

CHAPTER 121

ADMINISTRATION AND SUPERVISION

121.01 DUTIES OF COUNTY SUPERINTENDENT.

HISTORY. 1864 c. 1 s. 5; G.S. 1866 c. 36 s. 49; 1877 c. 74 subc. 4 s. 5; G.S. 1878 c. 36 s. 62; G.S. 1894 s. 3743; R.L. 1905 s. 1379; G.S. 1913 s. 2878; G.S. 1923 s. 2973; M.S. 1927 s. 2973; 1941 c. 169 art. 2 s. 1.

The superintendent of schools employed by the board of education of the independent school district of Duluth is not within the protection of the teachers tenure act, and, the contract having expired July 31, 1943, the board is within its powers in not continuing his employment although he has served as superintendent for seven years. *Eelkema v Board*, 215 M 591, 11 NW(2d) 76.

A statute authorizing county boards in counties containing not less than 46 nor more than 49 townships and a population not less than 20,000 nor more than 27,500 to fix salaries, which is applicable only to Pine county, is unconstitutional as being another way of naming under the guise of a general law the only county which falls within such classification and as setting up an arbitrary classification which is not germane to purpose of the statute. *Hamlin v Ladd*, 217 M 249, 14 NW(2d) 396.

121.02 COUNTY SUPERINTENDENTS TO KEEP RECORDS.

HISTORY. 1861 c. 11 s. 26; 1862 c. 1 s. 12; 1864 c. 1 s. 7; G.S. 1866 c. 36 ss. 12, 51; 1877 c. 74 subc. 4 s. 8; G.S. 1878 c. 36 s. 67; G.S. 1894 s. 3751; 1905 c. 137 s. 2; G.S. 1913 s. 2831; G.S. 1923 s. 2902; M.S. 1927 s. 2902; 1941 c. 169 art. 2 s. 2.

121.03 MEETINGS OF DISTRICT OFFICERS.

HISTORY. 1864 c. 1 s. 6; G.S. 1866 c. 36 s. 50; 1877 c. 74 subc. 4 s. 5; G.S. 1878 c. 36 s. 62; G.S. 1894 s. 3743; R.L. 1905 s. 1380; G.S. 1913 s. 2879; G.S. 1923 s. 2974; M.S. 1927 s. 2974; 1941 c. 169 art. 2 s. 3.

121.04 BLANKS.

HISTORY. 1864 c. 1 s. 8; G.S. 1866 c. 36 s. 52; 1877 c. 74 subc. 4 s. 11; G.S. 1878 c. 36 s. 70; G.S. 1894 s. 3754; R.L. 1905 s. 1382; G.S. 1913 s. 2881; G.S. 1923 s. 2976; M.S. 1927 s. 2976; 1941 c. 169 art. 2 s. 4.

121.05 REPORTS TO COMMISSIONER OF EDUCATION.

HISTORY. 1864 c. 1 ss. 1, 5, 7, 8; G.S. 1866 c. 36 ss. 21, 49, 52; 1877 c. 74 subc. 4 s. 12; G.S. 1878 c. 36 s. 71; 1885 c. 57 s. 5; G.S. 1894 s. 3755; R.L. 1905 s. 1383; G.S. 1913 s. 2882; G.S. 1923 s. 2977; M.S. 1927 s. 2977; 1941 c. 169 art. 2 s. 5.

121.06 REPORTS TO AUDITOR.

HISTORY. 1861 c. 11 s. 29; 1862 c. 1 s. 19; G.S. 1866 c. 36 s. 19; 1877 c. 74 subc. 4 s. 13; G.S. 1878 c. 36 s. 72; G.S. 1894 s. 3756; R.L. 1905 s. 1384; G.S. 1913 s. 2883; G.S. 1923 s. 2978; M.S. 1927 s. 2978; 1941 c. 169 art. 2 s. 6.

121.07 FAILURE TO REPORT.

HISTORY. 1862 c. 1 s. 23; G.S. 1866 c. 36 s. 23; 1877 c. 74 subc. 6 s. 6; G.S. 1878 c. 36 s. 90; G.S. 1894 s. 3786; R.L. 1905 s. 1385; G.S. 1913 s. 2884; G.S. 1923 s. 2979; M.S. 1927 s. 2979; 1941 c. 169 art. 2 s. 7.

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121.08 DEPUTY SUPERINTENDENT.

HISTORY. 1877 c. 74 subc. 4 s. 14; G.S. 1878 c. 36 s. 73; G.S. 1894 s. 3757; R.L. 1905 s. 1386; G.S. 1913 s. 2885; G.S. 1923 s. 2980; M.S. 1927 s. 2980; 1941 c. 169 art. 2 s. 8.

121.09 SALARY OF COUNTY SUPERINTENDENT OF SCHOOLS; EXCEPTIONS.

HISTORY. 1861 c. 11 s. 25; 1862 c. 1 s. 9; G.S. 1866 c. 36 s. 53; 1877 c. 74 subc. 4 s. 4; G.S. 1878 c. 36 s. 61; 1881 c. 41 s. 8; G.S. 1894 s. 3742; 1895 c. 65; R.L. 1905 s. 600; 1911 c. 216 s. 1; G.S. 1913 s. 1010; 1915 c. 141 s. 1; G.S. 1923 s. 958; M.S. 1927 s. 958; 1941 c. 169 art. 2 s. 9; 1941 c. 471; 1945 c. 336 s. 1.

The county board cannot allow, as part of the salary fixed, a lump sum, not specified or segregated, for traveling expenses, not itemized, verified, or presented to the board. *Van Loh v County of Waseca*, 196 M 452, 454, 265 NW 298.

The county board can legally reduce the salary of the county superintendent, provided the board fixes it as provided by this section. OAG March 7, 1933.

The county board may not cut the salary of the superintendent of schools below \$12.50 for each organized school, including schools that have been consolidated. OAG March 8, 1933.

A county superintendent assuming office on the 7th of January is not entitled to pay for the first week in that month, the retiring official being entitled thereto. OAG Jan. 14, 1935 (399h).

The law providing that the superintendent of schools shall receive a minimum of \$1,600 a year does not mean that if during a calendar year there are two different persons holding that position each should receive that amount. OAG Jan. 14, 1935 (399h).

The salary of the county superintendent of schools cannot be reduced by the county board to a sum below that provided by law. OAG Jan. 22, 1935 (399h).

This section has no application to clerk hire. OAG Sept. 29, 1938 (162).

121.10 EXPENSES, HOW PAID.

HISTORY. 1877 c. 74 subc. 4 s. 4; G.S. 1878 c. 36 s. 61; G.S. 1894 s. 3742; 1895 c. 65; R.L. 1905 s. 600; 1911 c. 216 s. 2; G.S. 1913 s. 1011; 1919 c. 473 s. 1; G.S. 1923 s. 959; M.S. 1927 s. 959; 1941 c. 169 art. 2 s. 10.

Cash prizes may not be given for perfect school attendance and library certificates, but money may be expended for certificates showing perfect attendance or doing meritorious work. OAK May 31, 1933.

The board may pay the expenses of speakers for graduation exercises. OAG Sept. 10, 1937 (107b-1).

The expense incurred by the county superintendent of education in the purchase of class record books is a proper claim against the county, but expenditures for school officers and teachers manuals, clerk's order books, and receipts for retirement fund are not a proper claim against the county. OAG Aug. 10, 1939 (125B-27).

121.11 CLERICAL ASSISTANCE; CERTAIN COUNTIES.

HISTORY. 1877 c. 74 subc. 4 s. 15; G.S. 1878 c. 36 s. 74; 1885 c. 12 s. 1; G.S. 1894 s. 3758; R.L. 1905 s. 1387; 1911 c. 216 s. 3; G.S. 1913 s. 1012; G.S. 1923 s. 960; 1927 c. 342 s. 1; M.S. 1927 s. 960; 1935 c. 22; 1935 c. 353; 1941 c. 22; 1941 c. 169 art. 2 s. 11; 1943 c. 513 ss. 1, 2; 1945 c. 552 s. 1; 1945 c. 573 ss. 1, 2.

The superintendent of schools of Morrison county was not authorized to appoint an assistant and the county board cannot determine a salary for an assistant. OAG May 1, 1933.

Clerk hire in Clay county is limited to \$600.00 per year. OAG Sept. 29, 1938 (162).

121.12 COUNTIES EXCEPTED.

HISTORY. 1927 c. 342 s. 2; M.S. 1927 s. 960-1; 1941 c. 169 art. 2 s. 12.

The superintendent of schools of Morrison county was not authorized to appoint an assistant and the county board cannot determine a salary for an assistant. OAG May 1, 1933.

121.13 DELIVERY OF RECORDS ON RETIRING.

HISTORY. 1877 c. 74 subc. 4 s. 3; G.S. 1878 c. 36 s. 60; G.S. 1894 s. 3741; R.L. 1905 s. 601; G.S. 1913 s. 1014; G.S. 1923 s. 961; M.S. 1927 s. 961; 1941 c. 169 art. 2 s. 13.

It is the duty of the county superintendent to keep a record of reexaminations and revocations of licenses to teach, and such record is the best and the proper evidence of a revocation. *School District v Thelander*, 32 M 476, 21 NW 554.

121.14 TRAVELING EXPENSES.

HISTORY. 1907 c. 33 s. 1; 1919 c. 245 s. 1; 1921 c. 447 s. 1; G.S. 1913 s. 1016; G.S. 1923 s. 962; M.S. 1927 s. 962; 1941 c. 169 art. 2 s. 14.

Under this section the county board was not authorized to include in a lump sum the salary fixed for the county superintendent of schools and his traveling expenses. Such expenses could be allowed only upon presentation to the board of itemized and verified claims. *Van Loh v County of Waseca*, 196 M 452, 265 NW 298.

The authority of the county board to allow traveling expenses is limited to the allowance of duly itemized and verified claims for actual and necessary traveling expenses. *Van Loh v County of Waseca*, 196 M 452, 454, 265 NW 298.

The payment of a flat sum per month for the use of county officers and employees of their own automobiles in county business, irrespective of mileage traveled and without itemized verified claim, is illegal. OAG March 31, 1930.

This section is modified by section 350.11 so as to limit the allowance for the use of automobile to seven cents per mile. OAG May 23, 1931.

If the superintendent of schools hires a livery, she is entitled to be reimbursed by the county for the amount actually paid, provided that such amount is the usual and customary charge for such services. OAG Nov. 1, 1933.

121.15 CERTAIN DISTRICTS MAY EMPLOY HIGH SCHOOL SUPERINTENDENT.

HISTORY. 1864 c. 3 s. 5; G.S. 1866 c. 36 s. 49; 1877 c. 74 subc. 7 s. 10; G.S. 1878 c. 36 s. 103; G.S. 1894 s. 3800; R.L. 1905 s. 1331; G.S. 1913 s. 2768; G.S. 1923 s. 2841; M.S. 1927 s. 2841; 1941 c. 169 art. 2 s. 15.