in case of a special election, when the same shall be canvassed by the district officers as soon as practicable after the receipt of the returns. Such regular elections shall be held on the Saturday preceding the annual meeting, and at the same hour and upon the same notice, and no matter except the election of officers shall be voted upon at such meeting unless specified in the notice. (1310) [2717]

2801-1. Special school elections in districts with boundaries coterminous with boundaries of fourth class cities—This act shall apply to all school districts, however organized, the territorial boundaries of which are coterminous with the territorial boundaries of a city of the fourth class. ('25, c. 10, § 1)

2801-2. Same — Definitions — By the expression "School Board," as used herein, is meant the governing body of such school district, however designated, and by the word "Clerk," the school district's officer who, under any title, performs clerical functions. ('25, c. 10, § 2)

2801-3. Same—Calling election by school board—Conduct of election—Contests—The school board of any

2798
29 - 26
2798
240nw 649
See 1959

2799
239nw 504
See 4549

2801
31 - 52

such school district, shall have authority by resolution to call special elections of such school district, and to cause to be submitted thereat to its electors any proposition or question provided or permitted by law to be submitted to the electors of a school district at a special school election or meeting, including the proposition or question of issuing the school district's bonds under any applicable law. For the purposes of any such special election, the school district shall consist of election precincts or voting districts as many in number and identical as to boundaries with the election precincts or voting districts into which the city may at the time be divided for the purposes of a general election, and the special election shall be held in such election precincts or voting districts. There shall be one polling place for each voting precinct or election district. The resolution calling any such special election shall name the voting places and provide for election officers in accordance with the provisions of law in that regard applicable to such city or school district, and shall prescribe the time during which the polls shall be kept open, which shall not be less than one hour. The school board shall give notice of any such special election by ten days' posted notice thereof signed by the Clerk in each of said election precincts or voting districts, and by one week's publication thereof in a newspaper, if a newspaper is published in the school district. The voting at any such special election shall be by ballot, and the Clerk shall prepare ballots and necessary stationery. More than one proposition or question may be submitted at the same special election, but each proposition or question submitted shall be stated separately in the notice and on the ballots. The compensation of election officers shall be in conformity with the general election laws, and the school board is empowered to pay all expenses for any such special election out of the district's funds. The general election laws shall govern in the conduct of the election. The returns from each election precinct or voting district shall be made to the school board, and shall by it be canvassed within three days after the holding of the election. In the event of a contest, the provisions of General Statutes 1913, Chapter 529, shall apply and govern. ('25, c. 10, § 3)

Explanatory note—For "General Statutes 1913, Chapter 529" read "General Statutes 1913, § 529" (§ 488, herein).

2801-4. Same—Law supplemental and additional—The provisions of this act are supplementary and additional to all other powers conferred by law on any such school district. ('25, c. 10, § 4)

2802. Districts of ten or more townships—Trustees, how elected—In all common school districts in Minnesota embracing or containing ten or more townships, the trustees and members of the school board shall be elected as follows: In all such districts existing at the date of the passage of this act, the trustees and members of the school board shall continue to hold their respective offices, as follows: The chairman until August 1 following the next biennial general state election; the treasurer until one year from such date, and the clerk until two years from such date. If said terms of office or either of them so existing at the date of the passage of this act shall expire prior to said dates, that is, shall expire prior to August 1 following the next biennial general state election, and one year from said date, and two years from said date, as above stated, then and in that event the expiration of such terms shall constitute a vacancy, and such vacancy shall be filled as provided by sections 1316 and 1317 of said Revised Laws of 1905, as amend-

ed hereby. At the first meeting of each newly created or organized district hereafter created or organized, containing ten or more townships, the chairman shall be elected to hold office until August 1 following the next biennial general state election, the treasurer until one year from said date, and the clerk until two years from said date. At the first biennial general state election held after the passage of this act in common school districts embracing or containing ten or more townships and at the first biennial general state election held after the organization of each new district embracing or containing ten or more townships, and in each biennial general state election thereafter, there shall be elected two members of said board, such members being elected to fill the offices expiring respectively August 1 after such election and one year from August 1 after such election, the term of office of one to commence August 1 in the year following his election, and that of the other August 1 in the second year following his election. The office to which each is so elected and the time of the commencement of the term of each, with the length of term, shall be stated on the ballot. For the purpose of carrying into effect this act, and so as to enable the electors in each of such districts embracing or containing ten or more townships to elect officers at such biennial general state election, the general election laws of this state, including the primary election law, shall, so far as possible, be applicable hereto, and the candidates for said offices shall file for nomination and be chosen and nominated and their names placed upon the ballot, under and pursuant to the provisions of said general election law and the primary election law in this state, and such general election law and primary election law shall be made applicable hereto and carried out by the officers and persons having the performance and enforcement thereof, except that a separate ballot box shall be used and voters need not register. The votes shall be returned and canvassed and the persons elected notified in the same manner as in the election of county officers. (R. L. § 1311; amended '09 c. 187 § 1) [2718]

Explanatory note—For R. L. '05, §§ 1316, 1317. see §§ 2811, 2812, herein.

1909 c. 187 § 5 repeals inconsistent acts, etc.

This section is not void because its meaning cannot be ascertained, or because incomplete (110-473, 126+279).

2802-1. Common school districts containing ten or more townships and less than ten schools—School board—Annual meeting—Trustees—In each common school district in the state now or hereafter containing ten or more townships and less than ten schools the school board shall consist of five trustees to be elected in the manner and for the terms hereinafter provided, and to hold office until their successors are elected and qualify. The annual meeting of each such district for the election of trustees and the transaction of other lawful business shall be held at the time and in the manner provided by law for independent districts. At the annual meeting of each such common school district to be held in July, 1927, there shall be elected five trustees, to take office on August 1, 1927, two to hold office for one year, two to hold office for two years, and one to hold office for three years from said date, and thereafter at each annual meeting one or two trustees, as the case may be, shall be elected to succeed those whose terms will expire on August 1, next following such meeting, and to serve for three years; provided, that all trustees now serving upon the board of any such district shall hold office until the expiration of the terms for which they were heretofore elected, as hereinafter provided, and no new trustees shall be

elected to fill the places held by such present trustees except as hereinafter provided. The term for which each trustee is elected shall be designated on the ballot. The board of any such district as now constituted shall continue to serve and to act as such board until August 1, 1927, and until a new board is constituted as herein provided. If any trustee now in office has heretofore been elected for a term expiring after August 1, 1927, he shall be entitled to serve out such term, and shall be deemed to be a member of the new board, and shall hold one of the regular places thereon hereinbefore provided of which the term expires at the same time as the term of such present trustee, or if there be no such place on the board, he shall hold, until the expiration of the term for which he was elected, one of the regular places on the board of which the term expires on August 1 next following the term for which he was elected; provided, that the term for which he was elected shall not be extended, and at the annual meeting next preceding the expiration of such term a successor shall be elected to take office upon the expiration of such term and to serve out the remainder of the regular term of the place on the new board held by such present trustee. ('27, c. 84, § 1)

2802-2. Same—School board—Vacancies—Any vacancy in the board shall be filled by the board at any legal meeting thereof until the next annual meeting, when a trustee shall be elected to fill the vacancy for the unexpired portion of the regular term. If a vacancy shall occur after August 1, 1927, in a place on the new board held by any member of the present board holding over until the expiration of the term for which he was elected, such vacancy shall be filled by the board until the next annual meeting, as hereinbefore provided, when a trustee shall be elected to fill the vacancy for the remainder of the regular term; provided, that if a new trustee has already been elected to take office at the expiration of the original term of such present trustee, as hereinbefore provided, such new trustee shall take office immediately to fill the vacancy and shall serve until the expiration of the term for which he was elected. ('27, c. 84, § 2)

2802-3. Same—School board—Organization—Officers—Within ten days after the election of the first school board in such districts, under the provisions of this act, and annually thereafter on the first Saturday in August, or as soon thereafter as practicable, the board shall meet and organize by choosing a chairman, clerk, and treasurer, who shall hold offices for one year, and until their successors are elected and qualified; provided, that if after August 1, 1927, there shall be upon the new school board, constituted as provided by this act, any present trustee holding over who has heretofore been duly elected as chairman, clerk, or treasurer for a term expiring after August 1, 1927, and has duly qualified for and held such office until said date, he shall be entitled to hold such office until the expiration of the term for which he was lawfully elected thereto. ('27, c. 84, § 3)

2802-4. Same—Laws repealed—Laws 1925, Chapter 391, is hereby repealed. ('27, c. 84, § 4)

Explanatory note—Laws 1925, c. 391, repealed by this section, is an act entitled "An act relating to common school districts now or hereafter containing ten (10) or more townships and to elections therein."

2802-5. Common school districts with ten or more townships and more than thirty schools—Term of office of trustees—Vacancies in office of trustee—Election of trustees—In each common school district containing ten or more townships and more than thirty schools upon the passage of this act, or hereafter coming into that

class, each person heretofore elected a trustee thereof shall hold his office for the duration of the term for which he was elected and until the first Monday in January next following, unless sooner vacated according to law. Vacancies shall be filled by the remaining members of the school board by appointment until the first Monday in January following the next biennial election. If such remaining members fail to appoint within ten days after the vacancy occurs, such vacancy may be filled, after five days' notice to them, by mail, by appointment of the Governor. At each biennial election there shall be elected successors of the board members whose terms end prior to the next biennial election, as well as members or officers to fill vacancies for unexpired terms; and the terms of members so elected shall commence on the expiration of the terms of their predecessors and except when elected to fill unexpired terms shall be for four years and until their successors are elected and qualified; provided, when any such term commences in January in an even-numbered year it shall be for three years; provided further that in districts not having officers holding over as elected officers of common school districts containing ten or more townships, there shall be elected at the first biennial election a chairman and a treasurer to hold for two years and a clerk to hold for four years. All general provisions of law for the nomination and election of county officers shall apply to the nomination and election of school officers hereunder, and such school officers shall be nominated and elected without party designation. ('23, c. 143, § 1; amended '25, c. 48, § 1)

2802-6. Same—Annual and special meetings—Proceedings at—Annual and special meetings of such school districts shall be called and held in the manner and at the time provided by law for such meetings of common school districts containing ten or more townships, in the village or township having the largest school attendance during the preceding school year; provided, proposed bond issues and all other matters required or desired to be submitted to vote by ballot shall be so submitted at a general biennial election or at a special election held in each precinct, as herein after set forth. The office and meeting place of the board shall be in the same village or township; provided that the board may in their discretion hold special meetings in any other township when the business to be transacted relates exclusively to affairs of such townships and the convenient vicinity. Provided, further, the board may be authorized by the voters at the annual or any special meeting, generally or specifically, to designate the sites for school houses, provide for building or otherwise placing school houses thereon, or change any such sites, but may in their discretion, or shall on petition of twenty-five voters of the district, filed with the clerk within ten days after their action on any such specific proposition, submit their said action to the voters for approval at a special meeting to be held at a convenient point in the township or village where the site or school house exists or is proposed, and in such event the vote of a majority of those voting at this meeting shall be sufficient to ratify the action of the board—or, if the board so determines or if one hundred or more voters of the district so petition within such ten days, the matter shall be in like manner submitted and disposed of at a special election and voted on in the precincts as in Section 3 hereof provided. When any proposed bond issue or other matter is to be submitted at a general election, the board shall certify the fact to the county auditor,

who shall cause all such matters to be so submitted to the voters of the district on a separate ballot, and further proceedings shall be taken in like manner to similar county-wide propositions. The result shall be certified by the auditor to the school board.

The proceedings of the board shall be published in accordance with Chapter 496, Laws 1919, the letting of the contract therefore to be at their first meeting annually. Except that, if the board determine, that the best interests of the districts would be served thereby, the publication may be in two or more newspapers of the district, provided in such event the total cost of such publication shall not exceed seventy-five cents per folio of the matter published. ('23, c. 143, § 2; amended '25, c. 48, § 2)

Explanatory note—For section 3 see § 2802-7, herein. For Laws 1919, c. 496, see § 2797, herein.

2802-7. Same—Division of districts into precincts—At least thirty days before first submitting any proposition to be voted upon by ballot, otherwise than at the general biennial election, the trustees of school board of any such school district shall, by resolution in writing, divide the district into precincts, for the purpose of voting upon bond issues and all other matters so required or desired to be submitted for vote by ballot; and may thereafter from time to time change the boundaries of such precincts, consolidate two or more or establish new ones, as the convenience of the voters shall require; provided, so far as practicable, the precinct boundaries shall follow the lines of general election precincts in the district, and no change of boundaries shall be made within thirty days prior to any election. Such resolution shall describe the precincts, giving the boundaries thereof, fix a polling place in each at some school building or other place deemed most convenient to the voters, and shall be filed in the office of the clerk of the district. A copy thereof shall be filed in the office of the county auditor, and like copies shall be posted at the polling places in each district affected, at least ten days before the next school election held thereafter. ('23, c. 143, § 3)

2802-8. Same—Notice of special elections—Notices of such special election shall be given by publication and by posting in each precinct substantially in the manner now provided by law for notices of special meetings of common school districts, but need not specifically designate the polling places otherwise designated, as hereinbefore provided, in each precinct. ('23, c. 143, § 4)

2802-9. Same—Officers for special elections—At least ten days before any special election the school board shall by resolution filed with the clerk thereof appoint from the resident electors a moderator or judge of election and two clerks for each precinct. The clerk of said school board shall immediately notify in writing each person so appointed of his appointment, and such persons, if present at the hour set for opening of the polls, shall qualify, open the polls and conduct such elections substantially in the same manner as elections for county officers; provided, unless otherwise designated by the voters at any such election or at an annual school meeting, the school board may fix the hours for opening and closing the polls in any such precinct elections, but the polls shall in each case be open for at least one hour. If any of the appointed officers are absent or fail to act at the hour set for opening the polls, the electors present may choose any elector then present to fill the vacancy, who shall qualify and act. Upon the closing of the polls the election officers acting in each precinct shall forthwith

count the votes and certify the result thereof to the clerk of the district, placing the certificate, poll list, ballots and all other records of the election in an envelope, securely sealed, and shall mail or deliver the same forthwith to the clerk of the district. The ballots shall be separately enclosed and sealed, within the envelopes, shall be preserved for one year, and shall not be opened or examined except in case of a contest or by the order of a court of record. The school board shall canvass said votes and returns and declare and record the result thereof, and take such further proceedings as are required or authorized thereby. ('23, c. 143, § 5)

2802-10. Same—Elections to change number of trustees—On petition of at least ten per cent of the number of voters at the last preceding general election, the trustees shall within sixty days cause to be submitted at a general or special election, but not oftener than once in four years, the proposition "shall the number of trustees be increased to five?" If so required in the petition, there shall also be submitted at the same time the proposition, "Shall such change take effect at once?" If said first proposition carries, the trustees shall, within thirty days, by resolution filed with their clerk and with the county auditor, divide the district into three groups of precincts, to be known and numbered as subdivisions, of as compact shape and as nearly equal population as may be, which may be changed from time to time, but not oftener than quadrennially. Each village shall be placed as an entirety in one subdivision, unless reasonable equality of population of subdivisions would thereby be prevented. The terms of the trustees last elected shall not be shortened, but each shall be treated as the member for the subdivision of his residence; or, if two or more reside in the same subdivision, they shall determine by lot or as hereinafter provided which shall be the subdivision trustee, and which shall be trustee or trustees at large. At the next ensuing primary and general elections, vacancies shall be filled, if any, and there shall be chosen trustees at large or for subdivisions to succeed those whose terms are about to expire, and also two additional trustees, at large or for subdivisions, so that there will be a trustee for each subdivision and two trustees at large. The designation of holdover trustees, as aforesaid, and the fixing of the terms of two or four years for the additional trustees first elected, shall be such that thereafter one trustee at large and not over two subdivision trustees shall be elected at each biennial election, aside from filling vacancies; and, when necessary to this end, the additional trustees receiving the larger vote shall hold for the longer term. Provided, if the voters have determined that said change shall take effect at once, said two additional trustees first chosen shall be elected at a special election to be called and held within ninety days after the creation of said subdivisions, and the candidates shall be nominated under Sections 371 to 374 inclusive, General Statutes 1913, and elected for terms ending on the first Monday in January following the next general election—or one ending then and one two years thereafter—so as to put in operation the plan aforesaid. In all cases the nomination and election of each trustee, whether at large or from a subdivision, shall be open to participation by all the voters of the district. Each subdivision trustee shall during his term reside in the subdivision for which he is elected. Upon a five member board's being duly constituted, the district shall be known as a "general school district," the offices of the chairman, clerk and

treasurer, as such, shall become vacant, and the board shall choose at their first meeting annually from among their number a chairman, and from among or without their number, a clerk and a treasurer, and may also choose a business manager who may be the same person as the chairman, clerk or superintendent. The appointive officers shall have the functions and powers now or hereafter vested in such or like officers by law, and such others as may lawfully be delegated to them by the board—except that, unless elected as such, they shall not be members of the board. Each member of the board as such shall receive as compensation the sum of five dollars for each day's attendance at board or committee meetings, together with his actual traveling expenses, which may include not to exceed eight cents per mile for use of his own automobile in going to and from such meetings; and the appointive officers such compensation and expenses as shall be determined by the board by contract or otherwise—Provided, unless specifically authorized by the voters, by ballot, the aggregate annual compensation of the board and such appointive officers, including the superintendent, shall not exceed the lawful and reasonable compensation of the trustees of a three member board of a like district, and of the superintendent thereof. ('23, c. 143, § 6; amended '25, c. 48, § 3)

Explanatory note—For G. S. '13, §§ 371 to 374, see §§ 329 to 332, herein.

2802-11. Same—Laws applicable—All laws applicable to school districts containing ten or more townships shall continue to apply to like general school districts, except as far as inconsistent herewith, and except as hereafter repealed or amended. ('23, c. 143, § 7)

2802-12. Independent districts with not less than 10,000 nor more than 20,000 inhabitants, and independent districts with six or more townships and two incorporated municipalities and population of not more than 10,000—Division into precincts or voting districts—In any independent school district in this state having a population of not less than 10,000 nor more than 20,000 according to the last federal census, or in any independent school district containing six or more townships and two incorporated municipalities and having a population of not more than 10,000 according to said census, it shall be the duty of the school board in such district, at least thirty days prior to the next annual school meeting, to divide such independent school district into precincts or voting districts, and in so doing shall make each school house in said school district, as nearly as practicable, the center of such voting precinct. ('23, c. 66, § 1; amended '25, c. 149, § 1)

Explanatory note—Laws 1923, c. 66, § 5 repeals all inconsistent acts or parts of acts.

2802-13. Same—School houses to be voting places—After the division of such independent school district into voting precincts or districts as aforesaid, each school house in such district shall be a voting place, and the school board of said district shall have power to appoint and pay the necessary judges and clerks for the conduct of the school district elections in such precincts, the number of such judges and clerks and their compensation to be in conformity with the general laws of this state pertaining to judges and clerks at general elections. ('23, c. 66, § 2)

2802-14. Same—Election notices to specify boundaries—The notices for the holding of any election in such independent district, whether general or special, shall specify the boundaries of such election districts or precincts and also the time and places at which

such election shall be held. The necessary stationary and ballots for each of said election precincts shall be furnished by said school board, and the returns of all elections from such precincts shall be made to the school board of said district and shall be canvassed by said board and the result of said election declared and certified to by them within two days after the holding of the election, their canvass and certificate in reference thereto being final unless corrected by a court of competent jurisdiction in the manner provided by law for the contest of an election of this character. ('23, c. 66, § 3)

2802-15. Same—Conduct of elections—The annual election or meeting in such independent school district shall be held at the time specified in the general statutes of this state for the holding of annual school meetings and in accordance therewith. All balloting upon the election of officers or upon any questions to be submitted to the electors of the district shall take place at the election precincts hereinbefore designated by the board, and such balloting shall commence at the hour of seven P. M. and be continued, and the polls shall not be closed until the hour of eight P. M. thereafter, unless a different hour has been fixed, at the preceding annual meeting. The polls at all school meetings shall be held open at least one hour, and may be held open for such longer time as has been fixed at the preceding annual meeting. All other business to be transacted at any general or special meeting of the voters of such school district which shall not require a vote by ballot shall be transacted commencing at the said hour of eight P. M. upon the closing of the polls as aforesaid, at such central voting place as may be designated by the school board, and specified in the notice of school meeting. ('23, c. 66, § 4)

2803. School board—When common school district boards shall exercise same right as independent school district boards—The school board in a common district containing ten or more townships shall have and exercise all powers, and be subject to the same laws and regulations as school boards in independent districts. ('13 c. 465 § 1) [2725]

152-304, 188+319.

2804. School board of common and independent districts—The care, management and control of common and independent districts shall be vested in a board of trustees, to be known as the school board, whose term of office shall be three years and until their successors qualify. (1312) [2731]

Cited (115-222, 132+317).

2805. School board of common districts—The school board of each common school district shall consist of a chairman, a treasurer and a clerk. At the first meeting of each school district embracing or containing less than ten townships, the chairman shall be elected to hold office until August 1 following the next annual meeting; the treasurer until one year from such date, and the clerk until two years from such date. At the first meeting in each common school district embracing or containing ten or more townships, the chairman shall be elected to hold office until August 1 following the next biennial general state election, and the treasurer until one year from such date, and the clerk until two years from such date. Said trustees so elected in districts embracing or containing ten or more townships shall be paid such salary or compensation as the electors or legal voters of such district at the annual meeting thereof shall fix or determine, and the electors or legal voters of such district at the annual

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meeting thereof shall have power and are hereby authorized, by a majority vote, to fix and determine and authorize the payment of salaries or compensation to said trustees. The vote upon the payment of such salaries or compensation shall be by ballot. (R. L. § 1313; amended '09 c. 187 § 2) [2732]

Cited (110-473, 126+279).

The office of treasurer of a school district and the office of county commissioner, in view of the duties of each relative to schools are incompatible. 157-263, 196+467.

2806. School board of independent districts—The school board of each independent school district shall consist of six directors. At the first meeting of the district, six directors shall be elected, two to hold until August 1 following the next annual meeting, and two to hold until the expiration of one year, and two until the expiration of two years, from said August 1; the time which each director shall hold being designated on the ballot. (1314) [2733]

Cited (115-222, 132+317).

The majority of the board constitutes a quorum, and the act of the majority of the quorum is the act of the board. 160-233, 199+911.

When five members are present, two members vote for, and two members vote against a motion, the chairman, by declaring the motion carried, casts his vote in the affirmative, though he did not previously formally declare his vote. 160-233, 199+911.

2807. Boards in independent districts—Meeting and organization — Officers — Superintendent — Within ten days after the election of the first school board in independent districts, and annually thereafter on the first Saturday in August, or as soon thereafter as practicable, the board shall meet and organize by choosing a chairman, a clerk, and treasurer, who shall hold their offices for one year, and until their successors are elected and qualified. They may also elect a superintendent for such a term of service as the board may determine not to exceed a term of one year. He shall be ex-officio a member of the board, but not entitled to vote therein. (1315) [2734] (Amended '25, c. 124)

A superintendent may be employed only during the pleasure of the board. 160-233, 199+911

A taxpayer cannot maintain an action to prevent such school district from making a contract of employment with a certain person as superintendent. 160-233, 199+911.

2808. Election of superintendent in special districts —That the superintendent of schools of every special district in this state in which it is provided that said superintendent shall be elected by the board of education of said special district may be elected at any time, notwithstanding any provision in the charter or special act under which such special district was created which requires the election of such superintendent to be had at the first meeting after the annual election of members of said board of education. ('05 c. 251 § 1) [2735]

2809. To what districts applicable—This act shall apply to all school districts created under a special law of the state of Minnesota. ('05 c. 251 § 2) [2736]

2810. Clerk in special districts—The board of education in any special school district in the state of Minnesota, at its annual meeting for organization, may, at its option, appoint as its clerk or secretary a person not a member of such board, and may make provision for his compensation in accordance with existing law. ('09 c. 277 § 1) [2741]

2810-1. Nomination by petition of school directors in cities of second class—Candidates for director of the school board in cities of the second class may be nominated by petition or certificate of voters whether there is a vacancy in the nominations for such office or not. ('23, c. 88, § 1)

2811. Vacancies—A vacancy in any school board or board of education elected by the people, shall be filled by the board at any legal meeting thereof until such vacancy can be filled by election at the next annual meeting, in school districts containing less than ten townships, and at the next general biennial state election in school districts embracing or containing ten or more townships. Such appointment shall be evidenced by a resolution entered in the minutes. All appointments and elections to fill vacancies shall be for the unexpired term. (R. L. § 1316; amended '09 c. 187 § 3) [2742]

2812. Special election to fill vacancy—If the board shall fail for ten days to fill any vacancy, a special meeting may be called for that purpose by ten days' posted notice signed by three qualified voters, freeholders or householders of the district, setting forth the object of the meeting. Officers elected at such meeting shall hold for the unexpired term, but no such meeting shall be held within thirty days before the annual election or annual meeting in districts containing less than ten townships nor within thirty days before the general biennial state election in districts embracing or containing ten or more townships. (R. L. § 1317; amended '09 c. 187 § 4) [2743]

2813. Acceptance of office—All persons elected or appointed district officers shall, within ten days after notice of such election or appointment, file with the clerk or secretary of the district his acceptance of the office and his official oath, or 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. (1318) [2744]

83-194, 86+20.

2814. Quorum—A majority of the school board shall constitute a quorum, but no contract shall be made or authorized except at a meeting of the board of which all members have had legal notice. (1319) [2745]

35-163, 27+922; 37-96, 33+217; 137-138, 162+1081.

Where two members of the board undertake to hold a meeting, without notice to the third member, and then prepare, execute, and submit in form a teacher's contract reciting that it was made "by the school board at a meeting called for that purpose," and the teacher executes it, the board is not estopped from urging the invalidity of the contract while it is executory.

The voters of the school District cannot ratify such contract. 163-427, 204+320.

2815. Powers and duties of school board—The school board shall have the general charge of the business of the district, and of the school houses and the interests of the schools thereof, and shall:

1. When authorized by the voters at a regular meeting or a special meeting called for that purpose, 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; erect, lease or purchase necessary school houses, or additions thereto; and sell or exchange such school houses or sites and execute deeds of conveyance thereof. Provided, however, that in any common school district in counties, of this state, now or hereafter having a population of not less than 28,300 nor more than 28,500 inhabitants, including joint school districts in such counties and counties adjoining such school districts, having an area of four sections or more, an assessed valuation of not less than \$100,000.00, and wherein now or hereafter may, reside not less than twenty children of school age wherein there is no school house, upon petition to the school board of any such district signed by legal voters of such dis-

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trict who are parents of children of school age, residing in such district, which children constitute not less than fifty-five per cent of all the children of school age in such districts, asking for the erection of a school house therein, it shall thereupon become the duty of the school board of such district within a reasonable time after the filing of such petition with the school district clerk, to secure a suitable school site and cause to be erected and maintained thereon and to issue the warrants of the school district in payment therefor, such school site to be located within one-half mile of the geographical center of the district, or as near thereto as practicable considering the nature of the ground and the location of the public roads; provided, however, that this act shall not be construed to make it the duty of or to empower any school board to increase its net indebtedness beyond the limit fixed by law. It shall be the duty of the school board in any district where a school house has been erected pursuant to such a petition to conduct a term of school of the length required by law in such school house during every year in which there resides in such district twelve or more children of school age. Mandamus shall lie to compel the performance of the duties hereby enjoined upon the school boards of such districts. In any village or city such site when practicable shall contain at least one block, and, if outside of any city or village, two acres; and when any school house site shall contain less than such amount, the board shall, if practicable, acquire other land adjacent to or near such site to make, with such site, such amount.

2. Purchase, sell and exchange school apparatus, furniture, stoves and other appendages for school houses.

3. Provide proper outhouses for the schools, plant shade trees and shrubbery, and otherwise improve school sites, procure insurance on school property, and make proper ordinary repairs thereon.

4. When necessary, lease rooms for school purposes.

5. Employ and contract with necessary, qualified teachers, and discharge the same for cause.

6. Provide for the heating and care of school houses and rooms.

7. Provide for the payment of all just claims against the district in cases provided by law.

8. When directed by a vote of the district, or when the board deems it advisable, adopt, contract for, and purchase text-books needful for the schools of the district, and provide for the free use of such books by the pupils of such schools, or their sale to them at cost; but no such adoption or contract shall be for less than three or more than five years, during which time such books adopted shall not be changed.

9. Defray the necessary expenses of the board, including three dollars per day for attending one meeting of the school boards of the county in each year, when called by the county superintendent, and five cents per mile in going to and returning from such meeting, and pay for such record books, stationery, and other incidental matters as may be proper.

10. Superintend and manage the schools of the district, adopt, modify or repeal rules for their organization, government and instruction, and for the keeping of registers, prescribe text-books and courses of study, and visit each school at least once in three months.

11. In all proper cases, prosecute and defend actions by or against the district. (R. L. '05 § 1320; G. S. '13 § 2746; amended as to sub. 1; '15 c. 25; '23 c. 431 § 1) Subd. 1 (54-385, 55+1112; 83-111, 85+932, 93-409, 101+952;

115-222, 132+317). Subd. 4 (7-203, 145). Subd. 5 (93-411, 101+619). Subd. 8. Inapplicable to St. Paul (115-222, 132+317). Subd. 11 (91-41, 97+416). Presumption that board acts within its authority (83-111, 85+932; 91-41, 97+416; 93-409, 101+952. In general (121-376, 141+801; 122-59, 141+1105; 124-271, 144+960; 152-306, 188+319; 193+951).

Provision as to school districts in counties having population between 28,300 and 28,500, is invalid. 167-421, 209+531.

A school board may discharge a janitor at any time, unless power of removal is restricted by statute. 212+598.

Explanatory note—Laws 1925, c. 231 reads as follows: In any case in which the Board of Education of or in any city of the first class in this State, has purchased or has been furnished and has received, during the month of January, 1925, necessary supplies including coal and fuel under any contract, agreement or understanding entered into with any person, firm or co-partnership, where such person or a member of such firm or co-partnership was at that time a member of any board or legislative body of said city, other than its Board of Education, every such contract, agreement or understanding and all acts in performance thereof, are hereby legalized and validated, and such Board of Education is hereby empowered and authorized to pay to the person, firm or co-partnership furnishing such supplies, including coal and fuel, the reasonable value thereof, not exceeding, however, the contract price thereof, without interest, any provision in the charter of such city to the contrary notwithstanding."

2816. Further powers and duties of school board—
The school board may also:

1. 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. Provided, in case a person has real property in, and pays taxes thereon, in a common or an independent school district other than the one in which he resides, then such person shall be admitted to all the benefits of such other school, the same as the residents therein, and if the owner of less than 80 acres therein, he shall be admitted to all the benefits of said school the same as residents therein, upon conforming to such reasonable terms for tuition 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 fees. Provided, further, that nothing in this act shall be so construed as to authorize any person who may receive any of the benefits or privileges of this act, to vote at any school district meeting of the school district within which he may receive such benefits or privileges, but of which he is not a member.

2. Establish and organize, alter and discontinue, such grades of schools as they may deem expedient.

3. Authorize the use of any school house in the district for divine worship, Sunday schools, public meetings, elections and such other similar purposes as, in their judgment, will not interfere with its use for school purposes; but before permitting such use, the board may require the bond of some responsible party, in the penal sum of one hundred dollars, 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 they may charge and collect for the use of the district from the persons using such school house such reasonable compensation as they may fix.

4. Provide for the free transportation to and from school, at the expense of the district, of pupils residing more than one-half mile from the school house, for the whole or such part of the school year as they may deem expedient, and subject to such rules and regulations as they may adopt; and they shall require from every person employed for that purpose, a reasonable bond for the faithful discharge of his duties, as prescribed by the board.

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5. Make rules and regulations respecting the protection of the property of the district, and prescribe penalties for a breach thereof, to be recovered for the use of the district as penalties in other cases, before a justice of the peace, and change or repeal such rules. (R. L. § 1321; amended '07 c. 445 § 1; '17 c. 417) [2747]

Historical—R. L. §§ 1321, 1327, and 1330, were amended by sections 1, 2, and 3, respectively of 1907 c. 445. Section 4 of said act provided that it should take effect, etc., after its passage.

By 1909 c. 472 § 1, 1907 c. 445 § 4 was amended to read as follows: "Section 4. Subject to such rules and regulations as they shall adopt, provide for the free transportation to and from school, at the expense of the districts, of all pupils residing more than one-half mile from the school house, for the whole or such part of the school year as they may deem expedient; and in school districts situated in more than one county, shall provide such transportation during the months of October, November, December, January, February, March and April, for all pupils residing two miles or more from the school house, and who are not less than six years of age nor more than sixteen years of age; and shall require from every person employed for that purpose a reasonable bond for the faithful discharge of his duties, as prescribed by the board."

During the school year ending in June, 1922, plaintiff had been transporting certain children for defendant school district under a written contract. Without any renewal of the contract, but supposing that it would be renewed, plaintiff, without invitation from defendant, began transporting the children again in September, 1922. Held, that plaintiff performed the services as a mere volunteer and cannot recover upon the theory of either implied or quasi contract. 159-226, 198+463

2816-1. School boards may become members of Minnesota School Board Association—The school board of any school district of this state by a two-thirds vote may become a member of the Minnesota School Board Association and by a similar vote appoint one of its members to attend the annual meeting thereof, and the amount of the annual membership dues in such association and the actual and necessary expense incurred in attending such meeting shall be paid as other expenses of the district are paid. ('25, c. 98)

2816-2. School houses or buildings used for election purposes—That the governing body of any school district, however organized, is hereby empowered to authorize the use of any school house or building in and of the school district for the holding of primaries, elections, registrations and all acts in connection therewith, in such manner as, in its judgment, will not interfere with their use for school purposes. ('27, c. 370, § 1)

2816-3. Same—Regulations and conditions for use—The said governing body may impose such reasonable regulations and conditions upon such use as to it may seem meet and proper. ('27, c. 370, § 2)

2817. Extension of powers of school boards as to activities of teachers and pupils—In addition to the powers now or hereafter conferred by law upon the school board of any school district in this state, such school 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 schools of such district or any class or pupils therein may participate. All moneys received on account of such entertainments and contests shall be turned over to the school district treasurer, who shall keep the same in a separate fund to be known as the "school auxiliary fund," to be disbursed for expenses connected with such entertainments or contests, or otherwise by the school board upon properly allowed

itemized claims. Any donations to the school district for specific objects and purposes and other than for the primary purposes of the district, shall be placed in the fund hereinbefore referred to and in like manner disbursed; the request of the donor or donors thereof being complied with in regard to the purpose of such disbursements, if the school board shall consider that the interest of the district will be promoted thereby. ('17 c. 112 § 1)

2818. Consent of school board to be secured for all entertainments and contests—No such school or quasi school entertainment or contest in any district in which the school board shall act under the provisions of this chapter shall be participated in by the teachers or pupils in the public schools of such district, nor shall the school name or any allied name be used in connection therewith, except by consent and direction of the school board. ('17 c. 112 § 2)

2819. School board to purchase sites without vote of people—To have right of eminent domain—In any municipal corporation or school district in this state where the governing body or school board has the right, power and authority to purchase sites for school buildings without authorization by the voters at a regular or special meeting called for that purpose, such governing body or school board shall have the right, power and authority to condemn lands under the right of eminent domain for site and grounds for public school buildings, and such power and authority shall be exercised under and pursuant to the terms and provisions of chapter 41, General Statutes of Minnesota for the year 1913 and acts amendatory thereof: Provided, however, that any such corporation or school district shall have the right, upon the filing of the award of the commissioners provided for in said chapter 41, and upon giving the notice therein required of the filing of such award, to enter upon and appropriate the lands so condemned, without the giving of any bond, but in case of such entry and appropriation, such corporation or school district shall be bound absolutely to pay all damages awarded, either by said commissioners or by the court upon appeal therefrom, together with all costs and expenses adjudged against it therein, within the time specified in said chapter 41. In case any such corporation or school district shall appeal from the award of commissioners appointed pursuant to any such condemnation proceedings, such corporation or school district shall not be required to give or file any appeal bond therein. ('21 c. 266 § 1)

Explanatory note—For G. S. 1913, c. 41, see §§ 6537 to 6578, herein.

2819-1. Condemnation by school districts of tracts dedicated as public squares in town plats—That any school district is hereby authorized and empowered to acquire, for school purposes, under the right of eminent domain, any tract of land dedicated, attempted to be dedicated, or designated as a public square in any town plat of land within, or partly within, such school district and not within the limits of any incorporated village, borough or city. ('25, c. 286)

Procedure and damages. 212+8.

2819-2. Condemnation of public easements in alleys by school districts in fourth class cities—That any School District of which the greater portion lies within the corporate limits of a city of the fourth class may with the consent of the governing body of said city acquire by condemnation the public easement in any public alley which the school board of such district deems it necessary to use for school purposes. ('27, c. 35)

2820. To acquire sites for agricultural schools—That the board of education or other governing body of any school district in the state of Minnesota, in which instruction in agriculture is afforded, be and hereby 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 school district, a suitable tract of land either within or without the limits of such school district, to be used for the purpose of instruction, experimentation and demonstration in agriculture. ('13 c. 258 § 1) [2748]

124-271, 144+960.

2821. To what districts applicable—The provisions of this act 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. ('13 c. 258 § 2) [2749]

2822. Instruction in adjoining district—Discontinuance of schools—The school board of any district, when it deems it advisable, may provide for the instruction of its pupils in an adjoining district, and in such case may discontinue the schools of its own districts or of any grades or departments in said schools, and provide for the free transportation of the pupils of its own district to the school in an adjoining or nearby district. The teachers shall keep the registers separately for the pupils from such district discontinuing its schools, and shall return the registers and make separate records to the clerk of such district and to the county superintendent, of the number and names of pupils, with their attendance, and such district shall retain its organization and shall be entitled to public money, including the special state aid granted to ungraded elementary schools, under such rules as may be fixed by the commissioner of education, except that state apportionment for non-resident pupils enrolled in the high school department shall go to the districts in which the high school is located. Such aid shall be paid from the appropriation made for common schools. ('11 c. 167; amended '21 c. 467 § 15) [2750]

2823. Children may attend school in adjoining district in certain cases—The child or children of any person in this state not resident within the limits of any incorporated city or village of this state, and residing more than two miles by the nearest traveled road from the school house in the district where such child or children reside, are hereby authorized to attend school at a school or school house in an adjoining district nearer to such residence than the said school house in the said district where such child or children reside, upon such reasonable terms as shall be fixed by the school board of such adjoining district, upon application of the parents or guardian of such child or children. In case such parent or guardian is not satisfied or cannot comply with the terms and conditions fixed and determined by the school board of such adjoining district, and shall apply to the state superintendent of public instruction for that purpose, the state superintendent of public instruction shall give such notice of such application to the clerk of the school board of such adjoining district as shall be determined by such superintendent of public instruction, and shall, after such notice, decide such application and fix such terms and conditions for the attendance of such child or children in such adjoining district as shall be just and reasonable, and thereupon such child or children may attend such school in such adjoining district upon compliance with the terms fixed by such superintendent of

public instruction, the same in other respects as if resident in the district where such school house is situated. Provided, that nothing herein contained shall be construed as repealing, amending or modifying the provisions of section 1321, Revised Laws of 1905, as amended by chapter 445 of the General Laws of Minnesota, 1907. ('11 c. 342 § 1) [2751]

Explanatory note—For R. L. '05, § 1321; Laws 1907, c. 445, see § 2816, herein.

2823-1. Instruction of pupils in other districts—That the board of any school district, however organized, may by unanimous vote provide for the instruction of any resident pupil in another school district when inadequate room, distance to school, unfavorable road conditions, or other facts or conditions make attendance in his own district unreasonably difficult or impractical, in which case such district shall pay to the district so attended the tuition agreed upon, or charged; provided, however, that such pupils shall continue to be a pupil of the district of his residence in the apportionment of the current school fund and the payment of state aid. ('27, c. 34)

2823-2. Pupils attending high schools in adjoining states—That any person under twenty-one years of age residing in any school district of this state not maintaining a high school, who has successfully completed the eighth grade, may with the consent of a majority of the school board of his residence district, expressed at a meeting thereof, attend any high school in an adjoining state willing to admit him, which high school is nearer to his place of residence than any duly established high school in Minnesota, the distances being measured by the usual traveled routes. ('27, c. 135, § 1)

2823-3. Same—Tuition charges—That any tuition charged by the district so attended shall be paid by the school district in which such person resides; provided, however, that such tuition shall not be more than such district charges nonresident pupils residing in such state if any such tuition is charged, and if no tuition is charged for non-resident pupils of said state, then such tuition shall not exceed the sum of ten dollars (\$10.00) per month. Provided further, that the person so attending high school in another state shall continue to be treated as a pupil of the district of his residence in apportionment of the current school fund and the payment of state aid. ('27, c. 135, § 2)

2824. Additional powers of boards in independent districts—The school board of any independent district may also:

2. Establish and maintain one or more kindergartens for the instruction of children above four and under six years of age.

3. Receive, for the benefit of the district, bequests, donations, or gifts for any proper purpose, and apply the same to the purpose designated.

4. 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 of such proposed removal, and after an opportunity to be heard in his own defence. (1323) [2752]

Subd 1 § 2752 repealed '21 c. 350 § 5.

A superintendent of an independent school district is a member ex officio of the board, but is not included in the word "member" as used in subdivision 4. 160-233, 199+911.

2824-1. Designation of original or change of existing sites for school houses in independent districts and erection of buildings in certain counties—That any independent school district in any county now or here-

after having a population of not less than 400,000 inhabitants may, at the annual meeting or at any special meeting or election called for that purpose, have power to designate an original site or change an existing site by the designation of a new site for a school house, and provide for building or otherwise placing a school house thereon, when due and proper notice has been given of such proposed action, by a majority vote of those present and voting at such meeting or election. ('25, c. 43)

Unconstitutional as special legislation. 163-412, 204+49.

2826
31 - 188

2825. Special duties of boards in common school districts—The school board of every common school district shall submit to the annual school meeting an estimate of the expenses of the district for the coming year for a five-months school, and for such further time as it may be decided by the meeting to hold school, and for such other specified purposes as the board may deem proper, and, if such meeting shall fail to vote a sufficient tax to maintain a school for such time, the board shall levy such tax; but no such school board shall expend any money or incur any liability for any purpose beyond the sum appropriated by vote of the district for such purpose, or levied by the board pursuant to this section, or on hand and applicable thereto. When the district has decided by vote at any legal meeting to open more than one school, the board shall provide for opening such school or schools, and assign to each a proper number of pupils. (1324) [2756]

31-227, 17+373; 87-234, 236, 91+842; 121-376, 141+801; 122-254, 142+325.

2826
33 - 35

2826. Special duties of boards in independent districts—In addition to the duties hereinbefore imposed, the school board of each independent school district shall:

1. Make, and, when deemed advisable, change or repeal, rules relating to the organization and management of such board and the duties of its officers.

2. Provide by levy of tax necessary funds for the conduct of schools, the payment of indebtedness, and all proper expenses of the district. (1325) [2757]

71-283, 291, 73+970; 87-234, 91+842; 193+951.

2827. Public evening schools for adults—The school board of any school district or of unorganized territory may establish and maintain public evening schools as a branch of the public schools, and such evening schools when so maintained shall be available to all persons over sixteen years of age who from any cause, are unable to attend the full-time school of such district; and such evening schools and the general conduct thereof shall be under the direction and control of the State Board of Education. ('17 c. 356 § 1, amended '21 c. 350 § 1)

2828. Investigations by the State Board of Education—The State Board of Education is hereby authorized and directed to make such investigations as may be necessary to advance the purposes of this act and to carry out the provisions thereof. ('17 c. 356 § 2, amended '21 c. 350 § 2)

2829. Payment of salaries—One-half the salaries of all teachers who teach in evening schools shall be paid from state funds or state and federal funds combined in so far as such funds are made available. Such payment shall be made upon verified statements of account presented to the State Commissioner of Education by the clerks of the respective school districts or by the county superintendent of schools. ('17 c. 356 § 3, amended '21 c. 350 § 3)

2830. Apportionment of state school funds—Attendance at evening schools maintained under the rules established by the State Board of Education

shall entitle such district maintaining the same to its pro rata apportionment of state school funds for all pupils not over twenty-one 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. ('21 c. 350 § 4)

2831. Peace officers in common and consolidated districts—Members of school boards in common or consolidated school districts shall be peace officers, and may suppress disorder and make arrests for any disorderly conduct, or breach of peace, in any school house or on any school grounds, in their respective districts, and may command the assistance of all persons. ('13 c. 476 § 1) [2758]

2832. Duties of clerk—The clerk shall keep in books provided for that purpose a record of all meetings of the district and the board. He shall, within three days after the meeting, notify all persons elected upon any school board or as officers of any district of their election, and, on or before August 10 in each year, make and transmit to the county superintendent a certified report, showing:

1. The condition and value of school property;
2. The receipts and disbursements in detail, and such other financial matters as may be called for by the state superintendent.
3. The annual arrangement of terms of school, and the grading, if any, thereof.
4. The names and postoffice addresses of all trustees and other officers.
5. Such other items of information as may be called for by the state superintendent.

He shall enter in his record book copies of all his reports and of the teachers' term reports, as they appear in the registers, and of the proceedings of any meeting as furnished him by the clerk pro tem., and shall keep an itemized account of all the expenses of the district; and in common districts he shall report to the county superintendent the time of commencement of each term at least two weeks in advance. He shall furnish to the county auditor or auditors of the proper county or counties, on or before October 10 of each year, an attested copy of his record, showing the amount of money voted by the district or the board for school purposes; shall draw and sign all orders upon the treasurer for the payment of money for bills allowed by the board for salaries of officers or for teachers' wages, to be countersigned by the chairman. Such orders shall state the consideration, payee, and fund, and the clerk shall take a receipt therefor. Teachers' wages shall have preference in the order in which they become due, and no money applicable for teachers' wages from the current school fund shall be used for any other purpose, nor shall teachers' wages be paid from any fund except that raised or apportioned for that purpose. (1326) [2759]

To certify tax levy to auditor (75-456, 471, 78+115). To draw orders on treasurer (31-333, 17+866).

126-369, 148+307.

2833
31 - 187
2833-34
25 - 173
173m 389
174m 286
217nw 366
219nw 163
7447
2833
238nw 634
240nw 662
See 9166

2833. Duties of treasurer—The treasurer shall receive and be responsible for all moneys of the district, and shall disburse the same on orders signed by the clerk and countersigned by the chairman, or other vouchers authorized by law. Each order shall state the fund on which it is drawn, the name of the payee, and the nature of the claim for which such order is issued. He shall keep an account of each fund, and of all receipts and disbursements, showing the source of such receipts and the nature and purpose of such disbursements, and within three days preceding the annual meeting shall file with the clerk a detailed finan-

cial statement of the district, showing all receipts and disbursements, and the nature of the same, the moneys on hand and the purposes to which the same are applicable, the credits of the district, and its outstanding liabilities, and the nature thereof. Such report, together with his vouchers, shall be examined by the board, and, if found correct, approved by resolution, entered in the records. If incomplete or inaccurate, a further or amended report may be required by the board. Such report, when complete, shall be laid before the annual meeting, to be in like manner approved. He shall make such further reports as may from time to time be called for by the board, and shall perform all duties usually incumbent on such officer. Every order drawn for the payment of teachers' wages, and for any other lawful purpose, after having been presented to the treasurer for payment, and not paid for want of funds, shall be endorsed by the treasurer by putting on the back thereof the words, "Not paid for want of funds," giving the date of indorsement and signed by the treasurer. A record of such presentment, non-payment and indorsement, shall be made by the treasurer. Every such order shall bear interest at the rate of 6 per cent per annum from the date of presentment, until the treasurer serves a written notice upon the payee or his assignee, personally, or by mail, that 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. (R. L. § 1327, amended '07 c. 445 § 2) [2760]

44-427, 46+914; 72-37, 74+1024; 86-188, 192, 90+371; 100-139, 110+849.

2834. Treasurers' bonds—New or additional bonds—Every school district treasurer shall give bond to the state in a sum equal to twice the amount of money that will probably be in his hands at any time during any one year of his term, the school board to fix the specific amount of said bond, and said bond to be approved by the board and filed with the clerk, conditioned for the faithful discharge of his official duties. Provided, however, that if said bond so furnished by the treasurer be that of a surety company authorized to do business in Minnesota then the amount of such bond shall be equal to the amount of money that will probably be in his hands at any time during any one year of his term, the specific amount of such bond to be fixed by the board. The school board may at any time by a majority vote require the treasurer to give a new or an additional bond, and upon his failure to furnish same within a reasonable time after notice, the board shall declare the office of treasurer vacant. Any bond hereunder, before approval by the school board, shall be approved as to its form by the public examiner, county attorney or an attorney designated by the school board. (R. L. '05, § 1328; amended '07, c. 95; '25, c. 69) [2761]

2835. Penalty for failure to pay teachers' wages—Any treasurer who uses money applicable for teachers' wages for any other purpose shall be personally liable to any teacher who becomes entitled to any part of such funds for such amount, to be recovered in a civil action against such treasurer and the sureties on his official bond. (1329) [2762]

2836. Depositories of common and independent school districts—Selection—Bonds—The officers of the several common and independent school districts in this state may in their discretion, select and designate as

a depository or depositories for school district moneys, any national or state bank, or banks, for a period not exceeding three years on the execution by such bank or banks of a sufficient bond to the school district in double the sum deposited, except in cases where the bond furnished is that of a surety company authorized to do business in the state of Minnesota, and in such cases the amount of bond shall be equal to the estimated sum to be deposited, to be approved by the board and filed in the office of the county auditor of the county wherein said school district may be situated, and thereupon may require the treasurer to deposit all or any part of the school district's money in such bank or banks, provided that such designation may be made in an amount not exceeding \$1,500 in common school districts and not exceeding \$3,000 in independent school or consolidated districts without the execution of any bond. Such designation shall be in writing and shall set forth all the terms and conditions upon which the deposits are made, be signed by the chairman and clerk or president and clerk as the case may be, and filed with the clerk. That thereupon such bank or banks shall become a legal depository or depositories for school district moneys, and thereafter the school district treasurer shall deposit such school district moneys therein as he shall be required from time to time to deposit by such school district officers. ('07, c. 133, § 1; amended '09, c. 332, § 1; '27, c. 118) [2763]

Action on bond. 211+7.

2837. Exemption of treasurer—The school district treasurer and the sureties on his bond shall be exempt from liability to the school district by reason of the loss of any funds of such school district deposited in any such bank or banks from the failure, bankruptcy or other acts of such bank or banks to the extent and amount of such funds in such bank or banks at the time of such failure or bankruptcy. ('09 c. 332 § 2) [2764]

2838. Interest on deposits—All interest on moneys deposited, as hereinbefore provided shall be computed on monthly balances, and become the property of said school district. ('09 c. 332 § 3) [2765]

2839. Compensation—No additional compensation or fees shall be paid any of the school district officers by reason of any of the provisions of this act. ('09 c. 332 § 4) [2766]

2840. Duties of chairman—Compensation—The chairman, when present, shall preside at all meetings of the board and of the district, except when a moderator has been chosen; shall countersign all orders upon the treasurer for claims allowed by the board; shall represent the district in all actions; and shall perform all the duties usually incumbent on such officer.

In case of absence, inability or refusal of the clerk to draw orders for the payment of money authorized by a vote of the majority of the board to be paid, the orders may be drawn by the chairman, and paid by the treasurer, a statement thereof, with a copy of such orders, being delivered to the clerk by the treasurer, or the office of the clerk may be declared vacant by the chairman and treasurer, and filled by appointment.

The chairman may receive as compensation such an amount as may be determined at the regular school meeting of the district, but such compensation shall not exceed six dollars in any one year. (R. L. § 1330, amended '07 c. 445 § 3; '11 c. 240 § 1) [2767]

2841. Duties of superintendent—The superintendent in independent or special districts shall visit the schools of the district, and exercise a general super-

2836-37
25 - 173
29 - 70
29 - 370
173m 428
174m 286
217nw 490
219nw 163
221nw 424
7447

2836
175m 346
177m 470
225nw 444
227nw 50
2836
175m 482
178m 317
181m 271
221nw 369
232nw 320
233nw 296
234nw 594

2838
234nw 594

vision 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 superintend the grading of the schools and examinations for promotion, and shall perform such other duties as the board shall prescribe. He shall make, either directly to the state superintendent, or through the county superintendent, such reports as shall be required. (1331) [2768]

2842. Compensation of clerks of common districts—The clerk of each common district shall be paid at the rate of two per cent of the cash disbursements for the year, upon making his annual report to the superintendent as required by law accurately and in proper time; such compensation shall not exceed six dollars in any one year, unless a greater compensation has been voted at a meeting of the district upon a notice stating that action would be had at such meeting respecting such increase of compensation; provided that in no case shall the compensation of the clerk as herein provided exceed fifty dollars (\$50.00) for any one year. Such payment shall be made by the treasurer upon a certificate of the superintendent that such clerk is entitled thereto. (R. L. § 1332, amended '13 c. 409 § 1) [2769]

2843. Compensation of treasurers of common districts—The treasurer of such district may receive as compensation such an amount as shall be determined at the regular school meeting of the district, not exceeding, however, twenty-five dollars per annum, which shall be allowed only after his annual report shall have been approved by the board. (R. L. § 1333, amended '13 c. 409 § 1) [2770]

2844. Compensation of officers of independent districts—The clerk, treasurer, and superintendent of independent districts shall receive such compensation as may be fixed by the board. No officer or member of any school board shall receive pay as such, except as provided in this chapter. (1334) [2771]

2845. Interest on certain school orders—That each and all school orders for the payment of money issued by any school district of the state of Minnesota, between the first day of March, 1906, and the 25th day of April, 1907, for a legally incurred debt, and which were duly presented to the treasurer of such school district for payment, and payment thereon refused for lack of funds, shall bear interest at the rate of six per centum per annum from and after the date of such presentation and refusal, and such interest is hereby declared to be valid and subsisting indebtedness of each such school district issuing the same. The officers of each such district are hereby authorized to pay such interest, upon the presentation of such orders. Provided, that the terms of this act shall not apply to any pending litigation. ('09 c. 308 § 1) [2772]

2846. Contracts in common and independent districts—No contract for work or labor, or for the purchase of furniture, fixtures, or other property, or for the construction or repair of school houses, the estimated cost or value of which shall exceed five hundred dollars (\$500.00), shall be made by the school board of any common or independent school district without first advertising for bids or proposals in some newspaper of the county by two (2) weeks' published notice in the city or village located nearest to the school district in which such contracts are proposed to be let, or some newspaper published in the county seat in such county. Such notice shall state the time and place of awarding the contract, and contain a brief description of the work to be performed, materials to

be furnished or building to be constructed or repaired. ('13 c. 244 § 1) [2773]

The rule of law applicable to a case where a school district contracts for an improvement, which it has power to make, but the contract is void because not made after competitive bidding as required by law, is that the district is obliged to pay for the reasonable value of any benefits it receive, through part performance of the contract. 160-293, 199+919.

By the taking over of a substantial part of the improvement and using it in the permanent project, the whole of the improvement was taken over. 160-293, 199+919.

2847. How let, etc.—Every such contract shall be awarded to the lowest responsible bidder, shall be duly executed in writing, and the person to whom the same is awarded shall give a sufficient bond to the board for its faithful performance, and otherwise conditioned as required by sections 4535, 4536, 4537 and 4538, Revised Laws, 1905, as amended. If no satisfactory bid is received, the board may readvertise. Every contract made without compliance with the provisions of this act shall be void; provided, that in case of the destruction of buildings or injury thereto, where the public interests would suffer by delay, contracts for repairs may be made without advertising for bids. ('13 c. 244 § 2) [2774]

Explanatory note—For R. L. '05, §§ 4535 to 4538, see §§ 9700, 9702 to 9704, herein.

2848. Opinion of attorney general—If any difference of opinion arises between school officers, or any doubt as to the proper construction of any part of this chapter, or as to their powers or duties, the state superintendent, at the request of any such officer, shall submit such question to the attorney general, who shall give his written opinion thereon to such superintendent, and such opinion shall be binding until annulled or overruled by a court. (1335) [2775]

2849. Hours for opening and closing polls in certain independent school districts—In all independent school districts in this state containing a population of fifty thousand inhabitants or over, to be based upon the census last preceding the election, and in which independent school districts elections are held exclusively for school purposes, and separate from, and at different dates from city and state elections, the polls at such school elections shall be opened at six o'clock a. m. on the day of such election, and shall remain open for purposes of voting until seven o'clock p. m. on said day. ('07 c. 278 § 1) [437]

'23 c. 66, precincts in independent school districts having not less than 10,000 inhabitants.

UNORGANIZED TERRITORY.

2850. County board of education for unorganized territory created—The power of providing for the education of children of school age residing in any unorganized territory within the state of Minnesota shall be vested in the county board of education for unorganized territory of the county where such unorganized territory is situated. ('21 c. 328 § 1)

2851. Members—The chairman of the board of county commissioners, the county superintendent of schools, and the county treasurer shall, ex-officio, compose the county board of education for unorganized territory in each county within the state. ('21 c. 328 § 2)

2852. Officers—Clerical help—The chairman of the county board of commissioners shall be the chairman of the county board of education; the county treasurer shall be treasurer of said board; the county superintendent of schools shall be the clerk of said board of education. The county board of education may also

2844
29 — 151

2846
175m 30
220nw 164

2840-2847
241nw 578
Sec 2815

2846-2847
244nw 329

2850Eseq.
31 — 166

employ such clerical and stenographic and supervisory help as may be needed who shall perform such other services as the board may direct. ('21 c. 328 § 3)

2853. Compensation of officers of school boards—
For their services performed under the provisions of this act, the chairman of said board of education shall be paid three dollars (\$3.00) per day for the time actually employed by him as such chairman and ten cents (10c) per mile for distance actually traveled by him in performance of his said duties not exceeding the total sum of four hundred dollars (\$400.00) in any one year for such mileage and per diem; the treasurer of said board shall be paid one per cent (1%) and the clerk one per cent (1%) of the cash disbursements for the year, but the compensation to be paid to the treasurer and clerk in counties having less than fifty-five schools in its unorganized territory shall not exceed for each officer in any one year the total sum of eight hundred (\$800.00) dollars, but only after all reports required by law have been made in conformity thereto; provided, that this section shall not apply to counties having a population of more than 200,000. ('21, c. 328, § 4; amended '23, c. 12, § 1; '25, c. 220)

2854. Meetings—The county board of education for unorganized territory shall meet once each month at the county seat at a time to be fixed by the board, for the purpose of transacting the business of said board, consider petitions, reports from teachers, audit and pay bills, etc. The board may also hold special meetings as may be deemed necessary. ('21 c. 328 § 5)

2855. Duties of clerk—It shall be the duty of the county superintendent as clerk of the county board of education to make reports similar to those made by the clerk of organized districts.

Annually on the first Tuesday after the first Monday in August, the Clerk of such board shall make a full and accurate statement of the receipts and disbursements of such board for the preceding school year, which shall contain a full and correct description of each item, from whom and on what account received, to whom paid and on what account expended, together with an accurate statement of the finances of said county board of education at the end of such year, including all debts and liabilities and the assets to discharge the same, and within thirty days thereafter the said county board of education shall cause the same to be published once in a legal newspaper published in the county, which paper, in counties having over one hundred thousand population, shall be a daily paper. ('21 c. 328 § 6)

2856. Tax levy—The said board of education shall, annually, on the third Saturday of July, make a levy on all property situated in unorganized territory of the county for the purpose of providing schools, teachers, transportation of pupils, board of pupils, textbooks, apparatus, school supplies, etc., for the education of children residing within such territory. This tax levy shall be known as the special unorganized school levy and it shall be so spread on the tax lists by the county auditor. ('21 c. 328 § 7)

2857. Shall furnish school facilities—It shall be the duty of the said board to furnish school facilities to every child of school age residing in any part of said unorganized territory, either by building school houses, leasing school room, transporting said children to the nearest school, boarding said children within convenient distance from a school at the expense of said board, or otherwise, and to provide necessary supplies, text and library books. ('21 c. 328 § 8)

2858. Powers and duties same as independent school districts—When not otherwise provided in this act the

powers and duties of said board of education of unorganized territory shall be the same as those of school boards and annual meetings of independent school districts. ('21 c. 328 § 9)

2859. Organization of school districts—When, in the opinion of the said board, it shall appear that any territory enjoying the privileges of unorganized territory should be organized into a common or an independent school district, the said board shall notify the county board, which shall cause notice of hearing thereon to be given and otherwise proceed as provided by law for organization of common or independent school districts. ('21 c. 328 § 10)

2860. New Counties—Procedure—Apportionment—Whenever a new county or counties have been or may hereafter be created and organized out of territory embraced within the boundaries of one or more organized counties and in which there is unorganized school territory, acting under the provisions of this act and lying partly within the old and new counties, or wholly within the new county, the county boards of education of the old and new counties shall meet upon the written request of the county superintendent of either county at such time and place as shall be designated in said request, which said request shall be served upon each member of each county board of education of the counties affected at least five days before the time of such meeting and make a division of all the moneys, funds and credits belonging to such unorganized school territory as the same existed prior to the division of the county or counties, and in making such division, the said board shall take into consideration the indebtedness of said unorganized school territory and shall make such division as they deem just and equitable, and all such moneys, 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. ('21 c. 328 § 11)

2861. Failure to apportion—Procedure—In cases provided by section 11 and in case the county boards of education of the old and new counties shall fail to meet pursuant to the notice provided in section 11 of this act, the county superintendents of the old and new county or counties and the state superintendent of public instruction, or his deputy, shall constitute a board of apportionment, and upon the written application of the county board of education of either county affected shall make a division of all the moneys, funds, credits and property as provided in section 11 of this act, which apportionment shall be in writing and verified by the state superintendent of public instruction, or such deputy, and by at least one of the county superintendents of the counties affected, and filed in the office of the secretary of state, and shall be final and conclusive. Within five days after the filing of said apportionment the secretary of state if apportionment is made as provided in this section, or the superintendent of schools of each county if such apportionment is made as provided by section 11 of this act, shall transmit to the treasurers of the counties affected by said apportionment a certified copy of such apportionment and application, if any. ('21 c. 328 § 12)

2862. County boards of education to carry out terms of agreement—The county boards of education and the county officials of the old and new counties shall forthwith after such division and apportionment proceed

to fulfill and carry out the terms thereof, determined as herein provided. ('21 c. 328 § 13)

2863. Dissolution of common or independent districts—Petition or resolution—Effect—Any common or independent school district in any county may be dissolved, annulled and discontinued by the county board of commissioners and its school shall be cared for in accordance with the laws governing unorganized territory. A petition requesting the taking of such action shall be presented to said county board of commissioners and shall contain a correct description of the territory included in said district, the number of persons residing therein, the total assessed valuation of all property within said district, and requests that such district be dissolved, annulled and discontinued. Such petition shall be signed by a majority of the freeholders qualified to vote for school officers in said district and before being presented to the county board it shall be approved by the county superintendent of schools if such petition meets with his approval. Provided, however, that in case of majority of the freeholders in any common school district are not citizens and not qualified to vote and in case the number of children of school age residing in the district becomes fewer than ten, said school district may be automatically dissolved by resolution of the County Board and shall become a part of the Unorganized Territory of said county; and the assets and liabilities of such district shall be assumed by the County Board of Education for Unorganized Territory in the same manner as now provided for by law in the dissolution of school districts. ('21, c. 328, § 14; amended '25, c. 222, § 1)

2864. Notices—Hearing—Upon the presentation of such petition approved as aforesaid, the county board shall designate a time for hearing the same and notice thereof shall be given in the manner provided by law for notice in the case of the formation of the school district. ('21 c. 328 § 15)

2865. Hearing—Procedure—Appeal—At such hearing the board shall act in a manner similar to the action provided by law for the formation of districts, and any person aggrieved may appeal in like manner. ('21 c. 328 § 16)

2865a. Old districts dissolved—Disposition of property—If said petition is granted by the county board, then said school district shall from that time cease to exist and all of the territory thereof and the schools previously conducted by it shall then come under the jurisdiction of the county board of education of said county, and shall thereafter be managed by said county board of education in the same manner as if said district had never been organized. And it shall be the duty of the officers of said vacated school district to forthwith deliver to the county auditor of said county all of the books and records of said school district, and to the county treasurer all of the money and school funds in its possession, and said county treasurer shall forthwith credit all such moneys and school funds to the account of the county board of education of such county. The county treasurer shall hereafter credit to the account of said county board of education all moneys and school funds thereafter collected from any previous tax levy made by said school district, except such moneys and school funds as are derived from taxes levied for the purpose of paying the bonds or interest on the bonds of any such school district. ('21 c. 328 § 17)

2866. Debts and obligations of discontinued and vacated districts to remain charge upon territory—Debts and obligations to remain charge on territory. All

incurred and outstanding obligations of any district so discontinued and vacated shall be and remain a charge upon the property formerly within said district to the same effect as if said district had not been discontinued, and the county auditor shall each year levy against all of the taxable property within the limits of said former school district a sufficient levy, not to exceed the maximum provided by law, for the cancellation and liquidation of such outstanding indebtedness, such levy to be made year after year until said entire indebtedness is cancelled and extinguished. And the amount levied by the county board of education upon all taxable property in unorganized territory shall be levied upon the property within the limits of said former school district in addition to the amount so levied by said auditor and in the same proportion that it is levied upon the taxable property in said county outside of organized school districts; provided, that in any county of this state now or hereafter having an assessed valuation of more than \$300,000,000, exclusive of money and credits and an area of over 5,000 square miles, the county board of education by unanimous vote, with the written opinion of the county attorney, that such claim is a legal outstanding obligation of the territory formerly included in any dissolved school district, may audit, allow and pay any such incurred outstanding obligations of any dissolved school district within its territory except outstanding bonded indebtedness of such dissolved school district out of the funds of said county board of education, in the same manner as though said indebtedness had been originally incurred by said county board of education. ('21, c. 328, § 18; amended '25, c. 287, § 1)

Explanatory note—Section 2 of Laws 1925, c. 287, provides that, "This act shall not apply to or authorize the payment of any claim or claims that may be involved in any action now pending in any court of this state."

2866-1. Outstanding obligations of dissolved districts—That whenever any organized school district has heretofore been dissolved and the territory thereof has become unorganized territory and subject to the laws governing unorganized territory and such district has outstanding any unpaid bonds duly issued at the time of its dissolution and the entire proceeds of such bond issue has been paid over to the treasurer of the county board of education, said bonds shall be a charge upon and an obligation of the unorganized territory of the county, including the territory of said dissolved district, and the county board of education is authorized to provide funds for the payment of the interest and principal thereof by a tax levy upon all taxable property of such unorganized territory in the manner and form as provided by law for levying taxes for general school purposes of such unorganized territory. ('27, c. 21)

2867. Bonds may be sold—Interest rate—The board of education of any unorganized territory in the state is hereby authorized and fully empowered by unanimous vote of such board to issue and sell bonds of such unorganized territory for the purpose of providing school sites and school buildings, for paying any judgment lawfully rendered against them or for refunding outstanding bonds or floating indebtedness, in such amounts and at such periods as the board may decide; said bonds to be payable in such amounts and at such times, not exceeding twenty years, as the board may determine, with interest thereon not to exceed six per cent (6%) per annum, which bonds shall be signed by the chairman and the treasurer of said board and countersigned by the clerk thereof; provided that the total bonded indebtedness of such unorganized terri-

2863
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tory shall at no time exceed seven and one-half per cent (7½%) of its assessed valuation. Any bonds issued hereunder shall be sold conformably to the provisions of Section 1856 General Statutes 1913. ('21 c. 328 § 19)

Explanatory note—For G. S. 1913, § 1856, see § 1943, herein.

2868. Tax levy for bonds and interest—Every county board of education for unorganized territory issuing bonds under the authority of this act 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. ('21 c. 328 § 20)

2869. Laws repealed—All laws and parts of laws inconsistent with the provisions of this act are hereby repealed. The following laws and parts of laws are hereby expressly repealed, to-wit: Chapter 76, Laws 1907, Chapter 309, Laws 1909, Chapter 500, Laws 1909, Chapter 103, Laws 1911, Chapter 82, Laws 1913, Chapter 255, Laws 1919, Chapter 314, Laws 1919, Sections 2776 to 2794, inclusive, General Statutes, 1913. ('21 c. 328 § 21)

2870. Application—This act shall not apply to any county or counties not having a county board of education as provided in this act. ('21 c. 328 § 22)

2870-1. Vacancies in boards of education—Should a vacancy occur in said board of education, or should any member thereof refuse or be incapacitated to serve upon said board, the board of county commissioners shall fill such vacancy by appointment and such appointee shall serve until the first Monday in January following the next general election thereafter. ('21, c. 328, § 23; amended '25, c. 220)

Explanatory note—Section 23 of Laws 1921, c. 328 provided that "This act shall take effect and be in force from and after its passage." Laws 1925, c. 220, contains a section 24, which reads as follows: "This law shall be in full force and effect on and after the first day of August, 1925."

CONDUCT OF SCHOOLS.

2871. 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. (1336) [2795]

137-35, 162+688.

2872. Length of school—The school shall be maintained not less than seven nor more than ten months, but this provision shall not apply to night schools or kindergartens. The school month shall consist of four weeks. Every Saturday shall be a school holiday and all legal holidays shall be counted as a part of the school week. (R. L. '05 § 1337; G. S. '13 § 2796, amended '23 c. 321)

122-258, 142+327.
162-357, 203+46.

2872-1. Conduct of schools on certain holidays—The governing body of any school district may in their discretion contract with any of the teachers thereof for the conduct of schools, and may conduct schools on either, or any, of the following holidays: Lincoln's and Washington's birthdays, and Election day; provided that on Washington's birthday and Lincoln's birthday at least one hour of the school program be devoted to a patriotic observance of the day. ('27, c. 239, § 1)

2873. Instruction in public schools—The books used and the instruction given in public schools shall be in the English language, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English words; and in high and graded schools other languages may be taught, when made part of a regular or optional course of study. Instruction may also be given in such languages in common schools, not to exceed one hour in each day, by unanimous vote of the trustees. (1338) [2797]

2874. Secret fraternities and societies prohibited—That from and after the passage of this act it shall be unlawful for any pupil, registered as such, and attending any public high school, district, primary or graded 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 directors of such schools. ('07 c. 149 § 1) [2802]

Section 5 repeals inconsistent acts, etc.

2875. Power of directors—Rules—The directors of all such schools shall enforce the provisions of section 1 of this act, and shall have full power and authority to make, adopt and modify all rules and regulations which in their judgment and discretion may be necessary for the proper governing of such schools and enforcing all the provisions of section 1 of this act. ('07 c. 149 § 2) [2803]

2876. Power to suspend or dismiss, etc.—The directors of such schools shall have full power and authority, pursuant to the adoption of such rules and regulations made and adopted by them, to suspend, or dismiss any pupil or pupils of such schools therefrom, or to prevent them, or any of them, from graduating or participating in school honors when, after investigation, in the judgment of such directors, or a majority of them, such pupil or pupils are guilty of violating any of the provisions of section 1 [2802] of this act, or who are guilty of violating any rule, rules or regulations adopted by such directors for the purpose of governing such schools or enforcing section 1 of this act. ('07 c. 149 § 3) [2804]

2877. "Rushing" or soliciting—Penalty—It is hereby made a misdemeanor for any person, not a pupil of such schools to be upon the school grounds, or to enter any school building for the purpose of "rushing" or soliciting, while there, any pupil or pupils of such schools to join any fraternity, society, or association organized outside of said schools. All municipal courts and justice courts in this state shall have jurisdiction of all offences committed under this section, and all persons found guilty of such offences shall be fined not less than two dollars nor more than ten dollars, to be paid to the city or village treasurer, when such schools are situated inside of the corporate limits of any city or village, and to the county treasurer, when situated outside of the corporate limits of any such city or village, or upon failure to pay such fine, to be imprisoned for not more than ten days. ('07 c. 149 § 4) [2805]

2878. Minnesota day—There shall be designated annually by proclamation by the superintendent of public instruction of this state, by and with the consent of the governor, a day between October first and

May first to be designated and known as "Minnesota Day." ('11 c. 81 § 1) [2806]

2879. How observed—On that day all the public schools of this state shall give special attention to exercises devoted to matters of interest appertaining to the state of Minnesota and its geography, history, industries and resources. ('11 c. 81 § 2)

2880. Patriotic exercises—That in all of the common, graded and high schools of this state it shall be the duty of the superintendent or teachers in charge of such schools to teach and require the teaching therein, on at least one day out of each week, of subjects and exercises tending and calculated to encourage and inculcate a spirit of patriotism in the pupils and students. Such exercises shall consist of the singing of patriotic songs, readings from American history and from the biographies of American statesmen and patriots and such other patriotic exercises as the superintendent or teachers of such schools may determine.

The time to be spent thereon on each of said days shall not exceed one-half hour. ('17 c. 108 § 1)

2881. Declaration of Independence and Constitution—In the eighth grade and in the high school grades of all public schools, and in the corresponding grades in all other schools within the State of Minnesota and in the educational departments of state and municipal institutions there shall be given regular courses of instruction in the Declaration of Independence and the Constitution of the United States, to an extent to be determined by the State Commissioner of Education. ('23 c. 291 § 1)

2882. United States flag—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 while the school is in session and at such other times as the respective boards of such school districts may direct and within the principal room of such school building at all other times while the same is in session. ('17 c. 313 § 1)

2883. School boards to provide flags and staffs—It shall be the duty of every school board and board of education to provide such flag for each of the school buildings of their respective districts, together with a suitable staff for the display thereof outside of such school building and proper arrangement for the display thereof within such building and a suitable receptacle for the safe-keeping of such flag when not in use, as by this act directed, at all times. ('17 c. 313 § 2)

COUNTY SCHOOLS OF AGRICULTURE AND DOMESTIC ECONOMY.

2884. Appropriation and tax levy—Submission to voters—The board of county commissioners of any county is hereby authorized to appropriate money for the organization, equipment and maintenance of a county school of agriculture and domestic economy, and to levy and spread on the tax roll a sufficient sum to carry into effect the several provisions of this act, but not exceeding the sum of twenty thousand dollars in any one year. The county commissioners of two or more counties may unite in establishing such a school, and may appropriate money for its organization, equipment and maintenance. Provided, that this act shall not apply to any county in this state unless the authority thereof shall be granted to such board of county commissioners by a vote of the electors of such county, which question shall be submitted to such electors at the general or special election, to be held

in such county. When submitted at a special election, such special election shall be called and held in the manner provided by law for calling and holding special county elections. The board of county commissioners may, of their own motion, submit such question to the electors of their county, and shall so submit the same whenever a petition is filed with such board, signed by legal voters of such county equal in number to fifteen per cent of the votes cast in such county at the last preceding general election held in such county. The votes cast at any such election shall be counted and canvassed in the manner provided by law for counting and canvassing votes cast at general elections in such county. ('05 c. 314 § 1) [2808]

2885. County school board, how constituted—Vacancies — Oath — Bond — Organization — Compensation—A board to be known as the county school board is hereby created, which shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such school, except as otherwise provided by law. Said board shall consist of three members, one of whom shall be the county superintendent of schools of the county or district in which the school is located. The other members of the board shall be elected by the board of county commissioners for the term of three years from the date of their election, but no member of the board of county commissioners shall be eligible. Vacancies existing in the board from whatever cause, except in the case of the county superintendent, shall be filled by appointment made by the board of county commissioners at their next regular or special meeting. Each person appointed or created a member of the county school board shall within ten days after the notice of such appointment take and subscribe an oath, to support the constitution of the United States and the constitution of Minnesota, and honestly, faithfully and impartially to discharge his duties as a member of said board, to the best of his ability, which oath shall be filed in the office of the county auditor. He shall also, within the same time, file a bond in such sum as may be fixed by the board of county commissioners, which bond shall be filed in the office of the county auditor. Within fifteen days after the appointment of said school board, the members thereof shall meet and organize by electing one of their number as president. The county superintendent of schools shall be ex-officio secretary of said board. The said school board shall prescribe the duties of the several officers, except as fixed by law. The members of such school board shall receive no compensation except their actual expense while going to and from and while attending the meetings of the county school board. ('05 c. 314 § 2) [2809]

2886. Counties uniting—Board, how organized—Whenever two or more counties unite in establishing such a school, the provisions of section 2 [2809] of this act shall apply to the organization of the county school board, and to filling vacancies therein, provided that the county superintendent of the county in which the school is located shall be a member of the board and ex officio its secretary, and two members shall also be elected from each county by the board of county commissioners thereof. But no member of the board of county commissioners shall be eligible. ('05 c. 314 § 3) [2810]

2887. Apportionment of expenses between counties—Tax levy—Whenever two or more counties unite in establishing and maintaining such a school, the county school board provided for in such cases shall determine the amount of money necessary for the equipment and maintenance of the school for the second

year, and annually each year thereafter; they shall apportion the amount to be raised by taxation among the counties in proportion to the assessed valuation of each county, as last fixed by the state board of assessment, and shall report to the county auditor of each county the apportionment so made on or before the regular July meeting in each year. The amount so apportioned to each county shall be levied in the county tax for the ensuing year for the support of the school. ('05 c. 314 § 4) [2811]

2888. Moneys, how expended—Duty of treasurer—The county treasurer shall be ex-officio treasurer of said board; and all moneys appropriated and expended under the provisions of this act shall be expended by the county school board, and shall be paid by the county treasurer or treasurers on orders issued by said school board and all moneys received as gifts or otherwise by said school board shall be paid to the county treasurer for the fund of the county school board. ('05 c. 314 § 5) [2812]

2889. Instruction—In all county schools of agriculture and domestic economy organized under the provisions of this act, instruction shall be given in the elements of agriculture, including instruction concerning the soil, the plant life, and the animal life of the farm; a system of farm accounts shall also be taught; instruction shall also be given in manual training and domestic economy, and such other subjects as may be prescribed. ('05 c. 314 § 6) [2813]

2890. Land for experiment, etc.—Each of such schools shall have connected with it a tract of land suitable for purposes of experiment and demonstration, and not less than ten acres in area; but any donation of land or equipment shall be turned over to said school board for the benefit of such school, and shall thereafter be the property of the county in which such school is located or in case two or more counties having contributed in establishing such schools and maintaining the same then in that case it shall belong to such counties jointly. ('05 c. 314 § 7) [2814]

2891. Admission of pupils—The schools organized under the provisions of this act shall be free to inhabitants of the county or counties contributing to their support, who shall be qualified to pursue the course of study prescribed, provided they shall have at least the qualifications required for completion of the course of study for common schools. Whenever students of advanced age desire admission to the school during the winter months in sufficient number to warrant the organization of special classes for their instruction, such classes shall be organized and continued for such time as their attendance may make necessary. ('05 c. 314 § 8) [2815]

2892. Duties of state superintendent—The state superintendent shall give such information and assistance and establish such requirements as may seem necessary for the proper organization and maintenance of such schools. With the advice of the dean of the college of agriculture of the state university, he shall prescribe the courses of study to be pursued, and determine the qualifications required of teachers employed in such schools. He shall have the general supervision of all schools established under this act; shall from time to time inspect the same, make such recommendations relating to their management as he may deem necessary, and make such report thereon as shall give full information concerning their number, character and efficiency. ('05 c. 314 § 9) [2816]

2893. State aid—Approved list—Annual report of secretary—Whenever any county or counties have

either severally or jointly decided to establish, equip and maintain a school as prescribed by this act, and have levied money for that purpose and have appointed a county school board, such school board or boards shall give notice of that fact to the state superintendent, and the first two school boards giving such notice shall have the first chance of obtaining for such school state aid, as herein provided, but on condition that, any school established under the provisions of this act, whose courses of study and qualifications of whose teachers have been approved by the state superintendent and the dean of the college of agriculture may, upon application, be placed upon an approved list of county schools of agriculture and domestic economy. A school once entered upon such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of the state superintendent; provided, that he shall not place upon said list more than two schools. On the first day of July in each year, the secretary of each county school board maintaining a school on the approved list, shall report to the state superintendent, setting forth the facts relating to the cost of maintaining the school, the character of the work done, the number and names of teachers employed, and such other matters as may be required by the county school board or the state superintendent. Upon receipt of such report, if it shall appear that the school has been maintained in a satisfactory manner for a period of not less than eight months, during the year closing on or before the thirtieth day of the preceding June, the state superintendent shall make a certificate to that effect and file it with the state auditor, and such county shall thereupon be entitled to such an amount of state aid as may be prescribed by law or which may be hereafter appropriated. ('05 c. 314 § 10) [2817]

SCHOOLS FOR DEFECTIVE CHILDREN

2894. Special classes for deaf children in public schools—Upon application of any special, independent or common school district, complying with the provisions of this act, made to the state superintendent of education, he may grant permission to such districts to establish and maintain within its limits one or more schools for the instruction of deaf children who are residents of the state.

Any school district which shall maintain one or more such schools, shall through its clerk or secretary report to the state superintendent of education annually, or oftener if he so direct, such facts relative to such school or schools as he may require.

The course and methods of instruction must comply with such requirements as may be outlined by the state superintendent of education. All schools for deaf children established under this act shall be conducted by the combined system which includes the oral, the aural, the manual and every method known to this profession; and the course and methods of instruction shall be substantially equal or equivalent in efficiency to the course and methods of instruction established and employed in the state school of the deaf at Faribault, Minnesota. The state superintendent of education may designate any member of his staff as an inspector to visit and note the progress of the school provided for in this act.

Permission to establish such special classes may be granted to districts which have an actual attendance of not less than five deaf children, over four and not exceeding the maximum school age who may come under the provisions of this act.

Blind children, defective speech children and mentally subnormal children are not to be admitted to the same class with deaf children but must each have separate classes and separate teachers.

There shall be paid out of the current school fund in the state treasury annually in the month of July, to the treasurer of the school district board, of the board of education, in the school district maintaining such school or schools under the charge of one or more teachers, whose appointment and qualifications shall be approved by the state superintendent of education, the sum of two hundred and fifty (\$250) dollars for each deaf child instructed in such school having an annual session of at least nine months during the year preceding the first day of July.

It shall be the duty of the treasurer of the school district or of the board of education receiving the aid provided for in this section, to render annually to the state superintendent of education an itemized statement of all expenditures of said school or schools. Any surplus at the end of the year shall be reserved as a special fund for the education of the deaf children of that district and can be used for no other purpose. ('15 c. 194 § 1; amended '19 c. 218; '23 c. 228)

2895. Special classes for blind children established in certain schools—Upon application made to the state commissioner of education by any special independent or common school district, complying with the provisions of this act, said commissioner may grant permission to such district to establish and maintain within its limits one or more classes for the instruction of blind children who are residents of the state.

Any school district which shall maintain one or more such classes shall, through its clerk or secretary, report to the state commissioner of education annually, or oftener if he so direct, such facts relative to such class or classes as he may require.

The courses, methods of instruction and supervision, the conditions under which teachers are employed and the equipment must comply with such requirements as may be prescribed by the state commissioner of education. Teachers in such classes shall be appointed as are other public school teachers. They shall possess the usual qualifications required of teachers in the public schools, and in addition thereto such special training as the board of education or state commissioner may require.

Permission to establish such special classes shall be granted to aforesaid districts which have an actual attendance of not less than five blind children of school age, who may come under the provisions of this act; provided, however, that whenever the parents or guardians of eight blind children of school age in any one district shall petition the school board in writing for the establishment of such class and shall actually enroll said children in the school of the district, it shall be mandatory upon such district to establish such special class, subject to approval by the commissioner of education as required herein, and provided, further, that nothing in this act shall be construed as preventing parents of any such children from sending their children to state school for blind, if they so elect.

For the purpose of this act, any person of sound mind, who by reason of defective sight, cannot profitably or safely be educated in the public school as other children, shall be considered blind, and, after the establishment of such classes by any school district, the compulsory school laws of this state shall be deemed to apply to such children under the age of sixteen years.

There shall be paid out of the current school fund in the state treasury annually in the month of July, to the treasurer of the school district board or the board of education, in the school district maintaining such class or classes, the sum of three hundred (300) dollars for necessary school expense on account of each blind child instructed in such class or classes, having an annual session of at least nine months during the year preceding the first day of July, providing such child has been in attendance the full nine months or a proportionate amount for such time as they have attended.

It shall be the duty of the treasurer of the school district or the board of education receiving aid provided for in this section, to render annually to the state commissioner of education, an itemized statement of all expenditures of said class or classes. Any surplus at the end of the year not expended for salaries of special teachers, special instruction, special readers, special supervision, special equipment, special material and transportation of pupils of such class or classes, shall be reserved as a special fund for the education of blind children of that district and can be used for no other purpose. ('15 c. 194 § 2; amended '19 c. 129; '21 c. 366; '23 c. 409)

2896. Schools for defective speech children—Section one (1) of this act shall, so far as applicable, provide for and apply to schools for defective speech children, except that these schools shall be under the control of the commissioner of education and that there shall be paid out of the special state aid fund annually in the month of July to the treasurer of the school district maintaining a school or schools for defective speech children under the charge of one or more teachers whose appointment and qualifications shall be approved by the commissioner of education such sum as such district may be entitled to for the instruction of defective speech children under provisions of the state aid law. ('15 c. 194 § 3; amended '21 c. 467 § 17)

2897. Education of mental subnormal children—Section one (1) of this act shall, so far as applicable, provide for and apply to schools for mental subnormal children, except that these schools shall be under the control of the state superintendent of education and that there shall be paid out of the current school fund in the state treasury annually in the month of July to the treasurer of the school district maintaining a school or schools for mental subnormal children under the charge of one or more teachers whose appointment and qualifications shall be approved by the state superintendent of education, the sum of one hundred (\$100.00) dollars for each mental subnormal child instructed in such school or schools having an annual session of at least nine months during the year next preceding the first day of July. ('15 c. 194 § 4)

2898. Permission to establish such special classes as may come under the provisions of sections 3 and 4 of this act, may be granted to districts which have an actual attendance of not less than five children of school age. ('15 c. 194 § 5; amended '19 c. 129)

2899. Schools for crippled children—Upon application made to the commissioner of education by any school district, complying with the provisions of this act, said commissioner may grant permission to such district to establish and maintain within its limits one or more classes for the instruction of crippled children who are residents of the state, providing there shall be not less than five crippled children of school age in each class.

The courses, method of instruction and supervision, the conditions under which teachers and helpers are

employed, and the equipment, must comply with such requirements as may be prescribed by the commissioner of education. Teachers in such classes shall be appointed as are other public school teachers, and shall possess the usual qualifications required of teachers in public schools, and in addition thereto, such special training as the commissioner of education may require. Nurses appointed to such schools shall be registered nurses, and shall be subject only to such additional examination as the commissioner of education may require, and their appointments shall be on the same basis as public school teachers.

For the purposes of this act, any child of school age, other than one of defective hearing, speech or sight, and who is of normal mind but is deformed in body or limb and who cannot profitably or safely be educated in the regular classes as other children, shall be considered crippled and required to attend such classes, unless excused because of infectious disease or other conditions making attendance undesirable.

Any school district maintaining one or more such classes, shall, through its superintendent, report to the commissioner of education annually, or oftener if he so desires, such facts relative to such class or classes as he may require, and such superintendent shall render annually to the commissioner of education an itemized statement of all expenditures of said class or classes.

There shall be paid out of the current school fund in the state treasury, annually at the same time as other state school aid is paid, to the treasurer of the school district board, or of the board of education, in the school district maintaining such class or classes the sum of \$200 for necessary school expenses, including salaries for teachers and nurses, transportation, special supplies and equipment, on account of each crippled child instructed in such class or classes having an annual session of at least nine months during the year preceding the first day of July, provided such child has been in attendance the full nine months or such proportionate part of \$200 as shall correspond to the actual time of attendance of each pupil. ('21 c. 141 § 1)

2900R
29 — 38E
TEACHERS—EXAMINATIONS AND CERTIFICATES

2900Esec.
31 — 3
2900. Qualified teachers—A qualified teacher is one holding a certificate or license to teach, as hereinafter provided, in the school or grade for which he is employed. Contracts for teaching can only be made with qualified teachers. Contracts made with persons before obtaining such certificates or licenses shall only be valid from the time of obtaining the proper certificate or license. (1343) [2829]

12-448. 337; 27-433, 8+146; 90-111, 95+881.

2901. Certificate to be filed—No person shall be accounted a qualified teacher in any common school district within the meaning of the school law, until such person has filed for record with the county superintendent of schools of the county where such person intends to teach, a certificate or diploma or certified copy of either authorizing such person to teach school in such county. ('05 c. 137 § 1) [2830]

2902. Same—Duty of county superintendents—Records—County superintendents of schools shall record in their office in a book provided by the board of county commissioners for such purpose, all material facts concerning teachers' certificates and diplomas presented for that purpose and shall certify to the

holder of such certificate or diploma that such record has been made. ('05, c. 137, § 2) [2831]

2903. Hiring of teachers—Contracts—School boards shall hire teachers at meetings called for that purpose. No teacher related by blood or marriage, within the fourth degree, computed by the civil law, to a trustee shall be employed, except by a unanimous vote of the full board. The employment shall be by written contract, signed by the teacher, and in common districts, by at least two of the trustees; in special and independent districts, by the chairman and clerk. Such contract shall specify the time of employment, and the wages per month. Provided, nothing herein shall be construed as preventing a teacher from recovering the value of his or her services from any school district, where such services were heretofore rendered by such teacher pursuant to oral agreement with the governing body of such school district. (1344) [2832] (Amended '27, c. 161)

163-427, 204+320, note under § 2814.
A superintendent is not a "teacher." 160-233, 199+911.
39-499, 41+103; 77-469, 80+354; 93-411, 101+619.

2904. Keeping of registers—Every 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 department 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 common districts the teacher shall return such register properly kept to the clerk within ten days after the close of the first term of the school year. (1345) [2833]

2905. Teachers' reports—Such teacher shall, within the same time, make his report to the county superintendent upon blanks furnished by the superintendent through the clerk, giving the names in full of all pupils enrolled, with the number of days' attendance of each, checking with a cross (X) the names of all under five, over twenty-one, or paying tuition, and the names so checked shall not be counted for apportionment. Within like time after the close of each succeeding term, he shall make a further report, showing in like manner all additional enrollments during such term, the number of days that each pupil has attended in such term, and such other matters as may be called for in the blanks. The superintendent shall receipt for such reports. No order shall be issued for the payment of the wages of any teacher while he is in default in making such reports or in returning his register. In joint districts a report shall be made to the superintendent of each county, showing the county in which each pupil resides. The teachers and principals in other districts shall make such reports as may be required by law or the rules of the board, under like penalty. (R. L. § 1346; amended '13 c. 198 § 1) [2834]

2906. Instruction in morals, etc.—The teachers in all public schools shall give instruction in morals, in physiology and hygiene, and in the effects of narcotics and stimulants. (1347) [2835]

2907.—Teachers' examinations—The county superintendent shall hold at least two examinations a year in convenient places in his county, upon such notice as may be prescribed by the state superintendent. The time of such examinations shall be fixed by the state superintendent, and shall be uniform throughout the

2903
27 — 36
27 — 36
27 — 36
227nw 351

2903
177m 422
181m 309
232nw 329

2904
29 — 277

2907-2911
Repealed
29 — 338

state, and shall determine the educational qualification of applicants for teachers' certificates. The school board of any district in which any such examination is appointed shall allow the free use of any school house or school rooms for that purpose, upon ten days' notice of selection from the county superintendent. (1348) [2836]

2908. Conduct of examinations—Such examinations shall be public, and shall be conducted by the county superintendent, or by persons appointed by him, strictly according to the regulations prescribed by the state superintendent. An affidavit may be required of persons conducting such examinations that they have been conducted fairly and according to such regulations. Teachers taking part therein may dismiss their schools for not to exceed two days in each year without loss of time. (1349) [2837]

2909. Branches of examination—All applicants for certificates shall be examined in the following branches: Reading, spelling, writing, arithmetic, grammar, United States history, composition, geography, physiology, civil government and practical hygiene. Applicants for a first grade certificate shall also be examined in elementary algebra, plane geometry, physical geography and physics; but the state superintendent may, in his regulations, designate other branches that may be taken in lieu of physical geography, physics and plane geometry, at the option of the applicant. Applicants for any grade may, at their option, be examined in music, drawing, and such languages as may be prescribed by the state superintendent. Applicants for special certificates shall be examined in all the branches required for second grade certificates, and in such other branches as they wish to be specially authorized to teach. (1350) [2838]

2910. Marking on examination—The written answers for the scholastic examination shall be read and marked under the direction of the state superintendent. Markings for the professional requirements shall be given by the county superintendent, who shall also be the judge of skill in teaching and moral character of applicants. (1351) [2839]

2911. High and normal school certificates may be accepted, when—Certificates from state high or normal schools, showing a standing of not less than seventy-five per cent, may be received by the state superintendent, under such conditions as he may prescribe, in place of such examination. (1352) [2840]

2912. State examination—[Repealed.]

This section is repealed by Laws 1927, c. 160, § 3. See § 2931-3, herein.

2913. Same—[Repealed.]

This section is repealed by Laws 1927, c. 160, § 3. See § 2931-3, herein.

2914. Certificate and diploma in place of examination—[Repealed.]

This section is repealed by Laws 1927, c. 160, § 3. See § 2931-3, herein.

2915. Expenses of examinations, etc.—The local expenses of such examinations shall be paid by the county in which they are held; the expense incurred by the state superintendent under the provisions of this chapter, not to exceed twenty-five hundred dollars per year, shall be paid out of the fund for conducting teachers' institutes. (1356) [2844]

2916. Teachers' certificates—There shall be five grades of regular teachers' certificates: Third grade, second grade, first grade, second grade professional, and first grade professional. No certificate shall be

granted except on satisfactory proof of professional ability and moral character. Provided, that the state superintendent of public instruction may in his discretion issue certificates of qualification without examination to persons who have taught in public schools of this state for five or more years, upon their filing with said superintendent of public instruction a written application approved by the board of education or school trustees, together with the city superintendent or county superintendent, under which said applicant shall have taught the greater part of five years preceding the date of application. (1357) [2845]

2917. Second grade certificates—Second grade certificates shall be given to persons otherwise qualified, not less than eighteen years of age, and of at least five months' successful experience in teaching. Such certificates shall be signed by the state and county superintendent, and shall be valid for two years in the county designated, and in any other county upon indorsement by the county superintendent thereof. (1359) [2846]

2918. First grade certificates—First grade certificates shall be given to persons otherwise qualified, and of at least eight months' successful experience in teaching. Such certificate shall be signed by the state and county superintendents, and shall be valid for five years in any county of the state, upon presentation thereof to the county superintendent of such county. (1360) [2847]

2919. Certificates of graduation from university—Certificates of graduation from the state university issued to graduates of the college of education and to those graduates from its college of science, literature and art, (or its college of agriculture) who have taken specified courses in the college of education, shall be valid as first grade professional certificates for two years from their date, and at the expiration of two years of actual successful teaching, such certificates, endorsed by the president of the university and the state superintendent, shall have the force of permanent first grade professional certificates. (R. L. § 1361; amended '09 c. 455 § 1) [2848]

2920. Diplomas from normal schools, etc.—Diplomas issued to graduates of the state normal schools (or of the teachers' course in the department of agriculture of the state university) shall be valid as first grade certificates for two years from their date, and at the expiration of two years of actual, successful teaching, such diplomas, endorsed by the president of the school granting them, and the state superintendent, shall have the force of first grade certificates for life. ('09 c. 455 § 2) [2849]

2921. Elementary diplomas—Elementary diplomas granted by a state normal school upon the completion of such portion of the course of study as may be prescribed therefor by the normal school board, shall be valid as first grade certificates for the period of three years from their date, and shall not be renewable; except that any holder of such an elementary diploma may have the force and effect thereof, as such first grade certificate, extended for a further period of three years, by the completion of an additional one year of work in a Minnesota state normal school, and the certificate of endorsement thereon by the president of such school and the state superintendent; provided, that the provisions of this section shall not apply to persons now holding Minnesota elementary normal school diplomas, nor to any student heretofore enrolled in a Minnesota state normal school who shall be graduated prior to September 1, 1911. ('09 c. 455 § 3) [2850]

2915-2927
Repealed
29 — 388

2922. Same—Certificates from normal schools in certain cases—The holders of certificates from the state normal schools, showing the completion of two years of prescribed work in such schools, shall be entitled to have such certificates endorsed by the superintendent of public instruction and thereby given the full force and effect of a second grade certificate. ('09 c. 455 § 4) [2851]

2923. Renewal and validity of certificates—First and second grade certificates may be renewed as prescribed by the state superintendent, and shall be valid in all grades below the high school unless the school board of any district, by formal action, decide otherwise, and except as otherwise expressly provided in this chapter. (1362) [2852]

2924. Limited second grade certificates—Limited second grade certificates, good for one year, may be given by the county superintendent to persons without experience, not less than seventeen years of age, who have passed the required examination. (1363) [2853]

2925. Appeals—Any person to whom a certificate is refused may, within ten days from the receipt of notice of refusal, appeal to the state superintendent, and, when such refusal is for failure to pass the scholastic examination, he may on appeal have his papers reviewed and marked by the instructors in the corresponding branches of the state university, and such review and marking shall be final. (1364) [2854]

2926. Suspension of certificate—Appeal—Powers and duties of state superintendent—Any county superintendent of schools may, for any of the causes mentioned in section 2 hereof, upon his own authority, or upon written complaint of any school board of his county, and after serving notice on the teacher of the grounds of complaint, and after an opportunity for the teacher to make defense, suspend such teacher's authority to teach in any public school in the county.

The teacher whose certificate is thus suspended may appeal to the state superintendent within ten days after receipt of notice of the suspension of the certificate. The state superintendent shall either confirm, modify or reverse such suspension, and may order that the suspension shall apply against teaching in any public school in the state, or may revoke the certificate, and his action shall be final. In case the county superintendent shall refuse to suspend a teacher's certificate upon complaint of the school board employing such teacher, the board may appeal in like time and manner, and upon such appeal the state superintendent may annul the teacher's authority to teach, by a suspension or revocation of such teacher's certificate, after serving notice on the teacher of the grounds of complaint, and after opportunity for the teacher to make defense, and his action in the premises shall be final.

The county superintendent shall file with the clerk of the school board and the state superintendent a statement of the suspension of any teacher's certificate, with his reasons for such action, and deliver a copy of such statement to the teacher, whose authority to teach in such county shall cease in ten days from the service of such statement on said teacher, unless an appeal is taken, as herein provided. ('11 c. 96 § 1) [2855]

Section 2 is § 2927. herein.
142-112, 171+263.

2927. Causes for revocation or suspension—The following shall be considered as causes for the revocation or suspension of a teacher's certificate:

(a) Immoral character or conduct unbecoming a teacher.

(b) Failure, without justifiable excuse, to teach for the term of his contract, without first securing the written release of the school board.

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

(d) Affliction with active tuberculosis or some communicable disease shall be considered as cause for the suspension of certificate, while the holder thereof is suffering from such disability. ('11 c. 96 § 2) [2856] 130-441, 153+862.

2928. Professional certificates—[Repealed.]

This section is repealed by Laws 1927, c. 160, § 3. See § 2931-3, herein.

2929. Second grade professional certificates—[Repealed.]

This section is repealed by Laws 1927, c. 160, § 3. See § 2931-3, herein.

2930. First grade professional certificates—[Repealed.]

This section is repealed by Laws 1927, c. 160, § 3. See § 2931-3, herein.

2931. Professional permits—[Repealed.]

This section is repealed by Laws 1927, c. 160, § 3. See § 2931-3, herein.

2931-1. First grade professional certificates—Issue on diploma—A first grade professional certificate may be issued on the diploma of an accredited college of education or on a diploma of a liberal arts college or university together with evidence of such professional training as may be prescribed by the state board of education under the provisions of Section 2935, General Statutes 1923. Such certificates shall be valid in elementary schools or in high schools as designated on such certificates. ('27, c. 160, § 1)

2931-2. Same—Duration of—Permanent teachers of high character and successful experience may be granted first grade professional certificates upon qualifications prescribed in Section 1 of this act. Such certificates shall remain in force as long as the holder is engaged in educational pursuits, but shall be void after he shall cease for five years so to do unless it be renewed by endorsement of the state commissioner of education. ('27, c. 160, § 2)

2931-3. Laws repealed—Sections, 2912, 2913, 2914, 2928, 2929, 2930 and 2931, General Statutes 1923, are hereby repealed. ('27, c. 160, § 3)

2932. Fees for certificates, etc.—Every candidate at each examination for a teacher's certificate or for the renewal or extension of such certificate shall pay a fee of 50 cents before such examination is entered upon or renewal or extension granted. Such fees shall be collected by the county superintendent and by him remitted to the state superintendent. Each candidate for the endorsement of a diploma granted by a Minnesota normal school or by a normal school of another state, and each candidate for a professional certificate granted either upon examination or by endorsement of proper credentials, shall pay to the state superintendent a fee of \$1.00 before such examination is entered upon or certificate issued. The fee for a permanent professional certificate shall be \$5.00.

The state superintendent shall at the end of each month pay to the state auditor the full amount of all such examination fees paid or remitted to him, together with a report showing the amount of fees collected for each class and kind of certificate. The state auditor shall credit all such fees to the teachers' institute fund, except those paid for the endorsement of diplomas issued by Minnesota normal schools, which

2926-2927
237nw 177
See 28155

29311
29314
Repealed
29 - 388

2932-2935
Repealed
29 - 388

2927
242nw 389

shall be credited in the proper amount to the support fund of the normal school by which the diploma so endorsed as a certificate has been issued. ('13 c. 557 § 1) [2861]

2933. Special certificates—The state superintendent may issue a special certificate to (1) a graduate of a standard and approved college or state normal school; (2) to one otherwise qualified who has completed such course of study and training as the said superintendent may require, authorizing the holder to teach music, drawing, home economics, manual or industrial arts, agriculture, commercial subjects, or to serve as teachers of kindergartens, primary grades, and physical training and to act as school librarians. ('13, c. 557, § 2; amended '25, c. 141) [2862]

2934. Certificates from other states—The state superintendent may accept or endorse certificates from other states, on such conditions as he may prescribe. ('13 c. 557 § 3) [2863]

2935. Candidates for certificates—Requirements—From and after August 1, 1915, all candidates for teachers' certificates by examination, renewal or endorsement of credentials, except those who have taught successfully for at least eighteen months in the public schools prior to such date, or those receiving a second or limited certificate, must have completed such a course of professional training for teaching not exceeding thirty-six weeks, as may be prescribed by the state superintendent.

Training courses in the state university, in state normal schools, in state high schools, or in private schools fully and fairly the equivalent of those given in state schools and approved by the said superintendent shall be accepted as meeting the requirements for teachers training under this section. ('13 c. 557 § 4) [2864]

TEACHERS—EMPLOYMENT IN FIRST CLASS CITIES.

2935¹
29 — 388

2935¹
Et seq.
227nw 351

2935¹
178m 422

2935-1. Teacher defined—The term "teacher" shall include every person regularly employed, as a principal, or to give instructions in a classroom, or to superintend or supervise classroom instruction, or as placement teacher and visiting teacher. ('27, c. 36, § 1, effective July 1, 1927)

Explanatory note—Section 15 of Laws 1927, c. 36 repeals all inconsistent acts and parts of acts.

2935-2. School board, commissioner defined—The term "school board" shall include a majority in membership of any and all boards or official bodies having the care, management or control over public schools; and the term "commissioner" shall include any and all instances where a single official has the care, management or control over public schools. ('27, c. 36, § 2, effective July 1, 1927)

2935-3. Demote defined—The word "demote" shall mean to reduce in rank or to transfer to a lower branch of the service or to a position carrying a lower salary or compensation. ('27, c. 36, § 3, effective July 1, 1927)

2935-4. Probationary period—Discharge or demotion—All teachers in the public schools in cities of the first class in the State during the first three years of consecutive employment shall be deemed to be in a probationary period of employment during which period

any annual contract with any teacher may, or may not be, renewed as the school board or commissioner shall see fit. The school board or commissioner may during such probationary period discharge or demote a teacher for any of the causes as specified in Section 6. A written statement of the cause of such discharge or demotion shall be given to the teacher by the school board or commissioner at least 30 days before such removal or demotion shall become effective, and the teacher so notified shall have no right of appeal therefrom. ('27, c. 36, § 4, effective July 1, 1927)

2935-5. Period of service after probationary period—Discharge or demotion—After the completion of such probationary period, without discharge, such teachers as are thereupon re-employed shall continue in service and hold their respective position during good behavior and efficient and competent service and shall not be discharged or demoted except for one or more of the causes as specified in Section 6, and after a hearing as specified and provided in Section 7. ('27, c. 36, § 5, effective July 1, 1927)

Explanatory note—For §§ 6 and 7, see §§ 2935-6, 2935-7, herein.

2935-6. Grounds for discharge or demotion—Causes for the discharge or demotion of a teacher either during or after the probationary period shall be:

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

(b) Failure without justifiable cause to teach without first securing the written release of the school board or commissioner having the care, management or control of the school in which the teacher is employed.

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

(d) 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.

(e) On account of discontinuance of position or lack of pupils. ('27, c. 36, § 6, effective July 1, 1927)

2935-7. Hearing of charges against teacher—The charge or charges against a teacher shall be in writing and signed by the person making the same, and then filed with the secretary or clerk of the school board or commissioner having charge of the school in which the teacher is employed. Such school board or commissioner before discharging or demoting a teacher shall then accord the teacher against whom such charge or charges have been filed a full hearing and shall give to said teacher at least ten days' notice in writing of the time and place of such hearing; such notice may be served personally or sent by registered mail addressed to such teacher at his or her last known post-office address; provided that if said charge be made by any person not in connection with said school system said charge may be disregarded by such school board or commissioner. Upon such hearing being held such school board or commissioner shall hear all evidence that may be adduced in support of the charge or charges and for the teacher's defense thereto. Either party shall have the right to have a written record of the hearing at the expense of the board and to have witnesses subpoenaed and all witnesses so subpoenaed shall be examined under oath. Any member of the

school board or any commissioner conducting such a hearing shall have authority to issue subpoenas and to administer oaths to witnesses. ('27, c. 36, § 7, effective July 1, 1927)

2935-8. Representation by counsel—Examination of witnesses—Each party appearing before said school board or commissioner shall have the right to be represented by counsel, and such counsel may examine and cross-examine witnesses and present arguments. ('27, c. 36, § 8, effective July 1, 1927)

2935-9. Hearings private or public—All hearings before said school board or commissioner shall be private or may be public at the decision of the teacher against whom such charge or charges have been filed. ('27, c. 36, § 9, effective July 1, 1927)

2935-10. Decision on hearing—Such hearing must be concluded and a decision in writing, stating the grounds on which it is based, rendered within 25 days after the giving of such notice. Where the hearing is before a school board the teacher may be discharged or demoted upon the affirmative vote of a majority of the members of said school board. If the charge or charges, or any of such, are found to be true the school board or commissioner conducting the hearing shall discharge, demote or suspend the teacher, as seems to be for the best interest of the school. Provided, that no teacher shall be discharged for either of the causes specified in Paragraph "c" of Section 6, except during the school year, and then only upon a charge or charges filed at least four months before the close of the school sessions of such school year. ('27, c. 36, § 10, effective July 1, 1927)

2935-11. Charges expunged from records—In all cases where the final decision is in the favor of the teacher the charge or charges shall be physically expunged from the records. ('27, c. 36, § 11, effective July 1, 1927)

2935-12. Suspension of teacher pending hearing on charges—Salary—Upon the filing of a charge or charges against a teacher the school board or commissioner may suspend the teacher from regular duty. If upon final decision the teacher is suspended or removed the school board or commissioner may in its or his discretion determine the teacher's salary or compensation as of the time of filing the charge or charges. If the final decision is favorable to the teacher there shall be no abatement of salary or compensation. ('27, c. 36, § 12, effective July 1, 1927)

2935-13. Services terminated by discontinuance or lack of pupils—Preference for other position—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. ('27, c. 36, § 13, effective July 1, 1927)

2935-14. Computation of probationary period—The period of service rendered by teachers in the districts in which they are employed at the time this act becomes effective, shall be considered in computing their probationary period. ('27, c. 36, § 14, effective July 1, 1927)

TEACHERS' PENSIONS

In cities with population of more than 10,000, see §§ 1358 to 1366 herein.

2936. Construction of various terms in determining pensioners—The word teacher as used in this act shall include any teacher, supervisor, principal, superintendent or librarian employed in any educational or administrative capacity in the public schools of Minnesota, or in any educational, correctional, or charitable

institution supported wholly or in part by this state, excepting those employed in the University of Minnesota. The term "member of the Fund Association," wherever used in this act, shall mean and include every teacher (as herein defined), who shall contribute to the Teachers' Insurance and Retirement Fund by the payment of the dues hereinafter provided by this act. ('15, c. 199, § 1; amended '25, c. 404, § 1)

2937. Teachers' insurance and retirement fund created and assessments to be paid—For the purpose of better compensating the teachers in the public schools and making the occupation of "teacher" in this state more attractive to qualified persons, there is hereby established for the state a fund to be known as the "Teachers' Insurance and Retirement Fund," for the benefit of teachers who have served not less than twenty (20) years except as hereinafter provided. Said fund shall be secured from the following sources:

1st. From assessments on the members of the fund association according to the following schedule:

For the first 5 years of teaching service, \$5.00 per year;

For the second 5 years, \$10.00 per year;

For the next 10 years, \$20.00 per year;

For the next 5 years, \$30.00 per year;

provided that when the regular annual salary as teacher of any member of the fund association shall have reached \$1,500 or more said member shall be assessed upon a percentage basis as follows: One and one-half (1½) per centum per annum, but not more than twenty (20) dollars per year for the first ten years of service as a teacher; and two (2) per centum per annum, but not more than forty (40) dollars per year, for each successive year of service as teacher; provided, that in no case shall the annual assessments based on a percentage rate be less for any year than the flat rate assessments for a single year of the corresponding period, said assessment period to cover not more than twenty-five (25) years in all, after which all assessments shall cease.

2nd. From all money and property received as donations, gifts, legacies, devises, bequests or otherwise, for the benefit of said Teachers' Insurance and Retirement Fund.

3rd. From all interest arising from investments of the money belonging to said fund.

4th. From a tax of one-twentieth (1-20) of one mill which is hereby levied annually on all the taxable property located in that part of the state subject to the provisions of this act, after the valuation of said property has been equalized by the state; said tax to be collected by the same officials and at the same time and in the same manner as other taxes in said state, all moneys received from the tax hereby levied to be paid into and become a part of the said Teachers' Insurance and Retirement Fund.

The assessments upon the members of the fund association hereinbefore referred to shall be paid in as many equal monthly payments as there are months in the school year for which the teachers' salaries are paid, and such assessments shall be deducted by the several boards of education or managing bodies from the salaries of teachers as hereinafter provided.

Credit on period of service may be allowed to applicants for membership for periods of employment prior to the taking effect of this law; but in such case the applicant must pay arrearages at the above rates for the period of service for which credit is so allowed under rules to be adopted by the board of trustees, hereinafter referred to, and the rules adopted by said board shall be uniform in their operation as to all

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persons affected. In case any teacher has retired for any cause before he or she has paid in fees a sum equal to the full amount of fees required for the annuity applied for and to which such teacher is entitled by period of service, there shall be deducted from the first year's annuity to such teacher such sum as will make the total amount paid by said teacher equal to the full amount of said fees. ('15 c. 199 § 2)

2938. Board of education to deduct assessments from monthly salaries and forward to proper authorities, state treasurer to credit all receipts to above fund—It is hereby made the duty of each board of education or managing body required by law to draw the warrants or orders for payment of salaries of teachers to deduct and withhold from each month's salary due to such teacher the amount which such teacher is required to pay into said insurance and retirement fund as herein specified, and at the time of such deduction a statement showing the amount of such deductions shall be furnished to such teacher.

Such board of education or other managing body shall, between the first and fifteenth of January and between the first and fifteenth of July of each year, forward to the treasurer of the county in which such school district is situated a statement, verified by the secretary or clerk thereof, showing the amount of money so retained from each teacher in accordance with the provisions of this act, and with said statement shall transmit the entire amount so retained to the treasurer of said county; and in case any school district is situated in more than one county, such report and remittance shall be sent to the senior county. Said board of education or other managing body shall also, on or before the fifteenth day of July of each year, transmit to the county superintendent a statement showing the name of each teacher, the number of months of school taught during the year for which the statement is made, the number of months which constitute a school year in said district or institution, and the total amount withheld from the salary of each teacher for the school year preceding, showing also the number of years each of said teachers has taught in the public schools of that district. If no teacher in such public school or other educational institution comes under the provisions of this act, said report shall state such fact and shall be verified by the oath of the clerk or secretary. The failure of any member of a school board, board of education or other body having the management of any educational institution to perform any of the duties herein required of them shall be a misdemeanor.

Each county superintendent shall each year, on or before the first day of September, report under oath to the board of trustees of the State Teachers' Insurance and Retirement Fund, giving an itemized summary of the statements received by him from the school boards and other educational managing bodies, showing the total amount withheld from the salaries of teachers in said county for the benefit of said insurance and retirement fund. Between the fifteenth and thirtieth day of January and between the fifteenth and thirtieth day of July of each year, the county treasurer of each county shall transmit to the state treasurer all moneys received from the boards of education or other managing bodies of school districts or other educational institutions, in accordance with the provisions of this act, and shall certify under oath to the correctness of the amount so received and transmitted. The state treasurer shall credit all moneys received under the provisions of this act to the State Teachers' Insurance and Retirement Fund.

Provided, however, that the state treasurer, the several county treasurers and the treasurers of the various school districts shall be officially liable for the receipt, handling and disbursement of all moneys coming into their hands belonging to the said State Teachers' Insurance and Retirement Fund, and the securities on the official bonds of each of said treasurers shall be liable for such money the same as for all other moneys belonging to the school funds of this state. ('15 c. 199 § 3)

2939. Composition of board of trustees having management of the fund, organization and investments—The management of the fund shall be vested in a board of five (5) trustees, which shall be known as the "Board of Trustees of the Teachers' Insurance and Retirement Fund." Said board shall be composed of the following persons: The state superintendent of education, the state auditor, the attorney general and two (2) members of the fund association, who shall be elected by the members of the fund association at the time and place of the annual meeting of the Minnesota Educational Association, and shall serve for the term of two years, beginning on the first Monday of January next succeeding their election, except in the case of the first elective members, who shall assume office immediately after their election and serve one for one year and one for two years from the first Monday of January next succeeding their election and until their successors are elected. Vacancies in the elective membership of the board shall be filled by appointment by said board of trustees, the appointee to serve until the next meeting of the fund association, when the members of said fund association shall elect a trustee or trustees to serve for the unexpired term or terms. No person shall be appointed by the board of trustees or elected by the members of the fund association as a member of the board of trustees who is not a member of the fund association at the time of the appointment or election.

In the interval between the passage of this act and the time when the first elective members of the board of trustees shall assume office, as hereinbefore provided, the superintendent of education, the state auditor and the attorney general shall constitute a temporary board of trustees of the Teachers' Insurance and Retirement Fund and shall be empowered to perform the duties of said board.

Said board of trustees shall have power to frame by-laws for its own government, not inconsistent with the laws of the state, and to modify them at pleasure; to elect one of its own members as president of the board and to provide and enforce all rules and regulations necessary to carry into effect the provisions of this act; to elect a secretary, who shall serve during the pleasure of the board, and to fix the salary and prescribe the duties of the office of secretary; to authorize the issuance of warrants by the state auditor on the state treasurer for the payment out of said fund of all annuities or benefits payable under the provisions of this act, of the salary of the secretary, and other necessary expenses.

All applications for annuities or benefits under this act must be made to said board. In passing upon said applications, said board may summon witnesses and, in the case of applications founded on disability, may require any applicant to submit to a medical examination at his or her own expense, and, in the case of all applicants, may conduct any reasonable investigation to determine the justice of any claim submitted. It may sue or be sued in the name of the board of

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trustees of the Teachers' Insurance and Retirement Fund, and, in all actions brought by or against it, said board shall be represented by the attorney general. Said board shall constitute a part of the state government, but in any action brought against it by any person claiming to be a beneficiary of said Teachers' Insurance and Retirement fund it shall not claim immunity from suit.

It shall be the duty of said board to invest as much of the funds in its hands as shall not be needed for current purposes. Such investments shall be made in the same class of securities as those in which the school funds of the state are required to be invested, and all securities taken upon such investments shall be deposited with the state treasurer; but in case of necessity such securities may be sold in order to raise money for current purposes. No such sale shall be made except by the unanimous vote of said board, such vote to be entered upon the records of its proceedings. All interest obtained from such investments shall be placed in the general fund, to be used for current purposes. A suitable office in the capitol, with suitable furniture and necessary office supplies, shall be provided by the proper state officer for the use of said board of trustees. ('15 c. 199 § 4)

Board as agency of state government; investment of fund, by state board of investment. See § 53-47, herein.

2940. Annual meeting on second Saturday in September and compensation of members of board—The board of trustees shall meet annually at the office of the secretary, in the State Capitol, on the second Saturday in September at an hour to be fixed by the board. Special meetings may be held at any time on the call of the president of said board or by any three members thereof. The state auditor, state superintendent of education and attorney general shall serve as members of said board without additional compensation, but the elective members of said board shall be entitled to compensation at the rate of five dollars per day and necessary expenses, while attending all meetings of said board, to be paid out of the insurance and retirement fund. ('15 c. 199 § 5)

2941. Commencement of fiscal year and report of trustees—The fiscal year of the insurance and retirement fund shall begin on the first day of August and shall end on the 31st day of July. The board of trustees shall present annually to the fund association at its annual meeting hereinafter provided for, a report of the condition of said funds for the last preceding year, which shall include the receipts and expenditures on account of the fund, together with a list of the beneficiaries thereof and of the securities in which said fund is invested. A copy of said report shall be sent to the Governor, a copy shall be retained by the state superintendent of education, and a copy sent to each county superintendent, city superintendent, graded school principal, and the superintendent or president of each state educational institution. This report shall be published in the biennial report of the state superintendent of education. ('15 c. 199 § 6)

2942. State treasurer to be ex-officio treasurer of retirement fund—The treasurer of the state shall be ex-officio treasurer of the Teachers' Insurance and Retirement Fund, and his general bond to the state shall cover any liabilities for his acts as treasurer of said fund. He shall receive all moneys payable to said fund and pay out the same only on warrants issued by the state auditor upon vouchers signed by the president and secretary of the board of trustees. Said treasurer shall give receipts for all moneys received by him for said fund, shall keep full and correct ac-

count of the financial transactions connected therewith, and shall make an annual report to the board of trustees at its annual meeting of the receipts and disbursements and other financial transactions connected with said fund. ('15 c. 199 § 7)

2943. Who may become members and conditions of membership—Any person employed as teacher, when this act takes effect, in any public school in this state or in any other educational institution included in Section One of this act shall be permitted to become a member of the fund association and to receive the benefits of this act, if application be made, in writing to the board of trustees of the Teachers' Insurance and Retirement Fund on or before September 1st, 1917. At the time of making application to the board of trustees as herein provided, such teachers shall notify the local school board or managing body of the institution in which he or she is employed, in writing, of his or her election to come within the provisions of this act and shall authorize said board or managing body as a part of said notice to deduct or withhold on every pay day from his or her salary the amount which he or she would pay into the fund, as specified in Section Two.

Any person who shall accept employment in this state as a teacher, as hereinabove defined, after September 1, 1915, and who shall not have been employed in this state at the time this act takes effect shall by virtue of the acceptance of such employment become subject to all terms, provisions, and conditions of this act, and shall become a member of the fund association. ('15 c. 199 § 8)

2944. Annuity schedule — Payment of annuities—Any member of the Fund Association who shall have rendered twenty (20) years or more of service as a teacher in the public schools, one year of which, except any one of the last five years immediately preceding retirement, may have been a leave of absence for study, and at least fifteen years of which, including at least one of the last five years immediately preceding the term of retirement have been spent in the public schools of this state and who ceases to be employed as a teacher for any reason shall be retired at his or her own request by the board of trustees and receive an annuity in accordance with the following schedule:

For 20 years of service.....	\$350.00
For 21 years of service.....	380.00
For 22 years of service.....	410.00
For 23 years of service.....	440.00
For 24 years of service.....	470.00
For 25 years of service.....	500.00

In computing the time of service of a teacher the length of the legal school year in the district or institution where such service was rendered shall constitute a year, provided such a year shall not be less than seven months. In a calendar year credit shall be allowed for only one year of service. If a teacher teaches for only a fractional part of any year, credit shall be given for such fractional part of a year as the term of service rendered shall bear to the legal school year of such district or institution, but in no case shall the legal year be less than seven months.

Such annuities shall be paid quarterly.

Any teacher who shall become mentally or physically incapacitated after having served as teacher for fifteen (15) years, ten (10) of which shall have been in this state, shall be entitled to receive an annual benefit from the Insurance and Retirement Fund equal to as many twentieths of the full annuity for twenty (20)

years as the term of total service rendered by such teacher bears to twenty (20) years.

Any person retiring under the provisions of this section may return to the work of teaching in said public schools, but during said term of teaching the annuity or benefit paid to such person shall cease. Said annuity shall again be paid to such person upon his or her further retirement. ('15, c. 199, § 9; amended '25, c. 404, § 2)

2945. Refunds of payments made by teachers—In the event that any member of the fund association ceases to be a teacher in the state and thereby terminates membership in the fund association before drawing an annuity, such member shall, if application be made in writing to the board of trustees, be entitled to the return of the fund without interest of such sum as shall equal one-half of all moneys paid into the fund by such teacher, provided further, that, in the event such teacher subsequently returns to teaching in Minnesota and thereby becomes a member of said association, such teacher shall be required to refund to said Insurance and Retirement Fund the amount so drawn with interest thereon at the rate of 5 per cent per annum, such sum to be refunded within one year from his or her return. In case of the death of any member of this fund association before an annuity shall have been drawn from said fund, the board of trustees shall refund to his or her estate, heirs, or assigns an equal amount equal to one-half that actually paid into the fund by said member. ('15, c. 199, § 10; amended '25, c. 404, § 3)

2946. Annuity not subject to legal process—The annuity so created shall not be subject to assignment or seizure on legal process against any beneficiary. ('15 c. 199 § 11)

2947. Board may reduce annuities—The board of trustees may ratably reduce the annuities provided in this act whenever, in the judgment of the board, the condition of the fund shall require such reduction. ('15 c. 199 § 12)

2948. Annuities may be granted at once but no payment before Sept. 1, 1916—Annuities may be granted by the board of trustees at any time after the passage of this act, such annuities beginning at the date on which the grant is made, but no payments shall be made before September 1st, 1916. ('15 c. 199 § 13)

2949. Teachers to elect two members of board at annual meeting—At the time and place of the meeting of the Minnesota Educational Association in 1915, those teachers who have qualified as members of the fund association by complying with the provisions of Section 8, of this act shall meet at the call of the state superintendent of education for the purpose of electing from said members of the fund association two members of the board of trustees of the Teachers' Insurance and Retirement Fund, as hereinbefore provided, and annually thereafter at the time and place of the annual meeting of the Minnesota Educational Association the board of trustees shall call a meeting of the members of the fund association for the purpose of electing one or more members, as may be required, of said board of trustees, and hearing the annual report of said board, and of transacting any other business that may properly come before said meeting. ('15 c. 199 § 14)

2950. Application—This act shall not apply to any city of the first class in this state. ('15 c. 199 § 15)

2951. Director and secretary may be held by one person—That the position of director of the state teachers' employment bureau provided by section 2868, General Statutes 1913 [2957], and the position of sec-

retary of the board of trustees of the teachers' insurance and retirement fund provided by section 4, chapter 199, Laws 1915, may be held by one and the same person. ('19 c. 378 § 1)

Explanatory note—For Laws 1915, c. 199, § 4, see § 2939, herein.

2952. Payment of salary—That the salary of the director of the state teachers' employment bureau and the secretary of the board of trustees of the teachers' insurance and retirement fund, when the two positions are held by one and the same person shall be paid one-half from the department of education maintenance appropriation and one-half from the teachers' insurance and retirement fund. ('19 c. 378 § 2)

2953. Inconsistent acts repealed—All acts or parts of acts inconsistent herewith are hereby repealed. ('19 c. 378 § 3)

STATE TEACHERS' EMPLOYMENT BUREAU.

2954. How maintained—There is hereby established a bureau for the purpose of securing employment for teachers in the public schools in this state, to be known as the state teachers' employment bureau, and to be maintained in connection with the department of public instruction, under the direction of the superintendent of public instruction, as hereinafter provided. ('13 c. 523 § 1) [2865]

2955. Who may be enrolled—Fees—Any person having a certificate to teach in this state, or who has completed a course of study as required for the issuance of a certificate, or who may be found entitled to receive such certificate, and who is deemed to be a fit and capable person for teaching, shall be entitled to enroll with said state teachers' employment bureau upon complying with the regulations hereinafter referred to, and upon the payment of an annual fee of three (3) dollars, which fee shall entitle the person so enrolled, to the privileges and services of said bureau for the term of one year from the date of filing of enrollment and receipt of fee. ('13 c. 523 § 2) [2866]

2956. Purpose of bureau—Information, etc.—It shall be the purpose of the state teachers' employment bureau to furnish information to boards, superintendents, principals, or other proper authorities of public schools, upon request, regarding teachers, and to furnish teachers enrolled with the bureau, information relative to vacancies in positions in public schools; but no person connected with the state teachers' employment bureau shall be held responsible for nor be understood to vouch for the fitness or success of any teacher who may secure a position in a public school through the said bureau, nor shall the acceptance of the enrollment and payment of the annual fee be construed as a guaranty for securing through the bureau employment to teach. ('13 c. 523 § 3) [2867]

2957. Duties of superintendent of public instruction—Director and assistants, etc.—Bond—The superintendent of public instruction shall appoint a person who shall be known as the director of the state teachers' employment bureau, who shall perform his duties under the general supervision of said superintendent, and serve during his pleasure, and who shall be furnished necessary office rooms in the state capitol. The superintendent of public instruction may appoint such clerical and other assistants as may be required to carry out the purposes of this act, but the expense therefor shall not exceed the moneys appropriated therefor. Said superintendent shall be charged with the general management and control of said teachers'

employment bureau, and shall make the necessary rules and regulations for conducting its affairs and for the obtaining of information as to the experience, qualification and character of persons seeking employment. He shall collect and receipt for all fees provided for in this act, and report and pay said fees to the state treasurer once in each month. He shall furnish to the state a surety bond in a sum to be fixed by the governor and state auditor, the cost thereof to be paid for from the funds appropriated for the bureau. ('13 c. 523 § 4) [2868]

STATE BOARD OF EDUCATION.

Department of Education continued. See § 53-35, herein.

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2958. 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 five representative citizens of the state. The members of the state board of education shall be appointed by the governor, by and with the approval of the senate, for a term of five years, and shall hold office until their successors are qualified. The first members of the said board shall be appointed as soon as practicable as follows: One for a term ending January 1, 1920, two for a term ending January 1, 1922, and two for a term ending January 1, 1924; all vacancies in the said board shall be filled for unexpired terms by appointments by the governor. The members of said board shall receive as compensation for their services the sum of ten dollars (\$10) per day for each day actually spent in the performance of their duties and in addition thereto they shall be reimbursed in manner according to law for all necessary expenses incurred in the performance of their duties as members of the board. The first president of the said board shall be the member whose term of the office shall first expire, and the president thereafter shall be chosen annually by the members of the board, but no member of the board shall serve as president longer than two years during a term in office. The first meeting of the said board shall be held at the state capitol, at the call of the president, within thirty (30) days of the appointment of the members of the board; the said board shall hold an annual meeting at the state capitol on the first Tuesday in the month of August, and in addition to the annual meeting the board shall hold quarterly meetings, and may hold special meetings, on such dates and at such places as the board shall designate. Provided: That no member of the board shall hold any other office elective or appointive under the state "except a notary public," or be employed in any state institution. ('19 c. 334 § 1)

2959. Oath and contracts—Before entering upon the duties of his office each member of the state board of education shall take an oath of office which shall be filed with the secretary of state. All contracts made by the said board shall be in writing and shall be signed by its president and attested by its secretary. ('19 c. 334 § 2)

2960. Organization and rules—The state board of education is authorized to make complete organization of the department of education, as created by this act, and to adopt all necessary rules, not in conflict with the provisions of law, for the conduct of its affairs; the said board shall have authority, also, to define the duties of appointees and employes to the end that the educational and business activities of the department of education shall be conducted under reason-

able and effective regulations which shall promote the educational interest of the state and safeguard the finances appropriated for the support thereof. ('19 c. 334 § 3)

2961. Officers, assistants and compensation—The state board of education shall be provided with suitable offices at the seat of government and the said board may provide all records, files and office supplies required in the transaction of its business. The board shall have power to appoint a commissioner of education at a salary not to exceed \$5,000 per annum; a deputy commissioner of education at a salary not to exceed \$3,500 per annum; one head of department at a salary not to exceed \$4,000 per annum; four heads of departments, each at a salary not to exceed \$3,500 per annum; five heads of departments or assistants, each at a salary not to exceed \$3,000 per annum; four assistants, each at a salary not to exceed \$2,500 per annum; two assistants, each at a salary not to exceed \$1,500 per annum and clerks and stenographers at salaries not to exceed in the aggregate the amount appropriated by the legislature for that purpose. The board shall designate the official title of all of its employes except that of the commissioner of education and fix their salaries subject to the limitations above stated provided that the total amount paid for salaries shall not in any year exceed the amount appropriated for that purpose by the legislature. ('19 c. 334 § 4)

2962. State commissioner of education—The state board of education, at its first meeting, shall proceed to elect a state commissioner of education who shall be the executive officer and secretary of the said board and whose term of office shall be six years. The commissioner of education 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 act. The term of service of the first commissioner of education shall begin August 1st, 1919. The commissioner of education shall have authority to nominate, for approval by the state board of education, such officials and employes as may be necessary to perfect and to maintain the organization of the department of education as recommended by the commissioner of education and as adopted by the state board of education. The commissioner of education shall perform the duties heretofore required by law of the state superintendent of education as ex-officio member of all official boards and such other duties and functions heretofore vested in the state superintendent of education as the law and the rules of the state board of education may provide, and he shall be held responsible for the efficient administration and discipline of the various offices and divisions in the organization of the department of education; the said commissioner of education shall be required to make recommendations to the state board of education which shall facilitate all of the work of the said board, and he shall be charged, furthermore, with the execution of powers and duties which the state board of education may prescribe, from time to time, to promote public education in the state, to safeguard the finances pertaining thereto, and to enable the said board to carry out, conclusively, the provisions of this act. ('19 c. 334 § 5)

2963. Functions, powers and duties—All the functions, powers and duties which are now by law vested in, or by law exercised by, the state superintendent of education and his appointees, the state high school board and its appointees, and the state library commission and its appointees, shall be and the same are

hereby vested in, and shall be exercised by the state board of education according to the provisions of this act. The said state board of education shall administer all laws relating to state superintendent of public schools, libraries and other public educational institutions, except such laws as may relate to the state university and to the state normal schools. In order that the provisions of this act may be carried out, the state high school board, the state library commission and the office of the state superintendent of education shall terminate July 31st, 1919. ('19 c. 334 § 6)

2964. Report of state board of education—On or before November 15 of each even numbered year, the state board of education shall make a report to the governor, which shall cover the biennial period ending July 31 preceding; the said report shall contain a copy of all rules of said board in force during the biennial period, the name and salary of each officer or employe in the department of education, a summary of the financial affairs of said department, and such other matters as it may seem advisable to include in such report, or as shall be required by the governor. ('19 c. 334 § 7)

2965. State aid to public schools and budget—The state board of education shall cause to be made under its direction studies of and investigations relating to the administration of funds appropriated by the legislature for public school aid; such studies and investigations shall be exhaustive and shall contain constructive suggestions and recommendations to the governor, and shall be transmitted by him to the legislature, the same to be embodied in and to be a part of the first biennial report of the state board of education, which shall be submitted to the governor as required by the provisions of section 7 of this act. The state board of education shall recommend to the governor and legislature such modification and unification of laws relating to the state system of education as shall make those laws more readily understood and more effective in execution; and the state board of education shall prepare a biennial education budget which shall be submitted to the governor and legislature, according to the provisions of law, such budget to contain a complete statement of finances pertaining to the maintenance of the department of education and to the distribution of state aid to public schools. ('19 c. 334 § 8)

2966. Conflict of powers—In case of any apparent conflict between powers, duties and functions conferred by law upon any educational officer, or person, or board, or commission named in section 6 of this act and those conferred by this act on the state board of education, it shall be conclusively presumed that such powers, duties and functions belong to the state board of education to be exercised by it under the law and rules of said board. ('19 c. 334 § 9)

Section 6 is § 2963, herein.

2967. Officers and employes to give bonds—The state board of education shall require all officers and employes 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 and with such conditions as the said board by its rules may direct, and each bond shall be approved by the board. ('19 c. 334 § 10)

2968. State university and state normal schools—Nothing in this act contained shall be held to apply to the University of Minnesota, or to the state normal schools, or to the powers, functions and duties vested by law in the board of regents of said university, or in the state normal schools board. ('19 c. 334 § 11)

2969. Inconsistent acts—Any person officially connected with or employed by the department of education who shall be found inefficient or guilty of any acts inconsistent with the duties of his office shall be removed from office by the authority which appointed him. ('19 c. 334 § 12)

2970. Meetings of board prior to August 1, 1919—The state board of education is authorized to hold necessary meetings, prior to August 1, 1919, for the transaction of business in accordance with the provisions of this act, and any action taken by the said board at such preliminary meetings shall be legal. ('19 c. 334 § 13)

2971. When duties of appointees begin—The powers and duties of the appointees hereunder shall not begin until August 1st, 1919, except as hereinabove provided. ('19 c. 334 § 14)

2972. Acts repealed—All acts and parts of acts not consistent with this act are hereby repealed. ('19 c. 334 § 15)

COUNTY SUPERINTENDENTS

2973. Duties—In addition to their other duties, county superintendents shall visit and instruct each school in their counties at least once in each term, except those under the immediate charge of a city or district superintendent, and instruct its teachers; organize and conduct such teachers' institutes as they shall deem expedient; encourage teachers' associations; advise teachers and school boards in regard to the best methods of instruction, the most approved plans for building, improving, and ventilating school houses, or ornamenting school grounds, and of adapting them to the convenience and healthful exercise of the pupils; stimulate school officers to the prompt and proper discharge of their duties; receive and file all reports required to be made to them; and make a report to the state superintendent, containing an abstract of such reports, a written statement of the condition and prospects of the schools under their charge, and such other matters as they may deem proper, or as may be called for by the state superintendent. (1379) [2878]

2974. Meetings of district officers—The county superintendent may call meetings of the district officers of his county at such times and places as may be convenient, to remain in session for one day, for consultation and advice in regard to school statistics, methods of organization of schools, and other matters relating to the educational interests of the public schools. (1380) [2879]

2975. Records—The county superintendent shall keep in books provided by the county a record of examinations of candidates to whom certificates are granted or refused, of the date of examination, the name, sex, and age of each candidate, the grade of certificate granted, and the grounds on which any certificate is refused, and a like record of all certificates of those teaching in his county, and of such other matters as may be prescribed by the state superintendent. (1381) [2880]

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2976. Blanks—He 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 superintendent and the high school board. (1382) [2881]

2977. Report to state superintendent—He shall report to the state superintendent, on or before September 20 of each year, the number of different pupils

of school age enrolled in the schools of each district; taking care that no pupil is counted more than once, and that no one not entitled to apportionment is included. This report shall include tabulated extracts from the reports of the teachers and clerks, and such other matters as may be called for in the blanks. (1383) [2882]

2978. **Report to auditor**—He shall in like manner, on or before the last Wednesday in October, file with the county auditor an abstract of the number of pupils of school age enrolled in the schools of each district, and entitled to be counted for appropriation from the current school fund, and of months' school taught in each school during such school year. (1384) [2883]

2979. **Failure to report**—No warrant shall be drawn for the payment of the salary of the county superintendent for the month of October of any year unless such report to the auditor shall have been filed, and proof made of the filing of such superintendent's report to the state superintendent. (1385) [2884]

2980. **Deputy superintendent**—Any superintendent physically unable to visit his schools or conduct teachers' examinations in proper time may appoint a deputy superintendent for not more than sixty days in any year, to be paid by such county superintendent. (1386) [2885]

TOWN SUPERINTENDENTS

2981. **Election—Term**—Each organized town in school districts containing twenty or more townships shall elect at its annual town meeting a town superintendent. His term of office shall be for one year and until his successor qualifies. His compensation shall be fixed by the town meeting, and shall remain as so fixed until changed by a subsequent meeting, and shall be paid out of the town funds. (1388) [2886]

2982. **Duties**—The town superintendent shall advise the school board in regard to the location, erection, and repair of school buildings, the improvement of school sites, the employment of teachers, the furnishing of school supplies, and all other matters relating to the schools in the town. He shall look after truants, visit the schools, attend meetings of school officers called by the county superintendent, report from time to time to the school board the condition of schools in his town, with such suggestions in regard to their improvement as he may deem proper, and, when authorized by the school board, make contracts for fuel and other necessary supplies for the schools in his town, and for ordinary repairs for the school houses. (1389) [2887]

VOCATIONAL EDUCATION

2983. **State board for vocational education**—There is hereby established, under the direction and control of the state board for vocational education, a division for the training and instruction of persons whose capacity to earn a living has in any way been destroyed or impaired through industrial accident or otherwise; provided, that at the time when the accident or disability was incurred they were residents or citizens of the state of Minnesota. The said board shall in its regular reports to the legislature describe in detail the work of the division and may from time to time issue bulletins containing information relative thereto. ('19 c. 365 § 1)

Historical note—The high school board was designated as the state board of vocational education by § 3042, *infra*. The high school board was abolished, and its powers and duties transferred to the state board of education by § 2963, *supra*.
166-139, 207+202.

2984. **Appointment and salaries of employes**—The employes of the said division shall be appointed and their salaries determined by the said board. The division shall be furnished with suitable quarters in the state capitol, and the board may expend for salaries and other necessary expenses of such division such amounts as shall be appropriated by the legislature. ('19 c. 365 § 2)

2985. **Plan of co-operation to be formulated**—The state board for vocational education and the department of labor and industries, or any agency which may succeed it in the administration or supervision of the Workmen's Compensation Act, shall formulate a plan of co-operation with reference to the work of said division. Such plan shall be effective only when approved by the governor of the state. ('19 c. 365 § 3)
166-139, 207+202.

2986. **To aid incapacitated persons, and to co-operate with U. S. government**—The said division shall aid persons who are incapacitated as described in section one in obtaining such education, training and employment as will tend to restore their capacity to earn a livelihood. The division may co-operate with the United States government, and as a part of such co-operation may extend the benefits of this act to any civil employe of the United States disabled while in the performance of his duty, without regard to the residence of citizenship of such employe, if in the judgment of the board the benefits offered by the federal government are sufficient to compensate for the cost. The division may of its own accord, establish or maintain, or in co-operation with local boards of education, assist in establishing or maintaining, such courses as it may deem expedient, and otherwise may act in such manner as it may deem necessary to accomplish the purposes of this act. ('19 c. 365 § 4)
166-139, 207+202.

2987. **Reports to be available to certain state employes**—The employes of the division of re-education and placement of disabled persons created by Chapter 365, Laws 1919, shall have the right to receive from the Railroad and Warehouse Commission under Section 4233, General Statutes 1913, the names and addresses of persons injured. No information obtained from such reports, nor any copy of the same shall be open to the public, nor shall any of the contents thereof be disclosed in any manner by any official or clerk or other employe of the state having access thereto, but the same may be used solely to enable the division to offer the benefits of re-education to the persons injured. ('21 c. 436 § 1)

Historical note—For Laws 1919, c. 365, see *supra*, §§ 2983 to 2986. For G. S. '13, § 4233, see *infra*, § 4704.

2988. **Disclosure prohibited**—Any disclosure prohibited by Section 1 is hereby declared to be a misdemeanor and punishable as such. ('21 c. 436 § 2)

HIGH SCHOOLS

2989. **Composition**—The state superintendent, the president of the state university, and the president of the board of normal school directors, *ex-officio*, and the superintendent or principal of a high school, and one other person appointed by the governor and confirmed by the senate, shall constitute the high school board. They shall be entitled to their actual necessary expenses, but no compensation. (1390) [2888]

Explanatory note—High school board abolished and powers and duties transferred to State board of Education by § 2963, *supra*.

G. S. §§ 2890 to 2892 (R. L. '05, §§ 1392 to 1394), omitted from G. S. '23, read as follows:

"2890. It shall keep a record of all its proceedings, and on or before September 1 shall make a report to the state superintendent covering the previous year, and showing in detail:

1. All receipts and disbursements, with the source and nature thereof.

2. The names and number of schools of each grade receiving aid, and the number of pupils attending each class therein.

To such report it may add such recommendations as it may deem best.

"2891. It shall appoint a high school and a graded school inspector, and such assistant inspectors and examiners as may be necessary, and x the compensation; but no person receiving a salary from a state institution shall receive any compensation under this section, and the pay of examiners shall not exceed three dollars per day, or fifty cents per hour.

"2892. The high school inspector or an assistant shall visit and examine each high school at least once in each year, and carefully inspect its instruction and discipline, and immediately make a written report thereon. The graded school inspector and his assistants shall perform like duties in respect of graded schools."

166-139, 207+202.

2990. Duties—Private schools—The board shall establish rules, relating to examinations, reports, acceptances of schools, and courses of study, and other proceedings in connection with high and graded schools applying for special state aid, and shall prescribe and enforce the maintenance of an optional English or business course, as equivalent to the preparatory collegiate course; but the school board of any district may substitute any proper studies in place of any studies embraced in such course. Provided, that the privileges of the state high school board examinations shall be extended, under the supervision of the board to the private schools and academies in this state which make application therefor, and the courses of study and requirements for graduation of which correspond in general to that of state high schools, and which said private schools and academies so desiring such privilege shall submit to the same rules and inspection with respect to these examinations as may be provided for state high schools. (R. L. § 1391; amended '09 c. 188 § 1) [2889]

2991. High school board examinations—Conduct of by county superintendents—Places for holding—Assistant—Upon written application the high school board shall empower any county superintendent to conduct the high school board examinations in the schools of his county other than high and graded. For this purpose he shall hold the same relation to the board as the principal or superintendent of schools under its supervision.

He may designate the points at which such examinations are to be held. He may also appoint assistants for grading the papers of such examinations and such assistants shall be paid by the county at the rate of three dollars per day, but the number of assistants shall not exceed one for each twenty schools or major fraction thereof in the county, nor shall the amount of money expended for this purpose exceed one hundred dollars in any one year. Provided, that the county superintendent of schools of the county in which the aforesaid examinations are so given may extend the privileges of such examination to any school in his said county in which there is maintained the standards of length of term and course of study prescribed for the public schools of like grade in such county. ('19, c. 278, § 1; amended '25, c. 233)

2992. Certain sections G. S. 1913 repealed—Sections 2893 and 2894, General Statutes 1913, are hereby repealed. ('19 c. 278 § 2)

JUNIOR COLLEGES.

2992-1. Junior college departments in independent or special school districts—The school board of any independent or special school district, when authorized by a two-thirds vote of the electors voting thereon so to do, provided the action of the electors shall have been at a meeting preceded by notice stating that such proposition is to be there acted upon may establish and maintain a department of junior college work, to consist of not more than two years' work beyond a four-year-high school course. ('25, c. 103, § 1; amended '27, c. 44, § 1)

2992-2. Same—Departments legalized—Where a junior college has been heretofore established and is now being maintained in any independent or special school district the same is hereby legalized and made effective as fully as if established under and pursuant to the provisions hereof. ('25, c. 103, § 2)

2992-3. Same—Supervision by State Department of Education—The state department of education shall have the same supervision, control and powers over a junior college when established hereunder as it now has over other departments of the public school system. ('25, c. 103, § 3)

2992-4. Same—Tuition—The school board on or before August 15 in each year, shall determine and fix the rate of tuition, if any, required to be paid by pupils attending such department, which tuition shall be paid by all pupils attending whether residents or not of the districts maintaining such department. ('25, c. 103, § 4, added by '27, c. 44, § 2)

2992-5. Establishment in cities of first class—Term of work—Tuition fees—In any school district in this state, whose limits are co-extensive with the limits of any city of fifty thousand inhabitants or more, the school board may by majority vote of all its members, or when authorized so to do by a majority vote of the electors of any such school district voting on the proposition, establish, maintain or discontinue a Junior Collage, to consist of not more than two years of college work beyond a four-year high school course, and may charge such tuition fees for instruction in such Junior College, as shall be fixed by any such school board. ('27, c. 268, § 1)

Explanatory note—Section 3 of Laws 1927, c. 268 repeals all inconsistent acts and parts of acts.

2992-6. Control, etc., by State Department of Education—Use of existing buildings, etc.—The State Department of Education shall have the same supervision, control and powers over any such Junior College, when established hereunder, as it now has over other departments of the public school system of this state.

Any such school board shall have authority to make use of any existing school buildings, or school equipment, or may provide any necessary building or buildings or equipment, for the establishment and maintenance of any such Junior College. ('27, c. 268, § 2)

SCHOOL FUNDS

31 — 383

2993. Commissioner of education to apportion current school fund—The commissioner of education shall apportion the available current school fund among the counties on the first Monday of March and of October in each year, in proportion to the number of scholars of school age entitled to apportionment therein. No scholar shall be counted more than once in any county, which shall be in the district in which his parents or guardians reside, if such scholar has attended school and is entitled to apportionment therein. But no dis-

trict shall be entitled to any portion of said fund that has not had at least six months of school term within the year, conducted pursuant to the provisions of this chapter, nor shall any district be entitled to any part of said fund for any pupil who has not attended school at least forty days within such year. (R. L. '05 § 1397; G. S. '13 § 2895; amended '21 c. 467 § 16)

2994. **Payment of school apportionments**—Upon receiving a copy of such apportionment, the state auditor shall draw his warrant on the state treasury, payable to the state treasurer, for the amount due each county. The state treasurer shall apply such amount and any special state school aid due said county in his semi-annual settlement with each county named in the apportionment, and, if the amount due any county shall exceed the amount due from such county for state taxes, shall forthwith transmit to the county treasurer the amount of such excess. There is hereby annually appropriated from the current school fund the amount of such apportionments. (R. L. '05 § 1398; G. S. '13 § 2896; amended '19 c. 412 § 1)

2995. **Apportionment by county auditor**—The county auditor at the time of making the March and November tax settlement of each year shall apportion among the districts entitled thereto the amount apportioned from the current school fund, and the amount received from liquor licenses, fines, estrays, and other sources, belonging to the general school fund, upon the same basis provided for the state apportionment, and such money shall be used only for the payment of teachers' wages; but no district shall receive any part of the money received from liquor licenses unless all sums paid for such licenses in such district are apportioned to the county school fund, and no district shall receive in any year from the apportioned fund, exclusive of special state aid, a greater amount than that appropriated by such district from its special and local one mill tax for that year, unless such district has levied for such year the maximum amount allowed by law for school purposes. The auditor shall include in such apportionment all amounts received from special state aid to schools. (R. L. '05 § 1399; G. S. '13, § 2897; amended '19, c. 412, § 2)

2996. **Apportionment to schools in new districts**—Any district which for the first year after its organization has made provision for a four-months school by the levy of a sufficient tax, and has maintained a legal school for one month, shall receive its share in the first succeeding apportionment, in proportion to its actual enrollment. Such enrollment shall be reported as in other cases, and the number of pupils so returned shall be included by the state superintendent and the county auditor in their apportionment. (1400) [2898]

2997. **Report of county apportionment, etc.**—The county auditor, on the first Wednesday after such apportionment, shall report to the state superintendent the amount apportioned to each district, the sources from which such money was received, the aggregate number of pupils in the county, and the number of districts sharing in the apportionment. He shall also, immediately after the qualification of the county superintendent, report to the state superintendent his name and postoffice address. (1401) [2899]

2997-1. **School district warrants where school funds deposited in closed banks**—That any school district which now has, or may hereafter have, any moneys on deposit in any bank at the time such bank is closed, or hereafter closes, for the purpose of liquidation, may issue its general warrants in payment of any obligation and in the amount that the moneys so on deposit

could have been applied thereto if available, notwithstanding there may not at the time of the issuance thereof be any funds on hand for the payment thereof, or any taxes previously levied and then in process of collection the proceeds of which will be available for the payment of such warrants. Such warrants, when issued, may be presented to the treasurer and marked "Not paid for lack of funds" and shall thereafter draw interest at the rate of six per cent until paid. ('25, c. 74)

PENALTIES

2998. **Excluding or expelling pupils**—Any member of any public school board or board of education of any district, who, without sufficient cause, or on account of race, color, nationality, or social position, shall vote for, or, being present, shall fail to vote against, the exclusion, expulsion, or suspension from school privileges of any person entitled to admission to the schools of such district, shall forfeit to the party aggrieved fifty dollars for each such offense, to be recovered in a civil action. (1402) [2900]

132-375, 157+501.

2999. **Improper classification**—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 superintendent, upon notice to the offending district, and upon proof of the violation of the provisions of this section, shall withhold in the semi-annual apportionment the share of such district, and the county auditor shall thereupon exclude such district from his apportionment for such period. (1403) [2901]

3000. **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 ten dollars, to be collected in an action before a justice of the peace, to be prosecuted in the name of the district by its director or other proper officer, or by any freeholder thereof. (1404) [2902]

31-227, 17+373.

3001. **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 five dollars, nor more than fifty dollars, for the use of the district. (1405) [2903]

3002. **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. (1406) [2904]

31-333, 17+866.

3003. **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 ten dollars for each offense. (1407) [2905]

3004. **Failure of auditor to report**—Any county auditor who shall fail to make to the state superintendent of public instruction any report of apportionment required by law shall forfeit, for the benefit of the school fund of the county, the sum of fifty dollars. (1408) [2906]

3005. **Failure of county superintendent to report**—Any county superintendent who shall fail to report to the county auditor the abstract of district clerks' and teachers' reports required by law, or to make his statistical report to the state superintendent, shall forfeit to the school fund of the county for each such omission fifty dollars, to be deducted from his salary by the county board. (1409) [2907]

3006. **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 fifty dollars, nor more than two hundred dollars, for each such offense. But this section shall not apply to a teacher who may have an interest in the sale of any book of which he himself is the author. (1410) [2908]

3007. **Duty of officers to report violations of law**—Every officer to whom reports are required by this chapter to be made, and for the failure to make which a penalty or fine or forfeiture is provided, shall give immediate written notice of such failure to the delinquent and to the proper county attorney. Such county attorney shall thereupon institute proper proceedings to collect such penalty, fine, or forfeiture. Upon complaint of the county superintendent, or whenever it comes to his knowledge that any school officer has violated any provision of this chapter, for which violation a penalty, fine, or forfeiture is provided, such attorney shall institute like proceedings. (1411) [2911]

31-227. 17+373.

3008. **Basement rooms for graded schools in certain cities**—It shall be unlawful for any school board of any public school in any city having a population of twenty thousand or more inhabitants, to maintain or allow any basement room to be used for grade school purposes, except rooms used exclusively for the purpose of teaching domestic science, manual training or physical culture; provided, however, that two basement rooms, during the year 1910, and one basement room, during the years 1911-1912, may be used in any one building. ('09 c. 52 § 1) [2912]

3009. **Basement room defined**—For the purpose of this act a basement room shall mean any room, the floor of which is below the surface of the surrounding ground on all sides of said room. ('09 c. 52 § 2) [2913]

3010. **Penalty**—Any such school director of any public school violating section one of this act shall be guilty of a misdemeanor for each and every offense. ('09 c. 52 § 3) [2914]

SCHOOL TAXES.

Laws, 1921, c. 357, providing for county school tax levies in certain counties, the classification being based on area and assessed valuation, the proceeds of the levies to be distributed among the districts producing less than a stated per pupil revenue, is not unconstitutional as special legislation. 159-200, 193+457.

3011. **State school tax**—There shall be levied annually upon the taxable property of the state a tax of

one and twenty-three one-hundredths mills on the dollar, to be known as the state school tax, of which one mill on the dollar shall be added to the general school fund, which shall then be known as the current school fund, and the remainder of such tax shall be added to the university fund. (1412) [2915]

160-332, 200+475.

3012. **County school tax—District tax**—The county auditor shall extend upon the tax lists of the county, in the same manner as district school taxes are extended, a tax of one mill on the dollar of the taxable property in each district, to be known as the county school tax, and be credited to the school district in which the property taxed is situated. The tax levied by school districts shall be known as the district school tax. (1413) [2916]

Counties as taxing units. 160-332, 200+475.

3013. **Common school districts may levy 30 mill tax**—In common districts such district school tax shall not exceed thirty mills on the dollar for the support of the schools of ten mills for the purchase of school sites and the erection and equipment of school houses; but in such districts in which such ten mill tax will not produce six hundred dollars, a greater tax may be levied for school sites and buildings, not to exceed thirty mills on the dollar, nor six hundred dollars in amount. In common districts having less than ten voters the district school tax shall not exceed four hundred dollars. In independent districts no tax in excess of eight mills on the dollar shall be levied for the purpose of school sites and the erection of school houses. In special districts, such amounts may be levied as may be allowed by special law at the same time when the revised laws take effect. Provided, that in any common school district of this state in which there is now or shall thereafter be maintained a high school or a graded school, the district school tax for the support of schools may be not to exceed thirty mills on the dollar. (R. L. '05 § 1414; amended '09 c. 458; '13 c. 36 § 1; '19 c. 526; '21 c. 227) [2917]

87-234. 91+842; 193+949; 193+953.

3014. **Tax levies for various funds in school districts over 50,000**—In all districts having 50,000 inhabitants or more, there may be levied annually, independently of and in addition to other sums for school purposes authorized by law, the following additional amounts:

First: An amount equal to six mills on each dollar of the taxable property of the district for the purchase of school sites and the erection, repair, furnishing and fitting of school buildings, payment of teachers' salaries, and the general maintenance of the schools.

Second: An amount equal to three-fourths of one mill on each dollar of the taxable property of the district, to be used only for the purposes of the repair, upkeep and maintenance of public school buildings and the equipment thereof:

Third: An amount equal to four-tenths of one mill on each dollar of the taxable property of the district for the support and maintenance of evening and summer schools for elementary and high school grades.

Fourth: An amount equal to one-tenth of one mill on each dollar of the taxable property of the district for additional salaries for janitors, engineers and firemen. An amount equal to one-half of one mill on each dollar of the taxable property of the district for the years 1917, 1918 and 1919, for the purpose of paying and discharging existing indebtedness arising from

the maintenance and operation of the schools of such district.

Fifth: An amount not exceeding one mill on each dollar of the taxable property of the district, to be used only for the purpose of paying that portion of the salary over \$1,000 of any or all of the grade teachers of the district, and paying that portion of the salary over \$1,500 of any or all high school teachers of the district. The term "grade teachers" and "high school teachers," as last above used, shall not include any superintendent, assistant superintendent, principal, supervisor, or director, employed in any grade school or high school of the district. Provided, that the total levy in any such district, for the maintenance of the school, shall not exceed twelve and three-fourths (12¾) mills on each dollar of the taxable property of the district, not including the state and county school tax. Provided, however, that the provisions of this act shall not apply to school districts within the limits of a city of the first class operating under a home-rule charter, which fixes the amounts which may be expended for school purposes. (R. L. '05 § 1415; amended '07 c. 308; '13 c. 270 § 1; '15 c. 265; '17 c. 372) [2918]

79-201, 81+912; 152-106, 188+159.

3014-1. School districts in cities of second class—Tax levy for general school fund—In the city of the Second Class in this State, constituting a single school district in which the Board of Education is given power to direct a levy of School taxes to be made, such Board of Education is hereby authorized to direct a levy of taxes for the general school fund of such district in an amount not exceeding thirty mills on the dollar of the assessed valuation of all taxable property in such city. ('23, c. 255, § 1)

3014-2. Same—School building sinking fund—That there is hereby created in and for each such school district a sinking fund, known and designated as "school building sinking fund", the proceeds of which shall be appropriated exclusively to the cost of constructing new school buildings, or remodeling or building additions to existing school buildings, or purchasing equipment for any such buildings, and to the cost of plans and specifications therefor and the purchase of real estate as sites therefor. ('23, c. 255, § 2)

3014-3. Same—Tax levy for school sinking fund—That such Board of Education is further authorized to direct a levy of taxes to be made for such school building sinking fund in an amount not exceeding ten mills on the dollar of the assessed valuation of all taxable property in such city. ('23, c. 255, § 3)

3014-4. Same—School sinking fund to be used only for purposes designated—Said sinking fund shall be kept inviolate and no moneys shall be paid out of such sinking fund for any purposes other than herein designated and all moneys received by or for such school district belonging to said fund shall be immediately placed to the credit of said sinking fund. ('23, c. 255, § 4)

3014-5. Same—Laws repealed—That Chapter 90, Laws 1919 and chapter 58, Laws 1921, and all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, but such repeal shall not affect or invalidate taxes heretofore levied or school building sinking funds heretofore accumulated pursuant to the provisions of said chapters or acts. ('23, c. 255, § 5)

LIBRARIES.

3015. Schools may provide libraries—Maintenance—Every school district may provide library facilities as part of its school equipment, according to the standards of the State Board of Education. ('21 c. 397 § 1)

3016. School board to vote funds—The school board of any school district may vote sufficient funds for the maintenance of the school library, appoint a librarian, and make rules for the use and management of the library. ('21 c. 397 § 2)

3017. Cities and villages may maintain libraries—In cities and villages of less than two thousand people, not levying a tax for public library purposes, the school board may maintain a public library for the use of all residents of the district, and provide ample and suitable rooms for its use in the school building. ('21 c. 397 § 3)

3018. State department of education to furnish list of books—The State Department of Education shall from time to time prepare and amend a list of books suitable for school libraries, including dictionaries and other books of reference, histories and works of biography, literature, political economy, agriculture, travel and science. ('21 c. 397 § 4)

3019. State to pay one-half—Upon receiving from any district a certified statement, approved by the county superintendent showing the purchase of books specified and included in the list prepared under the foregoing section, the appointment of a librarian for each library and the making of proper provisions for the care thereof, and for the free circulation of books suitable for circulation, the State Commissioner of Education shall furnish such district a requisition on the state auditor for one-half the purchase price, within the limitations of section 7 of the Laws of 1921, relating to State Aid to Public Schools. ('21 c. 397 § 5)

3020. School and village libraries may combine—Any school board may contract with the board of any approved county, city or village library to become a branch of said public library and to receive therefrom library books suited to the needs of the pupils in the school and for the community, according to the standards established in the rules of the State Board of Education. In the event of such contract between the school board and the public library board, such school board may place in the public library such books belonging to the school library as may be more useful in the public library for students and the community, and such school board shall annually pay to such library board, the school library book fund and the state library aid to which such school district is entitled. All books purchased by such public library from funds provided by the school district or state school library aid shall be selected from the state list for school libraries.

In the event of the making of such contract, a librarian shall be employed who meets the standards of the State Board of Education and the school board and library board may jointly employ such librarian who may spend her time partly in the school and partly in the library. ('21 c. 397 § 6)

3021. Laws repealed—Sections 2949 and 2950 of the General Statutes of Minnesota, 1913, and section 10, chapter 296 of the Laws of 1915 and all other acts or portions of acts inconsistent herewith are hereby repealed. ('21 c. 397 § 7)

STATE AID.

3022. State aid to schools—For the purpose of aid to public schools, there shall be established the following funds:

3017
29 — 210

3014-1
34 1942 4 5

3022
Et seq.
29 — 265
31 — 143
33 — 435
34 — 81
3064

(a) The Endowment Fund, which shall consist of the income from the permanent school fund.

(b) The Current School Fund, which shall consist of the amount derived from a state one mill tax.

(c) The Special State Aid Fund, which shall consist of the sums appropriated by the legislature for special aid to public schools or departments in the schools. ('21 c. 467 § 1)

Laws 1927, c. 393 authorizes and directs the state auditor to issue and sell state certificates of indebtedness for the payment of deficiencies in state aid to schools, and provides for a tax levy for the payment thereof. And see Laws 1927, c. 442, § 6 for appropriation. 139-235, 166-179.

3023. Districts must have schools seven months to be entitled to apportionment—The endowment fund shall be distributed semi-annually by the state board of education to school districts whose schools have been in session at least seven months, in proportion to the number of scholars of school age who have attended school at least forty days during the preceding year. ('21 c. 467 § 2, amended '23 c. 322 § 1)

3024. Distribution of the current school fund—The current school fund shall be distributed on the same basis and at the same time as the endowment fund except such part as the state auditor on the recommendation of the state board of education shall set aside from the current school fund each year for distribution with the special state aid fund. ('21 c. 467 § 3)

3025. Distribution of special state aid fund—The state board of education shall distribute the special state aid fund, and any other sums which may be appropriated by the state for distribution with the special state aid fund, in such manner and upon such conditions as will enable school districts to perform efficiently the services required by law, and to further the educational interests of the state. To this end the said board shall have power to fix reasonable requirements for receiving and sharing in the state aid provided that in no case shall teachers salaries be made a requirement for such aid. Public schools of any district receiving or seeking to receive special state aid shall at all times be open to the inspection of the state board of education, or its duly authorized agents, and the accounts of any such district shall be open to inspection by the public examiner upon request of said state board of education. ('21 c. 467 § 4)

3026. Classification and definitions—For the purposes of this act all public schools shall be classified under the following heads:

Classification. (1) Graded Elementary Schools, (2) Ungraded Elementary Schools, (3) Four Year High Schools, (4) High School Departments, (5) Junior High Schools, (6) Senior High Schools and (7) Consolidated Schools.

Definitions. (1) A graded elementary school shall be a school giving instruction in at least the first six years of the elementary course and employing at least four teachers, one of whom shall be designated as principal.

(2) An ungraded elementary school shall be a school giving instruction in the elementary course and employing one or more teachers, but not having the rank of a graded elementary school.

(3) A four-year high school shall be a school giving one or more four-year courses beyond the eight-year elementary course. It shall be located in a school district which maintains a graded elementary school, or within a district having a population of not less than 800 people according to the last Federal census, and which shall employ a superintendent, a high school principal and one or more high school teachers.

(4) A high school department shall be a school giving instruction in high school subjects beyond the eight-year elementary course. Such school shall be located in a school district which maintains a graded elementary school and which employs one or more fully qualified high school teachers to give instruction in such high school subject. The principal may be one of the high school teachers if fully qualified to teach high school subjects.

(5) A junior high school shall be a school having a separate organization and employing a principal and two or more teachers giving instruction in the seventh, eighth and ninth years of the twelve-year public school course. It shall be located in a school district which also maintains a six-year elementary course.

(6) A senior high school shall be a school having a separate organization and employing a principal and two or more high school teachers giving instruction in the tenth, eleventh and twelfth years of the twelve-year public school course. It shall be located in a school district which also maintains a graded elementary school of six years and a junior high school and which employs a superintendent for the entire system of public schools in such school district.

(7) A consolidated school shall be any school located in a school district organized by law as a consolidated school district. Such consolidated schools shall also be classified under one of the six preceding headings of this section. ('21, c. 467, § 5; amended '25, c. 282; amended as to subd. 4 by Laws 1925, c. 413)

3027. Purposes of special state aid—State aid from the special state aid fund and also any other moneys set apart for use with the special state aid fund shall be for the following named purposes:

(1) To assist in providing equal educational opportunities for all the school children of the state.

(2) To assist in establishing certain generally accepted minimum standards for all the public schools of the state.

(3) To assist school districts whose tax levies for maintenance are exceptionally high.

(4) To stimulate educational progress by grants of state aid for superior efficiency and high standards and for desirable educational undertakings not yet generally established.

(5) To provide for the maintenance of teacher training departments in high schools. ('21 c. 467 § 6)

3028. State aid for equalizing educational opportunities—(1) For transportation of pupils in consolidated school districts, the state shall reimburse such districts at rates to be determined by the state board of education, provided that no consolidated school district shall receive annually more than four thousand dollars (\$4,000) for the transportation and board of pupils for each consolidated school in such district. Provided further that state aid for transportation shall not be withheld from any consolidated district by reason of the requirements of Section 10 of Chapter 238 of the Laws of 1915.

(2) For school buildings in consolidated school districts, the state shall pay forty (40) per cent of the cost of construction of each such building, but not to exceed six thousand dollars (\$6,000) to any such school district for each such school building, and such aid shall be paid for the construction of such buildings in any consolidated school district located in any county which now has or may hereafter have a population of not less than 36,000 nor more than 39,000 and an assessed valuation of not less than \$28,000,000.00 nor more than \$30,000,000.00, the contract for the construction of which was let during the year 1920 and the

construction of which was finally completed during the year 1921, but the amount of such aid so paid shall, together with any aid heretofore paid for such building, in no case exceed the sum of \$6,000.00.

(3) All the provisions of this act relating to state aid to counties shall be equally applicable to the unorganized territory of any county and also to all school districts of ten or more townships.

(4) For the tuition of non-resident high school pupils, the state shall pay to the school district furnishing such high school instruction at the rate of seven dollars (\$7.00) per school month, or major fraction thereof, for each such non-resident pupil, for not to exceed ten (10) months in any school year, provided, (1) that high school instruction shall mean instruction for pupils who have completed the eight years of the elementary course; (2) that such tuition shall be paid by the state only in so far as any pupil's residence district does not give high school instruction, but this provision shall not apply to non-resident high school pupils residing in unorganized territory; and (3) that the state apportionment for any such non-resident high school pupils shall be paid to the school district in which such non-resident pupils attend a high school. Provided, that in all cases where such non-resident pupil is a resident of a state aided rural district, the amount provided by the provisions of this act shall by the Disbursing Board be deducted from the aid otherwise going to such rural district in all cases where such aided rural school does not levy at least four (4) mills or more upon the property of such district for school purposes.

(5) Any school district may receive aid for the purchase of library books on the basis of twenty dollars (\$20.00) for each teacher employed with a maximum of forty dollars (\$40) for each school building in the district, provided the district appropriates a like amount for the same purpose.

(6) For assisting in providing for the school attendance of isolated pupils.

The state board of education, at its discretion and under such rules as it may adopt, may assist school districts or the County Board of Education for unorganized territory in any county in providing for the transportation or board of such children of school age as reside beyond reasonable walking distance from the nearest public school. To this end, the state board may grant to such school districts not to exceed fifty dollars (\$50) annually for each such pupil transported or boarded. ('21 c. 467 § 7, amended '23 c. 266 § 1)

3029. State aid to assist in establishing minimum standards—(1) For each graded elementary school of eight school years with a school year of at least nine months, the state shall pay a school district Five Hundred (\$500) annually.

(2) For each graded elementary school of six school years with a school year of at least nine months, the state shall pay a school district Four Hundred Dollars (\$400) annually.

(3) For each ungraded elementary school with a school year of at least eight months, the state shall pay a school district one hundred fifty dollars (\$150.00) for each first grade teacher employed and one hundred dollars (\$100.00) for each second grade teacher employed; for a school year of at least seven months, the state shall pay three-quarters of the aid provided for a school with a school year of eight months; provided that the total of such aid for an ungraded elementary school shall in no case exceed three hundred (\$300.00),

(4) For each four-year high school with a school year of at least nine months, the state shall pay a school district Nine Hundred Dollars (\$900) annually.

(5) For each high school department with a school year of at least nine months, the state shall pay a school district annually Two Hundred Dollars (\$200) for one (1) high school teacher; Four Hundred Dollars (\$400) for two (2) high school teachers and Six Hundred Dollars (\$600) for three (3) or more high school teachers.

(6) For each junior high school with a school year of at least nine months, the state shall pay a school district Four Hundred Dollars (\$400) annually.

(7) For each senior high school with a school year of at least nine months, the state shall pay a school district six hundred dollars (\$600) annually. ('21, c. 467, § 8; amended '23, c. 332, § 1; amended as to sub. 1 to 6 by '25, c. 412)

3030. Additional state aid to certain schools—School districts which receive aid under the provisions of this section will be limited to those whose tax levy for maintenance only exceeds twenty (20) mills. To any school district in which a tax levy of twenty (20) mills does not yield the equivalent of forty dollars (\$40) for each pupil who has attended the public school of such district at least forty (40) days during the school year, the state shall pay as supplemental aid an amount which, together with the proceeds of a twenty (20) mill tax will give each such school district the equivalent of forty dollars (\$40) for each such pupil. In school districts maintaining only ungraded elementary schools, if a twenty (20) mill tax levy does not raise the equivalent of six hundred dollars (\$600) for each teacher employed for at least seven (7) months during the school year, then the State Board of Education at its discretion may grant to such school district an amount, which together with the proceeds of a twenty (20) mill tax levy, will give such school district the equivalent of six hundred dollars (\$600) for each teacher employed as herein provided, but such state aid shall in no case exceed the equivalent of two hundred dollars (\$200) for each such teacher employed, but shall be in addition to all other state aid, including supplemental aid as otherwise provided in this section. Provided, in unorganized territory and in common school districts of ten or more townships, each full or fractional township shall be treated as a unit equivalent to a school district for each of the purposes of this act. ('21 c. 467 § 9, amended '23 c. 330 § 1)

3031. State aid for special classes in public schools—(1) For established undertakings, state aid shall be granted to school districts on the basis of the number of special teachers employed, enrollment in classes and type of work done, and all under such rules as may be established by the State Board of Education. In school districts maintaining junior and senior high schools, such state aid shall be granted for either a junior or senior high school, but not for both.

- (a) For agriculture state aid to any school district for each school within the district maintaining such work shall not exceed eight hundred dollars.
- (b) For general industrial training state aid to any school district for each school within the district maintaining such work shall not exceed five hundred dollars.
- (c) For home training state aid to any school district for each school within the district maintaining such work shall not exceed five hundred dollars.

- (d) For commercial training state aid to any school district for each school within the district maintaining such work shall not exceed five hundred dollars.
- (e) For special classes for defectives. Under such rules as the State Board of Education may establish, the state shall pay annually to any school district for the education of defective children the following amounts:
- (a) For deaf children, two hundred fifty dollars (\$250) for each such child, who is enrolled in a day school and who is a resident of a district maintaining such school, and four hundred dollars (\$400) for each child who is a non-resident of the district maintaining such school and whose resident district does not maintain such school; the additional one hundred and fifty dollars (\$150) to be paid for board and room of such non-resident child.
 - (b) For blind children, three hundred dollars for each such child.
 - (c) For subnormal children, one hundred dollars for each such child.
 - (d) For children with defective speech, not to exceed fifteen hundred dollars for each teacher engaged exclusively in this work.
 - (e) For crippled children, two hundred fifty dollars for each such child.
- (2) For educational work not yet generally established.
- (a) For stimulating progress and achievement in ungraded elementary schools, the State Board of Education shall adopt standards for a superior ungraded school. Such standards shall be based upon the length of the school term, qualification of teachers, regular school attendance and a curriculum adapted to present day needs, including health work. School districts meeting these standards shall receive, in addition to all other state aid, not to exceed one hundred twenty-five dollars for each such school maintained.
- (b) For evening schools for persons over sixteen years of age and not in attendance upon regular day schools, the state shall pay to any school district maintaining such schools in accordance with requirements established by the State Board of Education, one-half the salaries of all teachers who teach in such evening schools; and districts maintaining such evening schools shall also be entitled to state apportionment for all pupils of school age upon the same basis as that provided by law for day school pupils. ('21 c. 467 § 10, amended '23 c. 331 § 1; '23 c. 382 § 1)

3032. Teacher training in high schools—For teacher training in high schools the State Board of Education is hereby authorized to establish rules and to determine the amounts of state aid to be granted to any school district for the maintenance of this work. Such state aid shall be determined upon the basis of one, two or three teacher departments respectively. For the maintenance of high schools teacher training departments the State Board of Education may grant a total state aid of not to exceed two hundred twenty-five thousand dollars (\$225,000.00). ('21 c. 467 § 11)

3033. County boards to appropriate money for county educational work—In all cases provided for in

this act 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. ('21 c. 467 § 12)

3034. Payment of state aid—The special state aid fund and all other sums made available by the legislature as special state aid to schools shall be paid in the following manner:

On or before the first day of October in each year, it shall be the duty of the commissioner of education to deliver to the state auditor a certificate in duplicate for each class of schools in each county of the state entitled to receive state aid under the provisions of this act. Upon the receipt of such certificate, it shall be the duty of the state auditor to draw his warrant upon the state treasurer in favor of the county treasurer for the amount shown by each certificate to be due to the several schools therein enumerated. The state auditor shall transmit such warrants to the county auditor together with a copy of the certificate prepared by the commissioner of education.

Upon receipt by the county auditor of such warrant and the certificate, it shall be the duty of the county auditor to credit the several school districts with the amounts stated in said certificate, then charging the county treasurer with the aggregate amount so received, and forthwith deliver to the county treasurer the said warrant or warrants. The funds so credited to the several school districts shall be paid to the treasurers thereof in the same manner now provided by law for the payment of school funds to school district treasurers. ('21 c. 467 § 13)

3035. Unused money to be apportioned—Any unused available moneys from the special state aid fund shall be included with the endowment fund for distribution to state apportionment. ('21 c. 467 § 14)

3036. Laws repealed—Sections 2798, 2799, 2800, 2801, 2947 and 2948 of the General Statutes of 1913; Chapter 296, Laws 1915; Chapter 521, Laws 1919 and Chapter 239, Laws 1915, together with all amendments to any of said laws, and all other acts or portions of acts inconsistent herewith are hereby repealed; provided, however, that associations already established under Sections 6, 7, 8, 9, 10, 11, 12 and 13, Chapter 239, Laws 1915 shall be continued and shall receive state aid as provided in Section 15, Chapter 239, Laws 1915, at the discretion of the State Board of Education, or until terminated as provided by Chapter 354, Laws 1917. ('21 c. 467 § 22)

Explanatory note—Laws 1915, c. 239, § 17 repealed Laws '09, c. 247; Laws '11, c. 82; Laws '11, c. 91, as amended by '13, c. 96; Laws '13, c. 303, the same being G. S. '13, §§ 2818 to 2828. Laws 1919, c. 521, § 4 repealed Laws '15, 296, § 13, par. c. and § 14.

3036-1. Additional state aid for certain schools—Amount—Whenever the properties of any school district in this state is made up, to the extent of at least 20 per cent in value, of property which is exempt from local taxation because taxes thereon are paid into the state treasury under the provisions of the gross earnings tax law, then such district shall be entitled to receive from the state treasury, in addition to all other state aid, not to exceed such an amount annually as would be produced by computing a tax of one-third of the current local rate for school purposes upon the valuation of the property in such district so exempt from local taxation, but in no case shall any state high school, high school department or graded elementary school receive in excess of the amount that would be produced by a 14 mill levy upon the full and true value of all railroad property exempt from local taxes in

such district, nor shall any common school district maintaining one only ungraded elementary school of not less than two nor more than four rooms receive in excess of the amount that would be produced by a 7 mill levy upon the full and true value of all railroad property exempt from local taxes in such district, provided, however, that in all such districts where the valuation of property so exempt from local taxation is four million dollars (\$4,000,000.00) or more, then the amount which such district shall receive under the provisions of this act shall be ascertained by computing a tax at one-sixth of the current local rate instead of one-third as in other cases.

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

And provided further that no district shall be entitled to aid under this act unless it has a current local school tax levy, for maintenance alone, of at least 35 mills and maintains succeeding levies of at least 40 mills for the same purpose, except common school districts maintaining one only ungraded elementary school of not less than two nor more than four rooms, having a current local school levy of at least a 20 mill tax for maintenance alone. ('21, c. 271, § 1; amended '27, c. 338, § 1)

3036-2. Same—Application for—Any school district desiring to take advantage of the provisions of this act shall apply in writing therefor to the State Board of Education and such application shall contain among others the following facts:

(a) The valuation of property in said district not subject to local taxation because the same is subject to taxation under the gross earnings law. Railroad valuations shall cover all railroad properties located in such district except rolling stock, main tracks, and all fills or bridges supporting the same.

(b) The value of all property within the district subject to local taxation.

(c) The rate of tax levy in mills for school purposes for the current and the next preceding year.

(d) The value of school property in the district including buildings and equipment.

(e) The present indebtedness of the district and whether bonded or otherwise.

(f) The number of pupils attending school at the date of the application and the total enrollment for the preceding year.

(g) The total amount spent for school purposes the last preceding year and an estimate of the expenses for the current year.

The information called for in paragraph (a) shall be ascertained and certified, upon the request of the State Board of Education by the Railroad and Warehouse Commission, and the information called for in paragraphs (b) and (c) shall be certified by the County Auditor of the county or counties in which such school district is located. ('21, c. 271, § 2)

3036-3. Same—State Board of Education to determine amounts—The State Board of Education shall immediately consider said matter and determine whether or not said school district is entitled to aid under the provisions of this act and if it finds that said district is so entitled it shall determine the amount to

which it is entitled within the limitations of this act and shall cause the same to be certified to the State Auditor, who shall at times and in the manner of making payment of state aid, issue his warrant to the State Treasurer for the amount so certified by said Board and in favor of said school district. ('21, c. 271, § 3)

3036-4. Supplemental aid to certain school districts whose taxable property includes municipal property, taxes on which have not been paid or are contested—That whenever it shall be made to appear to the State Board of Education by any school district applying for supplemental aid under Section 9, Chapter 467, Laws 1921, as now or hereafter amended, that there has been included in the taxable property of such district property owned by a municipality, and such municipality has failed to pay the tax levied upon said property or against said municipality by reason of such ownership, or any part thereof, before it becomes subject to a penalty under the law, and such municipality has evinced an intention to contest the question of whether such property is subject to taxation, and the assessed valuation of such property exceeds one-fifth of the total assessed valuation of such district, the board shall deduct from the total assessed valuation of the district so much thereof as shall be represented by the assessed valuation of such property, for the purpose of ascertaining whether the tax levy of such district for maintenance only exceeds 20 mills and for the purpose of determining the amount which a 20-mill tax levy will yield, and shall compute, determine and distribute such aid upon such basis. ('27, c. 243, § 1)

Explanatory note—For Laws 1921, c. 467, § 9 see § 3030, herein.

3036-5. Same—Refund to state on payment of taxes by municipality—If the said tax shall be paid by said municipality after any such aid has been paid under the provisions of Section 1 hereof, the district shall upon receipt of such proceeds refund to the state therefrom the amount of the aid so received under the provisions of said Section 1. ('27, c. 243, § 2)

3036-6. Special state aid—Amounts payable—From and after the passage of this act there shall be distributed and paid to the various school districts of the state entitled to receive special state aid under the provisions of any existing law or laws, each year, except as otherwise provided in Section 2 hereof, 90 per centum of the amounts which they would be respectively entitled to receive as special state aid under said law or laws, to be determined and paid as therein provided, which amounts shall be received in full payment and discharge of all obligation of the state to pay special state aid for such year. ('27, c. 396, § 1)

3036-7. Same—For teacher training in high schools and tuition of non-resident high school pupils—State aid for teacher training in high schools and state aid for the tuition of non-resident high school pupils shall be distributed and paid in the amounts now provided in Chapter 467, Laws 1921. ('27, c. 396, § 2)

Explanatory note—For Laws 1921, c. 467 see §§ 3022 to 3036, herein.

3036-8. Same—Deficiency in appropriation—Transfers from current school fund—If the amount appropriated for the payment of said special state aids shall be insufficient in any year to pay the same as herein provided in full, the state auditor shall transfer from the Current School Fund an amount sufficient, together with the amount so appropriated for said year, to pay said special state aids as herein provided in full.

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Provided, however, that not more than \$500,000 shall be so transferred from the Current School Fund in any one year. ('27, c. 396, § 3)

3036-9. Same—Further deficiency—Pro-rating—If the amount appropriated and the amount transferred, as provided in section 3 hereof, shall be insufficient in any year to pay said special state aids as herein provided in full, the same shall be equally prorated among the school districts entitled to receive such aids, and the pro rata amounts so received shall be accepted as payment in full of all obligation of the state to pay said aids for such year. ('27, c. 396, § 4)

STATE ACCEPTANCE FEDERAL AID.

3037. Promotion of vocational education—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, relating to the promotion of vocational education and for appropriations to the states for instruction in agriculture, trade, home economics and industrial subjects, and for the training of teachers of vocational subjects. ('19 c. 414 § 1)

See Mason's code, Title 20, §§ 13, 14.

3038. Aid for vocational schools—Whenever any school district shall have established a vocational school or department in accordance with the rules and regulations established by the state board of education and the plan for vocational education adopted by that board and approved by the federal board for vocational education, the state board of education shall reimburse such school district for its expenditures for salaries of vocational teachers from federal and state funds available to an amount not to exceed three fourths of the salaries of such vocational teachers, provided that in the event of joint federal and state funds not being sufficient to make such reimbursement in full, the state board of education shall pro rate the amount available to the various districts entitled to receive reimbursement. ('19 c. 414 § 2, amended '21 c. 467 § 20)

Explanatory note—For act of congress Feb. 23, 1917, c. 114 see Mason's U. S. Code, Title 20, §§ 11 to 28.

3039. Aid for teachers' training schools—The state board of education shall reimburse institutions selected by it to train teachers of vocational subjects to an amount of not to exceed one-half of the expenditures made for such training by the said institutions, provided that no federal funds may be applied directly or indirectly to the purchase, erection, preservation or repair of any building or buildings or equipment, or for the purchase or rental of lands or for the support of any religious or privately owned school or college. ('19 c. 414 § 3, amended '21 c. 467 § 21)

3040. Appointment of officials and assistants—The high school board shall have authority to appoint such officials or assistants as may be necessary to administer the federal act and chapter 491, Session Laws of Minnesota for 1917, to fix the salaries of such persons appointed, and to make expenditures from the state funds appropriated under the provisions of this act for the salaries and necessary expenses of such officials and assistants, or to use a portion of such funds in matching federal funds available for the same purpose. ('19 c. 414 § 4)

Explanatory note—For Laws 1917, c. 491 see infra, §§ 3041 to 3047.

High school board abolished and powers and duties transferred to state board of education by § 2963, supra.

3041. Certain provisions of an act for promotion of vocational education, etc., by congress, etc., accepted—The provisions of the act of congress of the United

States entitled an act to provide for the promotion of vocational education; to provide for co-operation with the states in the promotion of such education in agriculture and the trades and industries; to provide for co-operation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures, and approved February 23, 1917, 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. ('17 c. 491 § 1)

Explanatory note—For act of congress Feb. 23, 1917, c. 114, see Mason's U. S. code, Title 20, §§ 11 to 28. 166-139, 207+202.

3042. High school board designated as state board called for in congressional act—The high school board is hereby designated the state board as provided in such act, and is charged with the duty and responsibility of co-operating with the federal board for vocational education in the administration of such act and is given all power necessary to such co-operation. The high school board is authorized to make such expenditures as it may deem necessary to carry out the provisions hereof from moneys available for the purposes of this act. In case a state board of education is created, such board shall have the powers and perform the duties with which the high school board is charged by the terms of this act. ('17 c. 491 § 2)

3043. State treasurer appointed custodian of funds—The state treasurer is appointed custodian of all funds for vocational education, as provided in such act, and is charged with the duty and responsibility of receiving and providing for the proper custody and proper disbursement of moneys paid to the state from the appropriations made under the provisions of such act. ('17 c. 491 § 3)

3044. What districts are to be entitled to federal moneys—Any school district maintaining a vocational school or department shall be entitled to Federal moneys under such act for the salaries of teachers of agricultural, industrial or home economics subjects by meeting the requirements fixed by the high school board and approved by the federal board for vocational education. Teacher training schools and departments shall be entitled to federal moneys for the preparation of teachers of agricultural, industrial or home economics subjects by meeting the requirements fixed by the high school board and approved by the federal board for vocational education for the preparation of such teachers. ('17 c. 491 § 4)

3045. How disbursements shall be made—All disbursements of federal and state moneys for the benefit of such teachers training schools or departments shall be made on the requisition of the high school board by the state treasurer or to the legally constituted authorities having custody of the moneys of such training schools or departments. All disbursements of federal and state moneys for the benefit of such vocational schools and departments shall be made on the requisition of the high school board by the state treasurer to the treasurer legally qualified to receive and disburse the funds for the school districts establishing and maintaining such schools and departments as herein provided. ('17 c. 491 § 5)

3046. State treasurer to make report of receipts and disbursements—The state treasurer as custodian for vocational education shall make to the legislature at each bi-ennial session a report of the receipts and disbursements of moneys received by him under the provisions of such act and the high school board shall make to the legislature at each biennial session a report of its administration of such act and the expendi-

ture of money allotted to the state under the provisions of such act. ('17 c. 491 § 6)

3047. Inconsistent acts repealed—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. ('17 c. 491 § 7)

TEXT BOOKS.

3048. Text books—License to sell—Conditions—Before any person, company, or corporation shall offer any school text book for adoption, sale, or exchange, in the state of Minnesota, said person, company or corporation shall comply with the following conditions:

First. File a copy of such text book in the office of the state superintendent of public instruction, 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 said book is sold, or exchanged for an old book in the same subject of like grade and kind, but a different series, to any school board, school corporation or school text book commission anywhere in the United States.

Second. File with the state superintendent of public instruction a written agreement (1) to furnish said book or books to any school board in the state of Minnesota at the said lowest prices so filed, and to maintain said prices uniformly throughout the state. (2) To reduce such prices automatically in Minnesota whenever reductions are made elsewhere in the United States, and guarantee that at no time shall any book so filed by said person, company or corporation be sold in Minnesota at a higher price than is received for such book elsewhere in the United States. (3) That all text books offered for sale in Minnesota shall be equal in quality to those deposited in the office of the state superintendent of public instruction as regards paper, binding, print, illustrations, subject matter and all points that may affect the value of said text books.

Third. File with the state superintendent of public instruction a surety bond of not less than two thousand (\$2,000) and not more than ten thousand (\$10,000) dollars, said bond, in an amount to be fixed by the state superintendent of public instruction, shall run to the state of Minnesota, and be approved by the attorney general. Upon compliance with the foregoing conditions, said person, company or corporation shall be licensed to sell school text books in the state of Minnesota. ('11 c. 43 § 1) [2951]

3049. Failure to conform to agreement—Forfeiture of bond—If in any case said person, company or corporation shall furnish to any district, books inferior in any particular to the samples on file with the state superintendent, or charge a higher price than was filed with the state superintendent 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 school board of such district, or of the city superintendent of a district having a state high school, or of the principal of schools of a district having a state graded school to inform the state superintendent of the failure of said person, company or corporation to comply with the terms of his contract. The state superintendent shall thereupon notify the said person, company or corporation of said complaint, and if said person, company or corporation shall disregard the notification and fail to comply immediately with the terms of agreement filed with the state superintendent, then the bond of said person, company or corporation shall be forfeited and the attorney general shall upon written request of the state superintendent proceed to collect the full amount of the

bond of said person, company or corporation. ('11 c. 43 § 2) [2952]

3050. Text books—List of books and prices—Duties of state printer and superintendent—Whenever the publisher shall prepare an abridged or special edition of any of his books listed with the state superintendent and shall supply such special edition elsewhere at a lower wholesale price than the wholesale price scheduled with the state superintendent, 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 the said 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. (§ 2953, G. S. 1913.) ('11 c. 43 § 3, amended '21 c. 256 § 1) [2953]

3051. Free text books—Contract—The school board of any school district shall, when directed by a vote of the district, or when the board deems it advisable, provide for the free use of school text books by the pupils of their school or schools, or provide for the sale of them to pupils at cost. But no such adoption or contract shall be for less than three (3) or more than five (5) years, during which time such books adopted shall not be changed. ('11 c. 43 § 4) [2954]

3052. Question how submitted—Whenever five or more legal voters of any common school district shall petition the school board to submit to such district the question of providing free text books to pupils attending its schools, it shall be the duty of such board to submit the same to the legal voters of such district. Such question may be submitted at a special meeting by giving ten days' notice thereof, or at any annual meeting. But in any case the notice of such meeting shall call attention to the fact that such question will be submitted, and in case a majority at such meeting shall vote in favor of such free text books, it shall be the duty of the board to provide the same. ('11 c. 43 § 5) [2955]

3053. Indigent pupils—The school boards of each school district shall have authority to purchase all necessary books for indigent pupils and pay for the same out of the funds of the district. ('11 c. 43 § 6) [2956]

3054. 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 said publisher and for the revocation of his license to sell school books in this state, and each and every contract made by said publisher under this article shall thereupon become null and void at the option of the other parties thereto. ('11 c. 43 § 7) [2957]

3055. Failure to place samples on file—Penalty—Any publisher who shall sell or offer for sale or adoption in the state, school text books of any kind without first placing samples of the same on file with prices and obtaining a license therefor from the state superintendent of public instruction, shall be guilty of a gross misdemeanor, and, upon conviction, shall be fined not less than five hundred dollars and not more than two thousand dollars. ('11 c. 43 § 8) [2958]

3056. State officials to be disinterested—Penalty for violation—If the state superintendent of public instruction, his assistant or any employee connected with

his office or any member of any school board who shall accept or receive any money, gift or any property, or favor whatsoever, from any person, firm or corporation offering for sale any text books, or any agent thereof, or from any person in any way interested in the sale of text books, shall, upon conviction, be punished by a fine not exceeding five hundred (500) dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. ('11 c. 43 § 9) [2959]

3057. Teachers, county and city officials to be disinterested—Any teacher in the public schools of Minnesota, or any county or city superintendent of schools, or any member of any school board or board of education, or any person or persons 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 text books 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 fifty (\$50) dollars, nor more than two hundred (\$200) dollars, 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. ('11 c. 43 § 10) [2960]

TRAINING OF TEACHERS.

3058. Instrumentalities—For the special training of teachers for the public schools, there are established: (1) Teachers' institutes; (2) training schools; (3) normal schools. (1429) [2961]

3059. Institutes—Duty of state superintendent— [Repealed.]

This section is repealed by Laws 1925, c. 110, § 6. See § 3063-6, herein.

3060. Duties of county superintendents—[Repealed.]

This section is repealed by Laws 1925, c. 110, § 6. See § 3063-6, herein.

3061. Use of schoolhouses—[Repealed.]

This section is repealed by Laws 1925, c. 110 § 6. See § 3063-6, herein. 73-375, 76+43.

3062. Appropriation by counties—[Repealed.]

This section is repealed by Laws 1925, c. 110, § 6. See § 3063-6, herein.

3063. Schools may be closed—[Repealed.]

This section is repealed by Laws 1925, c. 110, § 6. See § 3063-6, herein.

3063-1. County teachers' institutes—Sessions—Instructions—The State Commissioner of Education shall provide for teachers' institutes in the several counties of the state for the professional instruction and training of teachers. He shall designate the county or counties for which such institutes are to be held, and the times and places of holding the same, and shall employ instructors and lecturers therefor. Each institute shall continue for not to exceed one week. In the discretion of the Commissioner and in co-operation with the county superintendent of schools, institute instructors may visit schools in the county for not to exceed four days in connection with any institute. ('25, c. 110, § 1)

3063-2. Same—Notice of holding—Attendance on—The superintendent of each county for which such institute is designated shall give notice thereof to the teachers of the ungraded elementary schools of his county and may require their attendance. He shall make all necessary arrangements and shall attend and take part in the work of such institute. ('25, c. 110, § 2)

3063-3. Same—Attendance required—Certificates of attendance—Pay while attending—It shall be the duty of every teacher in an ungraded elementary school in

the county to attend such institute during its entire duration, unless excused by the county superintendent for cause. Every teacher who has been in attendance at such institute shall receive from the county superintendent a certificate indicating the days attended, which, when presented to the clerk of the school district in which the teacher is employed, shall entitle the teacher to full pay for the time her school has been closed on account of actual attendance at such institute. ('25, c. 110, § 3)

3063-4. Same—School houses used—The school board in any district in which an institute is designated to be held shall allow the free use of any school house or school room for that purpose, upon ten days' notice of selection from the county superintendent; provided, that such use shall not interfere with the sessions of school. ('25, c. 110, § 4)

3063-5. Same—Expenses—The county board of any county for which an institution is appointed shall allow bills for the personal expenses of the county superintendent in holding institutes, when held elsewhere than at the county seat, but not to exceed the sum of fifty dollars (\$50.00) in any one year. The board may also appropriate out of the county revenue fund a reasonable sum for expense of the institute to be expended under direction of the county superintendent, who shall file with the county auditor within a month an itemized statement of the disbursements thereof. ('25, c. 110, § 5)

3063-6. Same—Laws repealed—Sections 1020, 2962, 2963, 2964, 2965 and 2966, General Statutes 1913, are hereby repealed. ('25, c. 110, § 6)

Explanatory note—For sections repealed by this section see §§ 963, 3059 to 3063, herein.

3064. State Teachers Colleges—The six educational institutions in this state heretofore designated as state normal schools, shall hereafter be designated as state teachers colleges as follows: the "Winona State Teachers College," the "Mankato State Teachers College," the "St. Cloud State Teachers College," the "Duluth State Teachers College," the "Moorhead State Teachers College," the "Bemidji State Teachers College," respectively. ('21 c. 260 § 1)

'17 c. 55. authorizes conveyance of real estate.

'13 c. 362. establishes school at Bemidji.

Laws 1927, c. 442, § 5 reads (in part) as follows: "Provided, that no money appropriated in this section shall be paid to any state teachers' college which now or hereafter, during said biennium, maintains a two-year course of study substantially the equivalent of the course of study given in the first two years of a college course, commonly known as the junior college course, unless such college charges a yearly tuition fee of not less than \$130 to students taking such course. The proceeds of such tuition, when collected is hereby appropriated to the use and benefit of said state teachers' college."

3065. State Teachers College Board—The board heretofore in charge of the state normal schools and referred to in the statutes as the normal school board, and sometimes as the state normal school board, shall hereafter be designated as the state teachers college board, with the same powers and duties as heretofore, with the additions except as hereinafter provided. ('21 c. 260 § 2)

3066. Degrees—The state teachers college board shall have authority to award appropriate degrees to persons who complete the prescribed four-year curriculum of studies in the state teachers college. ('21 c. 260 § 3)

3067. Acts repealed—All acts and parts of acts not consistent with this act are hereby repealed. ('21 c. 260 § 4)

3068. Model schools—The normal school board may organize model schools in connection with each normal

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school, for illustrating methods of teaching and school government only. (1437) [2968]

3069. Tuition—There shall be no charge for tuition or incidental expenses to students in normal schools who file with the president of the school board a declaration of intention to teach in the public schools of the state for not less than two years after leaving such school. The board shall fix rates of tuition for other students, and for pupils in the model schools. (1438) [2969]

3070. Normal school board—The educational management of the normal schools is vested in a board of eight directors, who, with the state superintendent, shall constitute the normal school board. Such directors shall be appointed by the governor, subject to confirmation by the senate, for a term of four years. The governor shall in like manner fill for the unexpired term all vacancies in the board. There shall be one director resident in each county in which a normal school is located, and no two shall be residents of the same county. (1439) [2970]

3071. Annual meeting and officers—The annual meeting of the board shall be held on the first Tuesday in June. At such meeting it shall choose by ballot a president, whose term of office shall be for two years, and until his successor qualifies. In case of vacancy, the governor shall appoint one of the directors president until the next annual meeting, and until his successor qualifies. The state superintendent shall be secretary of the board. (1440) [2971]

3072. Duties of board—The board shall have the educational management, supervision and control of the normal schools, and of all property appertaining thereto. It shall appoint all presidents, () teachers () and other necessary employees therein, and fix their salaries. () It shall prescribe courses of study, conditions of admission, prepare and confer diplomas, report graduates of the normal department, and adopt suitable rules and regulations for the schools. It shall, as a whole or by committee, visit and thoroughly inspect the grounds, buildings, modes of instruction, discipline and management of each school, at least once in each year. It shall report to the governor, () on or before December 1 in every even numbered year, the condition, wants and prospects of each school, with recommendations for its improvement. (R. L. § 1441, amended '13 c. 436 § 1) [2972]

3073. Physical education 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 and every pupil attending any such school, in so far as he or she is physically fit and able to do so, shall take the course or courses therein as provided by this act. Suitable modified courses shall be provided for students physically or mentally unable or unfit to take the course or courses prescribed for normal pupils. Provided that nothing in this act shall be held or construed to require any pupil to undergo a physical or medical examination or treatment if the parent or legal guardian of the person of such pupil shall in writing notify the teacher or principal or other person in charge of such pupil that he objects to such physical or medical examination or treatment. ('23 c. 323 § 1)

Rules of school board. 165-361, 206+642.

3074. Training schools for teachers to provide courses—All colleges, schools and other educational institutions in this state giving teacher-training shall provide a course or courses in physical and health education, training and instruction and every pupil at-

tending any such college, school or educational institution in preparation for teaching service shall take such course or courses. ('23 c. 323 § 2)

3075. Commissioner of education to supervise act—The Commissioner of Education shall supervise the administration of this act and shall prescribe the necessary course or courses in physical and health education, training and instruction, and make such rules and regulations, and prepare or cause to be prepared, published and distributed any such manual or manuals of instruction, or course or courses of study, or other matter as he may deem necessary or suitable to carry out the provisions thereof. ('23 c. 323 § 3)

3076. State director—Salary—The State Board of Education shall appoint at a salary of not to exceed \$3,000.00 per annum a state director of physical and health education and training, competent and qualified to, and who shall under the direction of the Commissioner of Education, administer, supervise and direct the program of physical and health education and training, provided for by this act. ('23 c. 323 § 4)

3077. Report to state superintendent—The president of each normal school shall make an annual written report to the state superintendent on or before September 1, covering the term year of his school, and setting forth its general statistics, enrolment in each department and in each class of the normal department, average attendance, the number graduating within the year, the number of teachers, the departments of each, and the general condition of its buildings, library, and apparatus, the number and names of all graduates then engaged in teaching, as far as known to him, and the district or county in which each is teaching, and such other matters and suggestions as he may deem of interest to the public, or conducive to the good of the school. (1442) [2973]

3078. Compensation of board—The directors shall be reimbursed for their actual expenses while engaged in duty for the normal schools out of the current funds belonging to such schools. (1443) [2974]

3079. Summer sessions at normal schools—That there shall be held at each of the state normal schools in this state a summer session of twelve weeks each, under the direction of the state normal board. These summer sessions shall be a part of and in all respects be the same as the session now provided for by law. The provisions for attendance at these summer sessions shall be the same as those now in force and the arrangements of the terms in the school year shall be such as to most fully serve the welfare of rural schools. Provided, that said normal board may, in its discretion and when the interests of the state may be best subserved thereby, direct that a shorter session than twelve weeks be held at any of said schools. ('07 c. 164 § 1, amended '09 c. 112 § 1) [2975]

COMPULSORY EDUCATION.

3080. Children must attend school—When excused—Every child between eight and sixteen years of age shall attend a public school, or a private school, in each year during the entire time the public schools of the district in which the child resides are in session; provided, however, that no child shall be required to attend public school more than ten (10) months during any calendar year. In districts maintaining terms of unequal length in different public schools, this requirement shall be satisfied by attendance during the shorter term.

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 qualified to teach in the English language. 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.

Such child may be excused from attendance upon application of his parent, guardian, or other person having control of such child, to any member of the school board, truant officer, principal, or city superintendent, for the whole or any part of such period, by the school board of the district in which the child resides, upon its being shown to the satisfaction of such board:

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 eighth grade; or

3. That it is the wish of such parent, guardian or other person having control of any 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 no child shall be excused under this section while attending upon instruction, according to the ordinances of some church, under and pursuant to subdivision 4 of this act.

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; provided, first that any child fourteen (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 1st and November 1st in any year; but this proviso shall not apply to any cities of the first and second class; provided, second, that nothing in this act shall be construed to prevent a child from being absent from school on such days as said child attends upon instruction according to the ordinances of some church.

The clerk or any authorized officer of the public board shall issue and keep a record of such excuses, under such rules as the board may from time to time establish. ('11 c. 356 § 1, amended '19 c. 320; '23 c. 78) [2979]

This act supersedes R. L. §§ 1445-1449, which appeared also as G. S. §§ 2976-2978.

Rules of school board. 165-361, 206+642.

3081. Duties of school board and teachers—It shall be the duty of each school board, through its clerk or other authorized agent or employee, to report the names of children between six (6) and sixteen (16) years of age, with the excuses, if any, granted in such district, to the principal teacher thereof, within the first week of school, and any subsequent excuses granted shall be forthwith reported in the same manner. The 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 principal teacher in a common, semi-graded or consolidated rural school 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 state graded and state high school shall report to the principal or to the city superintendent, in like manner. ('11 c. 356 § 2) [2980]

3082. Children to be compelled to attend school—The county superintendent of schools shall forthwith notify the parent, guardian or person in charge to send such child to school of whose unexcused absence he has been informed, and upon their 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 school or the superintendent of a district maintaining a high school, or a city superintendent, shall proceed in like manner as provided in this section respecting the county superintendent of schools. Notification by registered mail shall be considered sufficient notice.

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

The county superintendent, city superintendent, principal of graded school or superintendent of a district maintaining a high school, as the case may be, shall make and file a criminal complaint against the person or persons neglecting or refusing to comply with the provisions of this act relating to the sending of a child or children to school, in any court in said county having jurisdiction of the trial of misdemeanors, and upon making of such complaint a warrant shall be issued and proceedings and trial be had as provided by law in cases of misdemeanor. All prosecutions under this chapter shall be conducted by the county attorney of the county wherein the offense is committed. ('11 c. 356 § 3; amended '21 c. 488; '23 c. 73) [2981]

3083. Failure to send children to school, etc.—Penalty—Any person who shall refuse or fail to send or keep in school any child or children of whom he has legal charge or control, and who is required by law to attend school, when notified so to do as hereinbefore provided, and any person who induces or attempts to induce any 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 shall be punished by a fine of not to exceed fifty (50) dollars, or by imprisonment in the county jail for not more than thirty (30) days. ('11 c. 356 § 4) [2982]

Rules of school board. 165-361, 206+642.

3084. Failure of officers, teachers, etc.—Penalty—Any school officer, truant officer, teacher of a public or private school, graded school principal, city superintendent or county superintendent of schools refusing, wilfully failing, or neglecting to perform any duty imposed upon him by the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine not to exceed ten (10) dollars, or by imprisonment in the county jail not to exceed ten (10) days. All such fines, when collected, shall be paid into the county treasury for the benefit of the school district in which such offense is committed. ('11 c. 356 § 5) [2983]

3085. Duties and powers of commissioner of labor—The commissioner of labor and his assistants shall assist in the enforcement of the provisions of this act, and shall have authority to examine the excuses granted under this act, 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. ('11 c. 356 § 6) [2984]

3086. School census—A complete school census shall be taken in every school district, common, independent and special, between July 1 and October 1, of all children between six (6) and sixteen (16) years of age, 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. The school census shall be taken by the clerk or the school board, or by some other person or persons appointed by the school board. Such person or persons taking such census shall make two extra copies thereof, shall certify to the school board the correctness of the enumeration and the information therein contained. The clerk shall retain the original in his office, send one copy to the county superintendent, and one copy to the principal teacher, principal or city superintendent of the school district, before the first day of school of each school year, or as soon as said census has been taken. The compensation for taking said school census and making the extra copies thereof shall be three (3) cents for each pupil enumerated, as shown by the census list, except that in cities the school board shall fix the compensation for this work. The superintendent of public instruction and high school board are authorized and directed to withhold the special state aid from any school district which shall fail in any year to take the school census until such census has been taken, as herein provided for. ('11 c. 356 § 7; amended '13 c. 548 § 1) [2985]

3087. 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. Whenever any truant officer learns of any case of habitual truancy or continued non-attendance of any child hereby required to attend school he shall immediately notify the person having control of such child to forthwith send to and keep him in school. He may arrest without warrant and take to school any such child, and shall act under the general supervision of the board, or, when directed by the board, under that of the city or district superintendent.

He shall transmit annually on or before the first day of July, each year, to the state superintendent of public instruction, a report of the number of cases of truancy and non-attendance investigated by him and the disposition made in each case. Such officer shall receive a salary, fixed by the board appointing him, but no fees. (R. L. § 1448, amended '11 c. 284 § 1) [2986]

3088. Juvenile courts to discipline delinquent children between 8 and 16 years of age—Such boards may maintain ungraded schools for the instruction of children of the following classes between eight and sixteen years of age:

1. Habitual truants.
2. Those incorrigible, vicious or immoral in conduct.

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 may cause them to be brought before the juvenile court of the county for appropriate discipline. (R. L. '05 § 1449, amended '09 c. 400 § 5; '17 c. 239 § 1) [2987]

Explanatory note—Laws '17 c. 239, § 2 repeals G. S. '13, § 2988.

3089. Penalty—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 by a truant officer so to do, and 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 shall be punished by a fine of not to exceed fifty dollars, or by imprisonment in the county jail for not more than thirty days. All such fines, when collected, shall be paid into the county treasury for the benefit of the school district in which such offense is committed. (1451) [2989]

3090. Investigation and aid to children—Every board of education or school board of any school district shall investigate or cause to be investigated, by a truant officer or other authorized officer, all cases reported to it or coming to its knowledge of any child within its jurisdiction required by law to attend school that it is claimed to be unable to do so by reason of the fact that the services of such child are required for the support of himself or herself, or to assist in the support or care of others legally entitled to his or her services, such person or persons being unable to support or care for themselves, and when such board of education or school board shall report to the county auditor of the county in which the school district is situated the facts as ascertained by them and that such relief is necessary, and thereupon the county board may after investigation, furnish such relief as will enable the child to attend school during the entire school year, such relief to be furnished by such county board from the poor fund of such county, and the board of education or school board of the school district shall furnish for the use of such child the necessary text books free of charge. ('21 c. 429 § 1)

3091. Teachers to report—The truant officer or other authorized officer shall notify the teacher to whom any child receiving aid under the provisions of this act may be assigned, and it shall be the duty of the teacher having charge of such child to report monthly to the board of education, or the school board of the school district, through the superintendent of schools, the progress such child is making in his or her school work, and the record of attendance, together with such other information as may be deemed necessary. Said truant officer or other authorized officer, shall receive the same compensation for the time engaged under the provisions of this act as he receives for similar services performed by him and shall be paid in the same manner. ('21 c. 429 § 2)

FARMERS' INSTITUTES

Farmers institute abolished. See § 53-45, herein.

3092. Board of administration — Superintendent — The board of administration of farmers' institutes shall

consist of six members, three of whom shall be regents of the university, selected by and holding office at the pleasure of the board of regents, and the remaining three, at the time of their taking office, shall be the presidents, respectively, of the state agricultural society, the state dairy association, and the state horticultural society; and they shall serve for three years, and until their successors qualify. When the term of any of the last three mentioned members expires, he shall be succeeded on the board by the person then president of the organization through which he became a member. The board shall elect from among its number a president and a secretary, and from outside its number a superintendent, whose term of office shall be two years, but who may be removed at the pleasure of the board. He shall receive a salary of fifteen hundred dollars per year, and his expenses necessarily incurred in the performance of his duties. (1452) [2990]

Appropriations, '19 c. 463 § 8; '21 c. 510 § 9; '23 c. 444 § 9.

3093. Duties of the board—The board shall arrange the institute circuits to be held annually, determine where and when the institutes shall be held, audit the accounts of the superintendent at the close of each fiscal year, such auditing to be final, and file them with the state auditor, and publish annually a handbook of practical agriculture, entitled "Farmers' Institute Annual," for free distribution among the farmers of the state. The expense of this publication shall be met from the annual appropriation hereinafter made. (1453) [2991]
115-446, 132+915.

3094. Institutes, their character and object—The dissemination of practical knowledge concerning agriculture, horticulture, and stock and dairy farming shall be the sole objects of the institutes. They shall be held at times and places most convenient to the farmers, and each meeting shall occupy from one to three days, with sessions mornings, afternoons, and, when practicable, evenings. All sessions shall be free and public, and shall consist of practical lectures on subjects pertaining to farm and home, with addresses, discussions, and illustrations of methods adapted to our agriculture. (1454) [2992]

3095. Superintendent's duties—The superintendent shall assist the board in arranging institute circuits, superintend the several institutes, engage instructors therefor, examine all bills for expenses and services payable out of appropriations for such purposes, and at the end of each fiscal year make a detailed report to the board of all institutes held under his direction, including therein the items of such expenses and services. (1455) [2993]

3096. Standing appropriation—The sum of eighteen thousand dollars is hereby annually appropriated for the purposes of such institutes. No warrant shall be issued for such purpose unless the claim be approved by the superintendent and by the president of the board. The average cost of the institutes for the necessary traveling expenses and board of the instructors, and their compensation, shall not exceed one hundred and fifty dollars, the expenses incurred in preliminary work not included. No money shall be spent for hall rent, fuel, lights, local advertising, or for the compensation of instructors other than those regularly employed. Expenses as allowed in this chapter for carrying on the institute work of the board, when made prior to August 1 in any calendar year when the legislative appropriation for said year has been exhausted, may be paid from an appropriation

already made and to become due on said August 1, and shall not be construed as creating a deficiency. (1456) [2994]

ACTIONS AND JUDGMENTS

3097. 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. (1457) [2995]
122-261, 142+325.

3098. 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. (1458) [2996]

35-309, 29+135; 49-106, 51+814; 54-385, 55+1112; 79-14, 81+533; 82-516, 85+518; 91-41, 97+416; 93-409, 101+952; 122-261, 142+325.

3099. 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 afterward stayed. (1459) [2997]
39-298, 300, 39+801; 43-495, 45+1097; 122-261, 142+325.

3100. Failure to pay—Tax levy—If such judgment is not satisfied, or stayed by appeal or otherwise, before the next annual meeting of the district, a certified copy thereof may be presented at its annual meeting, whereupon the district shall cause the amount of the judgment, with interest, to be added to the tax of said district. If such tax is not levied and certified to the county auditor on or before October 1 next after presentation as aforesaid, a certified copy thereof may be filed with such auditor at any time before he has extended the tax of such district, with an affidavit showing the amount remaining unpaid thereon, and the fact of such presentation to the district. Thereupon the auditor shall at once levy and extend such amount as a tax upon the property taxable within the district. (1460) [2998]

3101. When execution may issue—If the judgment is not paid within thirty days after the time when the proceeds of such levy become payable by the county treasurer of the district, execution may be issued thereon, to which any property belonging to the district shall be liable. (1461) [2999]

3102. Action when trustees resign, etc.—In case the trustees of any school district which has contracted an indebtedness shall remove or resign, and none are elected or appointed in their stead, an action to recover such indebtedness may be begun by service of the summons upon the county auditor, and any taxpayer of the district may defend such action in its behalf, or the auditor may be required by the voters of

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the district to defend the same upon being indemnified against the costs and expenses of such defense. (1462) [3000]

3103. Judgment, how satisfied—If judgment is recovered in any such action, the auditor, upon a certified copy thereof being filed with him, shall levy and extend upon and against the property taxable within the district an amount sufficient to pay the same, with interest. When such tax, or any part thereof, is collected, the county treasurer shall pay the same to the holder of the judgment until it is satisfied in full. And for this purpose the treasurer may use any money coming into his hands from taxes levied prior to the judgment for the payment of the same indebtedness. (1463) [3001]

STATE ART SOCIETY

3104. Objects—Membership—Reports—The Minnesota State Art Society shall advance the interests of the fine arts, develop the influence of art in education, and foster its introduction into manufacturers, and all moneys and property received by it shall be devoted solely to those ends. The society shall have a seal, and shall report in writing annually to the governor. Its membership shall consist of a governing board and of honorary, life and annual members, to all of whom certificates of membership shall be issued. No member shall receive compensation as such. A suitable room in the capitol shall be furnished to the society for its meetings and as a depository for its property. The works of art acquired by the society shall be the property of the state. (1464) [3002]

3105. Governing board—The governing board of the society shall consist of the governor and the president of the state university, as ex officio members, and seven other members, appointed by the governor by and with the advice and consent of the senate, each for the term of four years and until his successor qualifies. Included among such appointees there shall at all times be four artists or connoisseurs of art, one architect, one person prominently identified with education, and one directly interested in manufactures. The Art Workers' Guild of St. Paul, the Fine Arts Society of Minneapolis, and the art committee of the Minnesota Federation of Women's Clubs may submit lists of names to the governor from which he may make these appointments. Vacancies shall be filled, within one month, by like appointment for the unexpired terms, from the classes to which the retiring members belonged. (1465) [3003]

Governing board as agency of state government. See § 53-47 herein.

3106. Organization, powers and duties—The board shall elect a president, a vice-president, a secretary and a treasurer, who shall also be such officers of the society; the last two offices may be held by the same person. Four members shall constitute a quorum. The board may adopt by-laws and rules for the transaction of its business and the government of the society, hold and manage its gifts, bequests and property, and do all things necessary to the performance of the duties prescribed in this subdivision. It may confer prizes, mentions, medals and diplomas for works of art in painting, sculpture, architecture and manufacture when in competition under its rules; and it shall act as an advisory committee in the selection of works of art purchased by the state, and of designs for state public buildings. (1466) [3004]

3107. Membership—Any person who has rendered notable service in the promotion of the cause of art in

this state, may, if elected by the governing board, become an honorary member of said society. Upon recommendation of the governor, or of four honorary members, and the payment of a fee of \$100, any person, if elected by the society, shall be entitled to life membership therein. Upon recommendation of a member of the board, or of an honorary member, and the payment of a fee of \$1, any person, if elected by the society, shall be entitled to annual membership therein. (R. L. § 1467, amended '07 c. 422 § 1) [3005]

3108. Standing committees—Powers and general duties—The following committees, of three members each, shall be appointed by the board from among its appointed members: (1) An art lectureship committee, which shall provide an annual course of lectures on art or kindred subjects, to be delivered in whole or in part before the students of the state university, the agricultural school, the normal schools in turn, and the state teachers' association; this committee shall advise with the officers of state educational institutions and superintendents of public schools as to courses in drawing, design and art; (2) an exhibition committee, consisting of artists or judges of art, who shall provide an annual art exhibit, no two of which shall be held successively in the same city, of paintings, sculpture, drawings, carvings, pottery, tiling, cabinet work, wrought metal designs, exhibits of textile fabrics, and all art craft which in the judgment of the society tends to enhance the beauty and value of home manufactures; and (3) an art collection committee, which shall take charge of all works of art acquired by the society, and which, upon consent of the board, may purchase works of art whenever there shall be a sufficient surplus in the treasury, and may lend any or all of such collection in different parts of the state, according to the rules of the board. (1468) [3006]

3109. Annual exhibit—At each annual exhibit prizes shall be offered out of any moneys appropriated therefor to an amount determined by the board for the best original work done by a citizen of the state. Such prizes shall be given for paintings, sculptures, decorative designs, architectural drawings or models, and manufacturing designs or products. No work of art shall be exhibited unless it has been accepted by the exhibition committee. No member of such committee, and no relative by blood or marriage of any such member, shall be eligible to any such prize. (1469) [3007]

UNIVERSITY

3110. Board of regents of the state university—The government and general educational management of the state university is hereby vested in a board of regents, consisting of the governor, the commissioner of education and the president of the university, all as ex-officio members, and one member from each congressional district of the state to be appointed by the governor by and with the advice and consent of the senate. No person shall be eligible to appointment by the governor as a member of the board of regents unless he shall have been a resident of the congressional district from which he is appointed for at least five (5) years immediately preceding the time of his appointment. This act shall not terminate the term of any of the present members of the board, vacancies in the offices of appointive members shall be filled by the governor by the appointment of members from such congressional districts as are not represented on such board by an appointive member. Such board shall be a body corporate under the name of the University of

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Minnesota. It shall have a common seal and may alter same at pleasure. No appointive member of the board shall hold any other office, elective or appointive, under the State of Minnesota. ('23 c. 429 § 1)

The supervision, control and management of the Albert Lea State Experimental Creamery established by Laws 1911, c. 280, § 10, is transferred to and vested in the University of Minnesota, by Laws 1925, c. 238.

Laws 1927, c. 442, § 2 reads (in part) as follows: "Provided, that the Board of Regents of the University of Minnesota may use any money not specifically appropriated for other purposes, for acquiring land by purchase or condemnation. In case it is desired to use the fund for the acquisition of land, the power of eminent domain may be exercised either in accordance with Sections 4085 to 4091 inclusive, General Laws 1894, or Chapter 41 of the Revised Laws of 1905."

Section 2 repeals inconsistent acts, 104-359, 116+650; 125-194, 145+967.

3111. Term of office—Vacancies—The term of office of the regents shall be six years, and until their successors qualify, beginning on the first Wednesday in March succeeding their appointment. Any appointment to fill a vacancy shall be for the unexpired term. (1471) [3011]

3112. Officers—Meetings—Bonds—The board shall elect one of its members as president, and also a recording secretary and treasurer, neither of whom may be a regent, and in its discretion it may elect a vice-president. They shall hold office during the pleasure of the board. The annual meeting shall be held on the second Tuesday in December. Such special meetings may be held as the board may direct. Before entering upon the duties of his office, the president shall file with the secretary of state a bond to the state in the sum of ten thousand dollars, and the treasurer a bond in the sum of fifty thousand dollars, both to be approved by the governor, conditioned for the faithful performance of the duties of their respective offices. (1472) [3012]

3113. Duties of board—The board shall enact by-laws for the educational government of the university, and shall elect proper professors, including a professor in Scandinavian language and literature, teachers, officers and employees, and fix their salaries and terms of office, determine the moral and educational qualifications of applicants for admission, prescribe textbooks and authorities and courses of study, and, in their discretion, confer such degrees and diplomas as are usual in universities. It shall have supervision and control of the agricultural experiment station, and of the experimental tree station, and, with the advice of the president and secretary of the State Horticultural Society, shall appoint a superintendent of such tree station, who shall report to the board as it may direct, and to such society annually in person at its winter meeting. (1473) [3013]

By 1907 c. 101, the state assented to the grants of money authorized by an act of congress entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereon." See 1907 c. 12.

The board is by law exclusively vested with management of all educational affairs of the institution, and the courts have no jurisdiction to control its discretion; but, if the board refuses to perform any of the duties imposed upon it, mandamus lies (104-359, 116+650).

3114. Surveys and reports—It shall continue until completed all surveys and statistics as now provided by law, and make annual reports thereof to the governor, on or before the second Tuesday in December, showing the progress of the work, with necessary and proper maps, drawings and specifications, and shall lay the same before the legislature. Upon the completion of any separate portion of such surveys, it shall prepare a final report, embodying all important matters relating to such portion, and submit the same

in like manner, and, upon final completion of any survey, shall in like manner make a final report thereof. (1474) [3014]

3115. Specimens—The board shall cause proper collections, skillfully prepared, secured and labeled, of all specimens discovered or examined in such surveys, to be preserved in the university, in convenient rooms, and in charge of a scientific curator, for free public inspection. It shall also prepare duplicate collections for each state normal school, and for exchange with the Smithsonian Institution and with other universities and scientific institutions. (1475) [3015]

3116. Report of board—On or before the second Tuesday in December, the board shall make an annual report to the governor, showing in detail the progress and condition of the university during the preceding university year, its wants, the nature, cost and result of all improvements, experiments and investigations, the number and names of professors, teachers and students in each department, the amount of money received and disbursed, and such other matters, including industrial and economic statistics, as it may deem important. A copy of such report shall be transmitted to each college or university endowed by act of congress, and to the secretary of the interior. (1476) [3016]

3117. Power to accept bequests, etc.—The University of Minnesota may accept, in trust or otherwise, any gift, grant, bequest or devise for educational purposes, and may hold, manage, invest and dispose of the same, and the proceeds and income thereof, in accordance with the terms and conditions of such gift, grant, bequest or devise, and of the acceptance thereof; and any person or persons contributing not less than fifty thousand dollars to the university may endow a professorship therein, the name and object of which shall be determined by the board. (1477) [3017]

3118. Gift or bequest, how used—If the purposes of such gift, grant, devise or bequest are not otherwise limited by the donor, the University of Minnesota may use the same, or the proceeds thereof, for any of the purposes of the university, and may, among other things, construct buildings and acquire land. In case it is desired to use the same for the acquisition of land, the power of eminent domain may be exercised either in accordance with sections 4085 to 4091, inclusive, General Statutes 1894, or chapter 41 of the Revised Laws 1905. ('05 c. 187 § 2) [3018]

Section 1 is identical in language with R. L. § 1477.

3119. Funds to be deposited in state treasury—All such gifts, grants, bequests and devises, and the proceeds and income therefrom, and all securities pertaining thereto, shall be deposited in the state treasury for the use of the university, and subject to its order. (1478) [3019]

3120. Organization—The university shall comprise: (1) A college of science, literature and arts; (2) a college of agriculture, including military tactics; (3) a college of mechanic arts; (4) a college or department of law; (5) a college or department of medicine; (6) a college or department of dentistry. (1479) [3020]

See 1911 c. 8, being "An act to appropriate money to the department of agriculture of the University of Minnesota for the purpose of purchasing timothy, clover and redtop seed for settlers' lands, and for experimental purposes on state lands, burned over in part or in whole by the forest fires in the year 1910, and to provide for the manner of its distribution."

3121. Sectarian instruction prohibited—In the selection of professors, instructors, officers and assistants of the university, in the studies and exercises,

and in the management and government thereof, no partiality or preference shall be shown on account of political or religious belief or opinion, nor shall anything sectarian be taught therein. (1480) [3021]

3122. Duties of president—The president of the university shall be president of the general faculty and of the faculties of the several colleges or departments, and the executive head of the university in all its departments. Subject to the board of regents, he shall give general direction to the practical affairs and scientific investigations of the university, and, in the recess of the board, may remove any employee or subordinate officer, not a member of the faculty, and supply for the time any vacancy among such employees and officers. He shall be ex officio corresponding secretary of the board of regents, and may be charged with the duties of one of the professorships. (1481) [3022]

3123. Reports of president—On or before the second Tuesday in December of each year, he shall make a report to the state superintendent, showing in detail the progress and condition of the university during the previous university year, the number of professors and students in each department, and such other matters relating to the educational work of the institution as he shall deem useful, or as the state superintendent may require. He shall also at the same time report to the board of regents the progress and condition of the university during the same time, the nature and results of all important experiments and investigations, and such other matters, including industrial and economic facts and statistics, as he may deem useful, or as such board may require. (1482) [3023]

3124. Agricultural extension and home education—The board of regents of the University of Minnesota is hereby authorized and directed to establish a division of agricultural extension and home education in the department of agriculture of the University of Minnesota. ('09 c. 440 § 1) [3027]

Section 6 appropriates \$50,000 to the purposes of this act.

3125. Purposes of work—The purpose and work of said division shall be to devise and prescribe comprehensive elementary courses in the various phases of husbandry; to teach such courses to all persons in the state desiring instruction in them or any of them, in accordance with sections 4 and 5 of this act, by means of correspondence with them at their homes; by providing local lectures, demonstrations, instructions and any information calculated to elevate agriculture to a higher economic and social plane and make country life more attractive and to publish frequent home education bulletins which shall give in plain and practical form the results of the experiments and investigations of the various divisions of the state experiment station and sub-stations of the University of Minnesota and such other information as may be useful in any farm home. ('09 c. 440 § 2) [3028]

Sections 4 and 5 are §§ 3127, 3128, herein.

3126. Officers—Duties—That the officers of said division shall be a chief, who shall have general oversight and immediate charge of the work of said division; associates consisting of the chiefs of the divisions of investigation and instruction in the department of agriculture of the University of Minnesota who shall serve in an advisory capacity; an editor who shall edit and prepare for publication such material as the chief of the division may direct, and such other faculty, assistants and clerks as may be needed

for the greatest usefulness of said division. ('09 c. 440 § 3) [3029]

3127. Free instruction—That all persons who reside in the state of Minnesota shall have the right to take free of charge any courses of instruction offered in the division of agricultural extension and home education as provided for in section 2 of this act, and shall be subject to such rules and regulations as said division of agricultural extension and home education shall establish under the authority and direction of the board of regents of the University of Minnesota. ('09 c. 440 § 4) [3030]

3128. Bulletins—The home education bulletins authorized by this act shall be sent free to all persons resident within the state who shall request said bulletins to be sent to them. ('09 c. 440 § 5) [3031]

3129. Farmers' institutes—The board of regents shall co-operate, if it seems advisable, with the board of administration of the state farmers' institutes in carrying on the educational work provided for in this act. ('09 c. 440 § 7) [3033]

3130. Grain testing laboratory at agricultural college—That there shall be equipped and maintained under the direction and authority of the board of regents of the state university in some suitable building now situated upon the campus of the agricultural college at St. Anthony Park, a laboratory for the purpose of testing wheat and other grain as to their physical and chemical properties and commercial value, and for the testing of flour made from wheat so tested as to its bread-making qualities. ('09 c. 199 § 1) [3038]

3131. Tests, how made—Monthly bulletin—Such tests shall be made by competent instructors in chemistry who are now or who may be hereafter employed as such instructors at the said college of agriculture, and these tests shall be so made as to be educational in character and the results thereof shall be published in the regular monthly bulletin, or in a special bulletin if deemed necessary. Provided, that all tests asked for and requested by the state railroad and warehouse commission, the grain inspection department, and the state grain inspection board (boards of appeals) shall be made free of charge. ('09 c. 199 § 2) [3039]

3132. Department of agriculture—There is hereby created a department of agriculture for the state of Minnesota. Said department shall be in charge of a commissioner to be known as the "commissioner of agriculture," who shall be appointed by the governor for the term of four (4) years; shall receive a salary of forty-five hundred (\$4,500) dollars per annum, and before entering upon the duties of his office, shall take and subscribe the oath required of state officials and give his bond to the state of Minnesota, to be approved by and filed with the secretary of state for the sum of five thousand (\$5,000) dollars conditioned for the faithful performance of his duties. He shall be provided with a suitable office and equipment at the seat of government and shall have authority to appoint a deputy at a salary not to exceed three thousand (\$3,000) dollars per annum, and such other assistants, clerks and employes as occasion may require, and fix their compensation. ('19 c. 444 § 1)

3132-1. Assent to Congressional grants for agricultural experiment stations—That the State of Minnesota does hereby assent to the grants of money authorized by an act of the Congress of the United States entitled, "An act to authorize the more complete endowment of agricultural experiment stations, and for other purposes," approved February 24, 1925. ('25, c. 112)

Explanatory note—For act of congress of Feb. 24, 1925 see Mason's U. S. Code, annot. Title 7, §§ 370, 371, 373 to 376, 380.

3133. Co-operative associations among farmers—Statistics—Duty of regents—That in addition to the duties now imposed by law upon the board of regents of the state university, none of which shall be affected or abridged by anything herein contained, it is hereby made the duty of said board of regents of the state university to create in the department of agriculture under the supervision of said board a department to collect statistics and information in reference to co-operative associations among farmers and the management and methods of conducting such associations. Such information shall cover all matters relating to co-operative associations among farmers and relate to all subject matter proper or usual for co-operative action among farmers. ('13 c. 386 § 1) [3048]

3134. Dissemination of information—Duty of associations—It shall be the duty of said board through and by means of the employes of said board hereinafter provided for to disseminate such information among farmers desiring to form and operate such co-operative associations upon application therefor by any such co-operative association or any number of farmers desiring to form such a co-operative association such information shall not only cover the methods of organizing such co-operative association, but also information as to the law governing and regulating such co-operative association and such information as to the conduct and management of the business thereof as shall be necessary or essential for the proper management and conduct of such business. And it is hereby made the duty of all co-operative associations to report annually to said department on blanks provided for that purpose. ('13 c. 386 § 2) [3049]

3135. Employes, etc.—That for the purpose of carrying into effect the provisions of this act, the said board of regents are hereby authorized and empowered to employ a suitable and competent person as the head of said department and an assistant therefor, and also a stenographer and provide suitable and proper offices for such persons at such place as the board of regents shall determine, who shall receive such reasonable salary as the board of regents shall determine. ('13 c. 386 § 3) [3050]

3136. Department of pedagogy—That it shall be the duty of the board of regents to organize and establish in the University of Minnesota as soon as practicable a teachers' college, or department of pedagogy, for the purpose of affording proper professional training for those persons who intend to become public and high school instructors, principals and superintendents of schools. ('05 c. 120 § 1) [3051]

3137. Library—State publications—The general library of the University of Minnesota is hereby made a depository of all books, pamphlets, documents, maps and other works published by or under the authority of the state of Minnesota. ('05 c. 278 § 1) [3055]

3138. Duty of state officials—It shall be the duty of the secretary of state, and of all other officials and boards having the custody or distribution of such publications, to deliver to the said library one copy of each so soon as ready for distribution; and thereafter whenever different works are bound up together, one copy of each bound volume; provided, that the said library shall be entitled to receive 5 copies of the Legislative Manual. The said officers may in their discretion issue to the said library additional copies as requested by the librarian. ('05 c. 278 § 2) [3056]

3139. Transportation between university campus and farm—The board of regents of the state university is hereby authorized to provide adequate means for safe, convenient and rapid transportation of persons, supplies and materials between the university farm and the university campus and the transportation of persons from intermediate points to either the university campus or the university farm and from the university campus or university farm to intermediate points and for the transportation of supplies and materials to and from the university farm by means of a connection with the belt line railway operated by the Minnesota Transfer Railway Company; and to that end the said board of regents is hereby authorized to acquire by gift, purchase, condemnation or otherwise, such rights of way as may be deemed necessary, and to construct, maintain and operate lines of railway thereon and to make such contract or contracts with any railway company or companies for trackage rights, track connections and motive power or for the hiring of rolling stock or for the operation of the same as may be found necessary or expedient in carrying out the provisions and intent of this act. The board of regents shall prescribe the rate of fares which shall be charged for the transportation of persons, which fares when collected shall be kept in a separate fund and be used to defray the expense of maintaining and operating such railway. ('13 c. 257 § 1) [3059]

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MANAGEMENT OF STATE UNIVERSITY AND NORMAL SCHOOLS

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3140. Board of control divested of authority—How managed—Upon and after August first, nineteen hundred five, the board of control of this state shall be and is hereby divested of all authority, jurisdiction and control over the state university and the state normal schools of the state of Minnesota, except as hereinafter stated. The state university on and after said date shall be under the management, jurisdiction and control of the board of regents of the state university, and the state normal schools on and after said date, shall be under the management, jurisdiction and control of the state normal school board; and the said board of regents and said normal school board shall, on and after said date, have and possess all of the powers, jurisdiction and authority, and shall perform, subject to the restrictions herein contained, all of the duties by them possessed and performed on and prior to April first, nineteen hundred one, except as hereinafter stated. ('05 c. 119 § 1) [3060]

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3141. University—Purchasing agent—Estimates—Disbursements—Upon the date of assumption by the board of regents of the said management and control of the said university, the president of the said board of regents by and with the consent and approval of the members of said board, shall appoint a purchasing agent, whose duties shall be as herein provided for, and whose compensation shall be fixed by the said board of regents and paid out of the funds provided for the maintenance of said university. The said purchasing agent shall attend to the purchasing of all necessary supplies for the several departments of the state university. Previous to the termination of each quarterly period of the year, the dean or other executive head of each of the several departments of the state university shall prepare estimates in detail of all the supplies required for such department for the ensuing quarterly period. Prior to the opening of such quarterly period such estimate shall be submit-

ted by the said dean or other executive head of each of said departments to the executive committee of said board of regents, which estimate so submitted shall be carefully examined, and, if necessary, revised by said executive committee. Upon the approval of such estimate by such executive committee, the same shall be prepared in triplicate, and one of said estimates shall be retained by the said board of regents, and one thereof shall be delivered to and filed with said purchasing agent, and one thereof shall be delivered and filed with the state auditor of this state. Such estimates, bearing such approval, shall govern and control said purchasing agent in the purchasing of supplies for the several departments of the state university. No disbursements for such purposes shall be made except on the warrant or requisition of said purchasing agent. The said purchasing agent shall give bond in such sum as said board of regents shall require for the faithful and diligent performance of his duties. ('05 c. 119 § 2) [3061]

3142. Normal schools—Purchasing agent—Estimates—Disbursements—Upon the assumption by said state normal school board of the jurisdiction, management and control of the normal schools of this state, said board shall elect from its own members a purchasing agent, whose duties shall be as hereinafter stated, and whose compensation shall be fixed by said board and paid out of funds provided for the maintenance of said normal schools, a pro rata sum being paid by each school. He shall superintend the making of all purchases for said schools. Prior to the termination of each quarterly period the executive head of each school shall prepare and submit to him a detailed statement of the needs of said institution, including an estimate of the necessary supplies and expenditures for the quarterly period next succeeding. Said statement and estimate shall be submitted by him to said normal school board for revision and correction. When approved by said board it shall be prepared in triplicate by such purchasing agent, and one copy thereof shall be retained by said board for the use of such agent, one shall be delivered to the executive head of each normal school and one shall be filed with the state auditor. Such estimates shall govern and control the purchasing of supplies for the respective schools, and the money necessary to be disbursed therefor shall be paid out upon the warrant of said agent as hereinafter stated. Said agent shall at the commencement of each quarterly period set apart for the use of each school as a contingent fund, a sum not exceeding one hundred dollars. In addition thereto the supervision of the purchasing of all necessary supplies for said school, it shall be the duty of such purchasing agent to visit each of said schools at least once during each quarterly period, at which time the estimates for the succeeding quarter as herein provided, and a statement of the needs of said institution shall be submitted to him by the executive head thereof. He shall from time to time make reports to said normal school board of the business affairs of said schools, with such recommendations as he may deem proper. All salaries for resident directors heretofore paid or provided for are hereby discontinued. ('05 c. 119 § 3) [3062]

3143. Monthly statements—Payrolls—Each purchasing agent shall at the close of each month prepare in triplicate statements showing all purchases made by him during said month for the several institutions, the names and addresses of persons from whom said purchases were made and the several prices paid therefor. He shall accompany the same with an affidavit

that the statement is correct, that the articles therein specified were duly authorized by the proper board upon prepared statements and estimates, were received under his direction at the institution named therein, that the several prices paid therefor were reasonable, that said goods were of proper and stipulated quality and grade, and that neither he nor any person in his behalf has any pecuniary or other interest in said purchases, or has received or will receive in any way any pecuniary or other benefit therefrom. He shall also each month prepare in triplicate and cause to be receipted by the signatures of the several parties named therein, payrolls showing the monthly salaries and compensation of all officers, teachers and employes in said several institutions, and shall file one copy of said statement and said payroll with the president of the board of regents or president of the normal school board, as the case may be, and two copies with the state auditor. The auditor upon receiving the same shall draw his warrant upon the state treasurer for the amount called for in each expense list and payroll, and transmit the same to the treasurer, attaching thereto a copy of said expense list and payroll. Upon receipt of the same the treasurer shall send his checks to the several persons named therein for the amount of their respective claims. ('05 c. 119 § 4) [3063]

3144. Expenses of boards, how authorized and paid—No member of the board of regents or of the normal school board, and no person in the employ of either board shall be paid for any expense incurred, unless it shall appear that said expense was duly authorized by the executive committee or the president of the board, and an itemized, verified account of the same, accompanied by sub-vouchers, where said sub-vouchers are practicable, is furnished by the claimant, and filed with the state auditor for his written audit. Such verification shall state that said expense bill is just and correct and for money actually and necessarily paid or to be paid for the purposes therein stated. If said expense is to be incurred in visiting another state, then, before said visit is authorized or undertaken, the said executive committee or president must certify, in writing, the purpose of said visit, the necessity existing for the same, and the maximum expense to be incurred therefor, which certificate must be presented to the governor of the state for his approval. If he does not approve the same, the said visit shall not be undertaken. If the above provisions are complied with, the auditor shall pay such expense account in the same manner as monthly expenses and salaries are paid under the provisions of this act. ('05 c. 119 § 5) [3064]

3145. Exceeding appropriations—Penalty—It shall be unlawful for the board of regents or the normal school board to permit any expenditures for any purpose in excess of the amount appropriated or contemplated by law, and any member or agent of either of said boards violating this provision, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars or more than one thousand dollars, or be imprisoned in the county jail for not less than six months, or by both fine and imprisonment. ('05 c. 119 § 6) [3065]

3146. Authority of board of control—New buildings—The board of control shall have and exercise full authority in all financial matters of the several institutions named in this act, so far only as relates to the erection and construction of new buildings, the purchasing of fuel, and the placing of insurance on buildings and contents. When new buildings are to be erected and constructed by authority of the state, it shall be the duty of the board of control to cause to be

prepared plans and specifications for the same, but in so doing it shall consult with the local board in respect to said plans and specifications, and shall adopt and carry out so far as it deems practical, their request and desires in the matter. Provided that said state board of control may in its discretion authorize the controlling board of any institution, for which any building is authorized to be constructed, to construct such building in case the cost thereof does not exceed the sum of five thousand (\$5,000.00) dollars. If such authorization be granted said state board of control shall file its written consent thereto with the state auditor, and thereupon such building may be constructed under the direction of such controlling board.

The board shall not let any contract for the erection and construction of new buildings that may hereafter be constructed without first publicly advertising for at least two weeks in some legal newspaper published in the county, where the work is to be performed, for separate sealed bids for general construction, plumbing, heating, ventilating work required in the construction of such buildings, and for separate sealed bids covering the entire work required in such construction in which advertisement, the time and place shall be fixed for the opening of such bid, and that all such bids, shall be opened publicly, and a record of the same, giving the name of the bidder, the classification of the work or material bid upon, and the amount of the bid, shall be made and filed with the secretary of said board as a public record, and that no such contract shall be made and entered into except with competent and responsible contractors and builders who can furnish a good and sufficient bond as required by law. ('05 c. 119 § 7, amended '11 c. 36; '13 c. 561 § 1) [3066]

3147. Controller for university to give bonds—The board of regents of the state university is hereby authorized to appoint some suitable person to the office of "comptroller" for the university, which office is hereby created.

Such person shall hold office at the pleasure of the board of regents. Before entering upon the performance of his duties he shall give bond to the state in the sum of twenty thousand (\$20,000) dollars, conditioned for the faithful performance of his official duties. If a surety bond is given the cost thereof may be paid by the university from its appropriation for maintenance. The comptroller shall receive such compensation as shall be fixed by the board of regents, to be paid from the appropriations for maintenance of the university. ('17 c. 486 § 1)

3148. To have charge of business affairs of university—The comptroller shall have charge, under the general direction and supervision of the board of regents, of all the business affairs of the university, including accounting, purchasing of materials and supplies, the business relations of the university with the board of control, the administration of the financial budget of the university and the care of the buildings and grounds of the university. ('17 c. 486 § 2)

3149. To employ a chief accountant and other assistants—The comptroller, subject to the approval of the board of regents, may employ a chief accountant, purchasing agent and superintendent of buildings and grounds and such other employes as may be necessary to the proper administration of the duties hereinbefore devolving upon him. Such employes shall receive such compensation, to be paid from the appropriations for the maintenance of the university, as shall be fixed by the board of regents. ('17 c. 486 § 3)

3150. To formulate budget—It shall be the duty of the comptroller on or before the first day of August in each year to formulate under the direction of the board of regents, a "budget" for the ensuing fiscal year. Such budget shall contain a detailed estimate of the funds which will be available for expenditure by the university for the next ensuing year and apportionment of such funds for expenditure to the various colleges, departments and divisions of the university. A copy of such budget, approved by the board of regents, shall be filed with the comptroller and a copy thereof to the state auditor. The comptroller shall not make or authorize any disbursement except as provided for in such budget, without the written consent and direction of the board of regents. ('17 c. 486 § 4)

3151. Payment of salaries, etc.—The payment of salaries and supplies shall be in conformity with the budget as approved by the board of regents and the method of procedure shall be in conformity with the system approved by the state auditor, state treasurer, attorney general and public examiner. The dean or other acting head of the college or department shall certify the list of departmental instructors and employes as provided for in the budget. It shall not be necessary that such list be signed or received by the persons named therein and to whom payments are to be made. ('17 c. 486 § 5)

3152. Duties of purchasing agent—The purchasing agent hereinbefore provided for, shall have charge, under the general direction and supervision of the comptroller, of the purchase of all materials and supplies for the university and the several colleges and departments thereof, the purchase of which is not by law entrusted to any other board or officer. ('17 c. 486 § 6)

3153. Inconsistent acts repealed—All acts or parts of acts inconsistent with the provisions hereof are hereby repealed. ('17 c. 486 § 7)

3154. Not to modify chapter 174, General Laws Minnesota 1917—Nothing in this act shall in any way repeal, modify or affect chapter 174, General Laws of Minnesota for 1917, being a bill for an act to provide for the purchasing by the state board of control of stationery, furniture, supplies and equipment for all the governmental departments of the state, not now under the financial and exclusive management of said board, and repealing all acts and parts of acts inconsistent herewith, approved April 10th, 1917. ('17 c. 486 § 8)

Explanatory note—For Laws 1917, c. 174, see § 4431. herein.

RELIGIOUS EDUCATIONAL CORPORATIONS.

3155. Amendments to articles of incorporation authorized—Whenever heretofore the articles of incorporation of any educational corporation not for profit, incorporated under the laws of this state, have provided that persons to be members of said corporation must either be a minister, or other person delegated by a congregation which is a member of a particular church (such church being a religious and charitable corporation not for profit incorporated under the laws of this state) to the annual meeting of said church, or some other person entitled to vote at such meeting; and whenever the said church referred to in said articles (hereinafter called the "original church") has ceased to hold annual or other meetings as a separate organization, or to have any separate existence, but has become merged into another church of the same faith (hereinafter called the "successor church," such suc-

cessor church being also a religious and charitable corporation not for profit incorporated under the laws of this state), but the articles of incorporation of such educational corporation have not been amended prior to said merger of the original church into the successor church, with the result that there are no persons now qualified to be members of such educational corporation, as such members are defined in its articles of incorporation, but the said educational corporation is still in existence; then and in every such case it shall be lawful for the last elected board of trustees or other governing body of such educational corporation, or their survivors, by resolution adopted by at least a two-thirds vote of said survivors at any meeting of said board to amend the articles of incorporation of such educational corporation by striking from said articles, wherever it appears therein, the name of such original church, and inserting in lieu thereof the name of such successor church. ('23 c. 15 § 1)

3156. Manner of calling special meetings—A special meeting of said board of trustees or other governing body for the purpose of considering such resolution may be called by any member of said board to meet at any point within the State, upon twenty days written notice by mail to all the surviving members of said board stating the purpose of the meeting. Two thirds of the survivors of said board shall constitute a quorum at such meeting for the consideration of such resolution. Such resolution shall be embraced in a certificate duly executed and acknowledged by the president and secretary or other presiding and recording officers of said meeting under the corporate seal of said corporation, which said certificate shall be filed in the office of the Secretary of State and recorded in the offices of the Register of Deeds of the county in which the educational institution of said corporation is located, and said amendment shall become effective upon such filing and recording. ('23 c. 15 § 2)

For legislation affecting only isolated school districts and not applying generally throughout the state, see: '99 c. 345, amended '01 c. 25; '17 c. 275, provides for free tuition in the University to the amount of \$250.00 in favor of veterans of the Civil War, Spanish-American War or Mexican border service.

'05 c. 46, enlargement of school districts containing two or more incorporated districts.

'05 c. 132, provides for an agricultural school at or near the city of Crookston.

Laws '05, c. 268, amended Laws '09, c. 351 (G. S. '13, §§ 2753 to 2755) relates to powers of boards of education in cities of first class not operating under home rule charters and constituting special or independent school districts.

'07 c. 80 confirms the acceptance of a donation of \$150,000.00 for the Elliott Memorial Hospital, by the University of Minnesota, and provides for free treatment therein of indigent persons.

'07 c. 158, provides for free tuition for veterans of the Spanish-American War.

'07 c. 334, appropriates \$16,000.00 for purchase of a fruit breeding farm and provides for selection of site, etc.

'09 c. 131, provides for investigation and acceptance of lands belonging to federal government for a demonstration and experiment forest.

'09 c. 184, provides for acceptance from the United States of the Indian school at Morris that the same shall be held as an agricultural school and that Indians shall be admitted. '11 c. 159, provides for exchange of lands at Morris.

'09 c. 212, election of school inspectors in special districts.

'09 c. 238, election of trustees in common school districts between 1904 and 1908, and acts of board validated.

'09 c. 239, payment of salaries to trustees in districts containing ten or more townships validated.

'09 c. 240, election of trustees in districts containing ten or more townships validated.

'09 c. 255, contracts of independent school districts validated.

'11 c. 38, election of members of board of education in cities of less than 10,000 and more than 4,000 inhabitants.

'11 c. 142, provides for sub-experiment and demonstration farms at Duluth and Waseca.

'11 c. 148, amended '13 c. 445, compensation of school boards in districts containing ten or more townships.

'11 c. 233 tax levy in district organized under special law and containing less than 3000 inhabitants.

'11 c. 361, amended '13 c. 353, publication of proceedings in school districts, composed of ten or more townships.

'13 c. 72, amended '21 c. 292, levy by board of education in district organized under special law prior to 1867 and whose boundaries are coterminous with the boundaries of city of fourth class.

'13 c. 115, amended '15 c. 201, tax in special school districts having not less than 10,000 nor more than 20,000 inhabitants.

'13 c. 180, repayment of excessive taxes.

'13 c. 322, conveyances of school districts created by special law prior to January 1, 1867, validated.

'13 c. 369, change of sites of school houses validated.

'15 c. 11, amended '23 c. 433, precincts for elections in districts containing two or more villages. (162-304, 188-319).

Laws 1915, c. 27, § 3, repealed '11, c. 24 (G. S. '13, §§ 2919, 2920). Laws 1919, c. 27, § 3 repealed '15, c. 27. Laws 1919, c. 90, § 3 repealed Laws '15, c. 27 and Laws '19, c. 27. These repealed laws related to school taxes in school districts with not less than 20,000 nor more than 50,000 inhabitants. Laws 1919, c. 90 relates to the same subject; and was amended by Laws 1921, c. 58.

'15 c. 54, confirms real estate leases by the University.

'15 c. 358, authorizes condemnation of lands for school house sites in districts containing no incorporated cities or village.

'15 c. 378, authorizes the University of Minnesota to accept aid for agricultural extension work from federal government.

'17 c. 138, indebtedness of Stillwater School District validated.

'17 c. 166, school board of independent school district in city of first class operating under home rule charter may establish libraries, etc.

'17 c. 306, purchase of supplies by members of school board in common school districts.

'17 c. 387, provides special plan for consolidation of districts.

'19 c. 9, amended '21 c. 5, tax levy in special school districts.

'19 c. 239, amended '23 c. 234, detachment of agricultural land from cities and school districts.

'19 c. 253, amended Ex. Sess. '19 c. 60, additional levy by school districts in cities of over 50,000 inhabitants, not operating under home rule charter.

'19 c. 338, amended Ex. Sess. '19 c. 26; '21 c. 214, provides that veterans of any war in which the United States may have been involved shall receive free tuition in the University or normal schools to the amount of \$200.00.

'19 c. 289, provides additional tax for university buildings, authorizes anticipation of collections and authorizes acquisition of lands owned by Northern Pacific Railway Company within the present campus.

'19 c. 453, provides for an agricultural school at or near the city of Waseca.

'21 c. 77, bond elections city organized as school district under '03 c. 289.

'21 c. 144, levy for general purposes in special school districts having not less than 10,000 inhabitants.

'21 c. 225, provides for agricultural school at or near Grand Rapids.

'21 c. 332, additional tax by independent school district in city of first class operating under home charter, authorized.

'21 c. 357, tax levy and apportionment of same in counties having area exceeding 5,000 square miles and assessed valuation exceeding \$250,000,000.00.

'21 c. 400, relating to condemnation by the university of lands belonging to the Northern Pacific Railway Company.

'23 c. 64, conveyance by university of lands to Northern Pacific Railway Company.

'23 c. 66, voting precincts in independent school districts.

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