

CHAPTER 125

SCHOOL BOARDS; POWERS AND DUTIES

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125.01 SCHOOL BOARD; MEMBERSHIP; TERMS. The care, management, and control of common and independent school districts shall be vested in a board of directors, to be known as the school board. The term of office of a director shall be three years and until his successor qualifies. The school board of each common school district shall consist of a chairman, a treasurer, and a clerk. The membership of the school board of each independent school district shall consist of six elected directors together with such ex-officio member as may be provided by law. But the school board, in any independent district may submit to the electors at any school election the question whether the school board shall consist of seven members and if a majority of those voting on the proposition favor a seven member board, a seventh member shall be elected at the next election of directors for a three-year term and thereafter the board shall consist of seven members. This section shall not apply to school districts in cities of more than 100,000 population.

[*R. L. s. 1312, 1313, 1314; 1909 c. 187 s. 2; 1939 c. 62 s. 4, 5; 1941 c. 169 art. 6 s. 1; 1949 c. 716 s. 6*] (2804, 2805, 2806)

125.02 ORGANIZATION OF BOARDS IN INDEPENDENT DISTRICTS. Within ten days after the election of the first school board in independent districts and annually thereafter on the first Saturday in July, or as soon thereafter as practicable, the board shall meet and organize by choosing a chairman, a clerk, and a treasurer, who shall hold their offices for one year and until their successors are elected and qualify. They may elect a superintendent who shall be ex officio a member of the board, but not entitled to vote therein.

[*R. L. s. 1315; 1925 c. 124; 1939 c. 62 s. 6; 1941 c. 169 art. 6 s. 2*] (2807)

125.03 VACANCIES. A vacancy in any school board or board of education elected by the people shall be filled by the board at any legal meeting thereof until such vacancy can be filled by election at the next annual meeting or election. Such appointment shall be evidenced by a resolution entered in the minutes. All elections to fill vacancies shall be for the unexpired term.

[*R. L. s. 1316; 1909 c. 187 s. 3; 1941 c. 169 art. 6 s. 3*] (2811)

125.04 SPECIAL ELECTION TO FILL VACANCY. If the board shall fail for ten days to fill any vacancy, a special meeting or election may be called for that purpose by ten days' posted notice signed by three qualified voters, freeholders or householders of the district, setting forth the object of the meeting or election. Officers elected at such meeting or election shall hold for the unexpired term, but no

such meeting or election shall be held within 30 days before the annual election or annual meeting in districts containing less than ten townships nor within 30 days before the general biennial state election in districts embracing or containing ten or more townships.

[*R. L. s. 1317; 1909 c. 187 s. 4; 1941 c. 169 art. 6 s. 4*] (2812)

125.05 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.

[*R. L. s. 1319; 1933 c. 238; 1941 c. 169 art. 6 s. 5*] (2814)

125.06 POWERS AND DUTIES OF SCHOOL BOARDS. Subdivision 1. **General powers.** The school board shall have the general charge of the business of the district, the school houses, and of the interests of the schools thereof.

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

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

Subd. 4. **Improvements, insurance, and repairs.** It shall provide proper out-houses for the schools, plant shade trees and shrubbery and otherwise improve school sites, procure insurance on school property, and make proper ordinary repairs thereon.

Subd. 5. **Rental of rooms.** When necessary it shall lease rooms for school purposes.

Subd. 6. **Heating and care of schools and garages.** It shall provide for the heating and care of school houses and rooms and may provide for the heating and care of garages which house school buses.

Subd. 7. **Use of schools for other than school purposes.** It may authorize the use of any school houses in the district for divine worship, Sunday schools, public meetings, elections, and such other community purposes as, in its judgment, will not interfere with their use for school purposes; but before permitting such use, the board may require the bond of some responsible party, in the penal sum of \$100, conditioned for the proper use of such school house, the payment of all rent and the repair of all damage occasioned by such use, and it may charge and collect for the use of the district from the persons using such school house such reasonable compensation as it may fix.

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

Subd. 8. **Protection of property of districts.** It may make rules and regulations respecting the protection of the property of the district and prescribe penalties for a breach thereof to be recovered, for the use of the district, as penalties in other cases, before a justice of the peace, and change or repeal such rules.

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

Subd. 10. **Employment of teachers.** It shall employ and contract with necessary qualified teachers and discharge the same for cause.

Subd. 11. **Admission of nonresident and over-age pupils.** It may provide for the admission to the schools of the district, of non-resident pupils, and those above school age, and fix the rates of tuition for such pupils. In case a person owns land

and pays the taxes thereon, in a common or an independent school district other than the one in which he resides, then such person or his tenant shall be admitted to all the benefits of said school the same as residents therein, in respect to elementary pupils upon conforming to such reasonable terms for tuition and transportation as the board of education of such school district may have established for non-residents, except that he shall be entitled to have the amount of school taxes which he pays to the support of said district applied in payment of said tuition and transportation fees. In the payment of state aid, the district in which the pupil attends shall be considered the district of his residence because of the provisions of this subdivision.

Subd. 12. Instruction of pupils in other districts. It may, by majority vote, provide for the instruction of any resident pupil in another school district when inadequate room, distance to school, unfavorable road conditions, or other facts or conditions make attendance in his own district unreasonably difficult or impractical, in which case such district shall pay to the district so attended the tuition agreed upon or charged, and may provide transportation; provided, that such pupil shall continue to be a pupil of the district of his residence for the payment of apportionment and other state aids.

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

Subd. 14. Transportation of pupils. It may provide for the free transportation of pupils to and from school, and to schools in other districts for grades and departments not maintained in the district, including high school, at the expense of the district, provided funds for such purpose are available and if agreeable to district to which it is proposed to transport the pupils, for the whole or such part of the school year as it may deem advisable, and subject to such rules and regulations as it may adopt. It shall require from every bus driver a bond conditioned upon the faithful discharge of his duties to be approved by the local school board. Every driver shall possess all the qualifications required by the rules of the state board of education. If high school pupils from a district within this state are being transported to a school in another state, the school board of the district from which the pupils are being transported may provide free transportation and tuition for any or all of its elementary pupils to such school in another state and be entitled to state aid as provided by law.

Subd. 15. Control of school and quasi school activities. It may, and, upon vote of the district, shall, take charge of and control all school and quasi school activities of the teachers and children of the public schools in that district held in the school buildings or school grounds or under the supervision or direction of the school board and to that end adopt rules and regulations for the conduct of athletic, oratorical, musical, dramatic, and other contests and entertainments in which the schools of its district or any class or pupils therein may participate. All money received on account of such entertainments and contests shall be turned over to the school district treasurer, who shall keep the same in a separate fund to be known as the school auxiliary fund, to be disbursed for expenses connected with such entertainments or contests, or otherwise, by the school board upon properly allowed itemized claims. Where the district has taken charge and control of such funds the treasurer and his bondsmen and legal depositories shall be subject to the same liability for such funds as for other school funds as provided by law and such funds shall be considered public funds for the purposes of examination and auditing. Any donations to the school district for specific objects, and purposes and other than for the primary purposes of the district, shall be placed in the fund hereinbefore referred to and in like manner disbursed; the request of the donor thereof being complied with in regard to the purpose of such disbursements, if the school board shall consider that the interest of the district will be promoted thereby.

No such school or quasi school entertainment or contest in any district in which the school board shall act under the provision of this subdivision shall be participated in by the teachers or pupils in the public schools of such district, nor shall the school name or any allied name be used in connection therewith, except by consent and direction of the school board.

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

Subd. 17. County school officers' meetings. It shall defray the necessary expenses of the board, including \$5.00 per day for attending one meeting of the school boards of the county in each year, when called by the county superintendent, and five cents per mile in going to and returning from such meeting.

Subd. 18. County school officers' association. The school board of any school district of this state may become a member of the county school officers' association of the county and shall appoint one or all of its members to attend the annual meeting thereof. The amount of the annual membership dues in such association shall not exceed \$2.00, which amount shall be paid as other expenses of the district are paid.

Subd. 19. Minnesota school board association. The school board of any school district of this state by a two-thirds vote may become a member of the Minnesota school board association and by a similar vote appoint one of its members to attend the annual meeting thereof and the amount of the annual membership dues in such association and the actual and necessary expense incurred in attending such meeting shall be paid as other expenses of the district are paid.

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

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

Subd. 22. Evening schools. The school board of any school district or of unorganized territory may establish and maintain public evening schools as a branch of the public schools and such evening schools when so maintained shall be available to all persons over 16 years of age who, from any cause, are unable to attend the full-time school of such district.

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

[R. L. ss. 1320, 1321, 1324; 1907 c. 445 s. 1; 1915 c. 25; 1917 c. 112 ss. 1, 2; 1917 c. 417; 1923 c. 431 s. 1; 1925 c. 98; 1927 c. 34; 1927 c. 370 ss. 1, 2; 1929 c. 12; 1933 c. 105; 1937 c. 80 ss. 1, 2; 1937 c. 167 s. 1; 1941 c. 169 art. 6 s. 6; 1941 c. 516; 1943 c. 118 s. 1; 1943 c. 266 s. 1; 1945 c. 365 s. 1; 1947 c. 492 s. 1; 1947 c. 633 s. 1; 1949 c. 381 s. 1; 1949 c. 732 s. 1] (2815, 2816, 2816-1, 2816-2, 2816-3, 2817, 2818, 2823-1, 2825, 2849-4, 2849-5)

125.065 PURCHASE OF BUSES. Subdivision 1. **Instalment purchase.** School boards which are authorized to purchase school buses may purchase the same on the instalment plan, the instalments to be all paid within a period of not to exceed three years from the date of purchase, and the deferred payments to bear a rate of interest of not to exceed four per cent per annum.

Subd. 2. Emergency exit. No school board shall enter into any agreement for the transportation of pupils in any motor vehicle, or operate any school bus, with a seating capacity of more than ten passengers, unless each vehicle used for such purpose have an emergency exit located in the center of the rear portion of the bus body, and the exit to be in condition for use at all times. No school board shall hereafter purchase any school bus with a seating capacity of 43 pupils or more, if such bus is to be used on rural roads or highways, unless it be mounted on a chassis equipped with tandem rear axles. No school board shall hereafter enter into any agreement for the transportation of pupils on rural roads or highways in any motor vehicle which has a seating capacity of 43 pupils or more unless it be mounted on a motor chassis equipped with tandem rear axles; provided, however, existing agreements for school buses for the transportation of pupils in motor vehicles with a capacity of 43 or more pupils may be renewed for the particular motor vehicles named in said existing agreements even though such bus be not mounted on a chassis equipped with tandem rear axles. All such vehicles used in the transportation of pupils shall conform to the rules and regulations of the state board of education.

Subd. 3. Persons accommodated. School boards may provide transportation service for resident and non-resident pupils and use such equipment for the transportation of pupils for curricular, extra-curricular, and recreational activities. Any school district transporting pupils of the district may transport pupils residing outside of such district but attending school therein upon school pupils presenting themselves within the district on one of the regular routes traveled in the transportation of the pupils of the district.

Subd. 4. Permission of state board. School districts may use such transportation equipment for the transportation of non-resident pupils upon permission from the state board of education; but no special state aid shall be paid for any non-resident pupil transported or boarded illegally or contrary to the standards established by the state board of education. The state department of education shall formulate such rules and regulations as may be necessary to the end that there shall be no competition between school districts for the enrollment of students.

Subd. 5. Driver to give bond. Each bus driver employed by a school district shall give a bond, conditioned upon the faithful discharge of his duties, to be approved by the school board of such district. Each driver of a school bus shall possess the qualifications required by the rules of the state board of education and comply with the rules and regulations adopted by the state board of education and by the local school board and make such reports to the local superintendent or school board as are required by such rules.

Subd. 6. Insurance. The school board of any district of this state may provide for the protection of school children in the district being transported for all school purposes or activities in district owned, operated, leased, or controlled motor vehicles, against injuries or damages arising out of the operation thereof. If the school board deems it advisable, insurance may be procured and paid for from any funds available. Any insurance contract covering such risk shall contain, as a condition precedent, a clause or provision expressly waiving the defense, by the insurer, that the school district is engaged in a governmental function. The payment of any insurance premiums by such school district shall not hereby make the school district liable for any injuries or damages incurred by such transportation.

Subd. 7. Snow removal. The school board of any school district may enter into contracts with the state, or any political subdivision thereof, or any corporation, partnership, association, or individual, for the removal of snow from roads used for regular bus routes transporting pupils to and from school either within or without the district.

[1941 c. 333; 1945 c. 373 s. 1; 1949 c. 601 s. 1]

125.066 SCHOOL DISTRICT MAY RENT SCHOOL BUS. Subdivision 1. **Not to interfere with school use.** A school district may rent to any person, for any lawful purpose, any school bus owned by the school district. The use and operation of such school bus by such person shall not interfere with the use and operation of such bus by the school district for the transportation of school children to and from school.

Subd. 2. Motor vehicle tax. Any such lessee so leasing or renting school buses may use and operate the same as provided in this section without the payment of a motor vehicle tax thereon as provided for in Minnesota Statutes 1941, Chapter 168.

Subd. 3. Lessee liable in tort. Any such lessee shall be liable for any and all claims for injuries and damages arising out of the use and operation of any bus so leased or rented; and the leasing or renting of any such bus shall be conditioned upon said lessee or renter procuring, at his own expense, insurance protecting said school board and said school district against any and all claims for injuries and damages arising out of the use and operation of said bus.

[1947 c. 565 s. 1-3]

125.07 ADDITIONAL POWERS AND DUTIES OF SCHOOL BOARDS IN COMMON DISTRICTS. Subdivision 1. **Budget and tax levy.** The school board of every common school district shall submit to the annual school meeting an estimate of the expenses of the district for the coming year for a school term as determined by the board and for such other specified purposes as the board may deem proper and, if such meeting shall fail to vote a sufficient tax to maintain a school for such time, the board shall levy such tax; but no such school board shall expend any money or incur any liability for any purpose beyond the sum appropriated by vote of the district for such purpose, or levied by the board pursuant to this subdivision, or on hand and applicable thereto.

Subd. 2. Residences for teachers. Common school districts, when authorized by a two-thirds majority of all the electors voting at an annual or special meeting, are hereby empowered to erect, purchase, or acquire a dwelling house for the use of its teachers; provided, that the proposition shall be submitted only at a meeting or election the notice of which stated that such proposition would be considered or submitted thereat.

Subd. 3. Powers of independent school district board. The school board of every common school district which is maintaining, or shall maintain, an accredited high school or high school department shall have and possess all of the powers and duties now or hereafter vested in the school board of independent school districts. In a common district having an assessed valuation of more than \$2,000,000, none of the powers of an independent district shall be extended to, or be assumed by, such district except the provisions of law relating to courses of study and the hiring of teachers and superintendents.

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

[R. L. s. 1324; 1913 c. 476 s. 1; 1917 c. 306; 1931 c. 109; 1931 c. 188 s. 1; 1941 c. 169 art. 6 s. 7; L. 1947 c. 74 s. 1, 2] (2803-1, 2825, 2831, 2849-1)

125.08 ADDITIONAL POWERS AND DUTIES OF SCHOOL BOARD IN INDEPENDENT DISTRICTS. Subdivision 1. **Kindergarten.** The school board of any independent school district may establish and maintain one or more kindergartens for the instruction of children above four, and under six, years of age.

Subd. 2. Gifts, donations, bequests. It may receive, for the benefit of the district, bequests, donations, or gifts for any proper purpose and apply the same to the purpose designated. In that behalf, the board may act as trustee of any trust created for the benefit of the district, or for the benefit of pupils thereof, including trusts created to provide pupils of the district with advanced education after completion of high school, in the advancement of education.

Subd. 3. Removal of board members. It may remove, for proper cause, any member or officer of the board and fill the vacancy; but such removal must be by a concurrent vote of at least four members, at a meeting of whose time, place, and object he has been duly notified, with the reasons for such proposed removal, and after an opportunity to be heard in his own defense.

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

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

Subd. 6. Publication of proceedings of board. It shall cause to be published once, in some newspaper published in such school district, or, if there be no newspaper so published therein, in some newspaper published in the county in which such school district is located, official proceedings of such board; and such publication shall be made as soon as may be and not later than 30 days after the meeting at which such proceedings were had. Such publication shall be let annually by contract to the lowest bidder at the first regular meeting of the board after the annual election in such district. The fees for publication shall not exceed the fees for publication of legal notices as prescribed by Minnesota Statutes 1945, Section 331.08, as amended by Laws 1947, Chapter 318.

[R. L. s. 1323, 1325; 1915 c. 360 s. 1; 1919 c. 496 s. 1; 1941 c. 169 art. 6 s. 8; 1947 c. 377 s. 1; 1947 c. 495 s. 1; 1949 c. 112 s. 1] (2797, 2824, 2826)

125.09 ADDITIONAL POWERS OF SCHOOL BOARD IN CONSOLIDATED DISTRICTS. Subdivision 1. **Power to provide schools, sites, transportation, residence for teachers.** The board in a consolidated school district shall arrange for the attendance of all pupils living two miles or more from the school, through suitable provision for transportation or for the boarding and rooming of such pupils as may be more economically and conveniently provided for by such means. The

board in a consolidated school district is authorized to provide for the transportation of pupils or expend a reasonable amount for room and board of pupils whose attendance at school can more economically and conveniently be provided for by such means; locate and acquire sites of not less than two acres and erect necessary and suitable buildings thereon, including a suitable dwelling for teachers, when money therefor has been voted by the district. They shall submit to the commissioner of education a plat of the school grounds, indicating the site of the proposed buildings, plans, and specifications for the school building and its equipment, and the equipment of the premises.

Subd. 2. Residence for teachers in certain districts. The school board of any consolidated school district which does not contain within its limits an incorporated city or village may purchase or acquire by condemnation proceedings, as provided by law for acquiring school house sites, in the name and on behalf of such school district, a suitable tract of land within the limits of the district to be used for the purpose of erecting buildings thereon for use for dwelling purposes by teachers or other employees of the district and may erect such buildings on this tract or on any other real estate owned by the district. The school board of any such district may also sell, lease, or otherwise dispose of such property so built or acquired when deemed advisable and for the best interest of the district.

Subd. 3. May build sidewalks in certain cases. The governing board of any consolidated school district, which now or hereafter includes within its limits two villages, may appropriate and expend money to build or assist in building sidewalks for the use of pupils and the general public connecting with sidewalks in these villages and leading to the school house. The village council of any such village may likewise appropriate money for the same purpose or to assist the school district.

[1915 c. 238 s. 8; 1933 c. 50 ss. 1, 2; 1941 c. 169 art. 6 and 7 s. 9] (2761, 2780-18, 2780-19)

125.091 ADDITIONAL POWERS OF SCHOOL BOARD IN ALL DISTRICTS.

Subdivision 1. Certain districts may sell emergency tax anticipation certificates. Any school district whose tax levy in the year 1947 exceeds \$40 per capita of the population of the district according to the last state or Federal census, and in which the Board, by resolution adopted by a two-thirds vote, shall determine that the estimated receipts from all sources during the years 1948 or 1949 will be insufficient for the proper operation of the schools, may issue emergency tax anticipation certificates in an amount not exceeding, in the aggregate, \$2.50 per capita of the population of the district in the year 1948 and not exceeding \$5.00 per capita of the population of the district in the year 1949; provided, if the population of such district is less than 2,500 it may issue such certificates in an amount equal to \$5.00 per capita in each of such years. Such certificates may be issued and sold from time to time to supply additional funds for the operation of the schools of the district in said years, and the district may expend the amounts received from the sale of such certificates notwithstanding the provisions of any law limiting the expenditures of said district.

Subd. 2. Denominations; full faith and credit pledged. Such certificates shall be issued in such denominations as the board may determine, shall bear interest at such rate as may be fixed by the board, not exceeding four per cent per annum, and shall be sold for not less than par and accrued interest. They shall be due and payable at such times as may be fixed by the board, not later than December 31st of the second year following the year in which issued. The board may pledge the faith and credit of the district and the levies authorized hereunder for the payment of such certificates in full, and they shall be a first charge upon the levy so pledged. In the event that at the time of the issuance of any of such certificates the district shall have money in the hands of the treasurer levied for its operation in the following calendar or fiscal year, it may issue such certificates to the treasurer, in lieu of selling them as heretofore provided, in which event funds equal to the face value of such certificates may be transferred so as to be available for expenditures in the year of issuance. Certificates so issued to the treasurer shall be held by him, and may be sold under the direction of the board when necessary to replace the funds so advanced, and shall bear interest from the date of such sale.

Subd. 3. Tax levy. At the time of making its general tax levy in the year 1949 the district may levy a tax in excess of any existing limitations in an amount sufficient for the payment of any such certificates issued in the year 1948 with interest

thereon. At the time of making its general tax levy in the year 1950 the district may levy a tax in excess of any existing limitations in an amount sufficient for the payment of any such certificates issued in the year 1949 with interest thereon. Monies levied for such purpose shall be put into a special fund and shall be used for no other purpose than the payment of such certificates, and any balance in said fund after the payment thereof shall be applied towards the reduction of subsequent tax levies of the district. If certificates have been issued to the treasurer pursuant to the provisions hereof, instead of being sold, levies shall be made in accordance with the provisions of this section for the reimbursement of the monies transferred as hereinbefore provided.

Subd. 4. Prerequisite conditions for issuance of certificates. Before issuing the first certificates in any year the board shall adopt a resolution fixing the budget of estimated receipts and expenditures of the district for said year, and showing specifically the estimated total current expenditures and the estimated total non-instructional expenditures. No certificates shall be issued hereunder unless either (a) less than 35 per cent of the total expenditures of the district during said year under said budget will be expended for non-instructional costs, or (b) the board, in adopting such budget, shall have reduced the expenditures for non-instructional purposes to the lowest percentage of the total expenditures consistent with the proper operation of the schools of the district. Limitation of the expenditures for non-instructional costs during said year to the percentage of total current expenditures shown by said budget may be enforced by action in the district court at the suit of any taxpayer. The resolution fixing such budget and setting forth that the requirements of either clause (a) or clause (b) of this section have been complied with shall be published at least once in a legal newspaper published in said district, or if no legal newspaper is published in said district, in the county in which the district is located. No certificates shall be issued hereunder until more than thirty days subsequent to the date of such publication. Within such period any taxpayer may bring action to enjoin the issuance of such certificates upon the ground that the requirements of neither of said alternative clauses of this section have been complied with, and if the court shall find that such district has not complied with such requirements it shall enjoin the issuance of such certificates or the making of any expenditures in excess of those permitted by other laws applicable to such district until the requirements hereof have been complied with. The court may issue such temporary restraining orders and injunctions pending final determination of any such action as it may deem proper. In the absence of the issuance of any restraining order or injunction by the court within such thirty-day period, or upon the dismissal of any such restraining order or injunction, no defense may be interposed against such certificates of indebtedness in the hands of a holder thereof by reason of the provisions of this section.

Subd. 5. Definitions. Within the meaning of this section: (a) the word "year" means calendar year unless a district keeps its accounts on a school or fiscal year basis, in which event such word shall mean the school or fiscal year ending in the calendar year specified; (b) the expression "total current expenditures" means the total expenditures of the district during a year for all purposes other than (1) bonds and interest thereon, and certificates of indebtedness authorized hereby and interest thereon, (2) improvements properly chargeable as capital outlay, (3) transportation, (4) health service, and (5) that portion of the expenditures for special non-instructional activities which is recovered by charges or reimbursement collected therefor; (c) the expression "non-instructional costs" means all that part of total current expenditures which is not expended for instructional salaries, including teachers and superintendent, text and library books, instructional supplies, and other costs of instruction as defined by the State Department of Education.

[1947 c. 575 s. 1-5]

125.10 POWER OF EMINENT DOMAIN IN CERTAIN CASES. In any municipal corporation or school district in this state where the governing body or school board has the right, power, and authority to purchase sites for school buildings without authorization by the voters at a regular or special meeting or election called for that purpose, such governing body or school board shall have the right, power, and authority to condemn lands under the right of eminent domain for site and grounds for public school buildings and such power and authority shall be exercised under and pursuant to the terms and provisions of chapter 117. Any such corporation or school district shall have the right, upon the filing of the award of

the commissioners provided for in chapter 117, and upon giving the notice therein required of the filing of such award, to enter upon and appropriate the lands so condemned without 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 the commissioners or by the court upon appeal therefrom, together with all costs and expenses adjudged against it therein, within the time specified in chapter 117. In case any such corporation or school district shall appeal from the award of commissioners appointed pursuant to any such condemnation proceedings, such corporation or school district shall not be required to give or file any appeal bond therein.

[1921 c. 266 s. 1; 1941 c. 169 art. 6 s. 10] (2819)

125.11 CONDEMNATION OF CERTAIN TRACTS IN SCHOOL DISTRICTS. Any school district is hereby authorized and empowered to acquire for school purposes under the right of eminent domain any tract of land dedicated, attempted to be dedicated, or designated, as a public square in any town plat of land within, or partly within, such school district and not within the limits of any incorporated village, borough, or city.

[1925 c. 286; 1941 c. 169 art. 6 s. 11] (2819-1)

125.12 CONDEMNATION OF PUBLIC EASEMENTS IN CITIES OF THE FOURTH CLASS. Any school district of which the greater portion lies within the corporate limits of a city of the fourth class may, with the consent of the governing body of the 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.

[1927 c. 35; 1941 c. 169 art. 6 s. 12] (2819-2)

125.13 LANDS FOR USE IN AGRICULTURAL EDUCATION. The board of education or other governing body of any school district in which instruction in agriculture is afforded is authorized and empowered to purchase or otherwise acquire by condemnation proceedings as provided for acquiring 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. The provisions of this section shall apply as well to districts organized under special acts as under the general laws, notwithstanding any provisions or restrictions in the laws under which the same are organized.

[1913 c. 258 ss. 1, 2; 1941 c. 169 art. 6 s. 13] (2820, 2821)

125.14 DISCONTINUANCE OF SCHOOLS IN CERTAIN DISTRICTS; TRANSPORTATION OF PUPILS. The school board of any district in any emergency or upon authorization by a majority of the voters present at any regular or special school meeting of the district, may provide for the instruction of its pupils in an adjoining or nearby district and, in such case, may discontinue the schools of its own districts or of any grades in said schools, in which case it shall provide for the free tuition and transportation of the pupils of its own district to the school in an adjoining or nearby district. Such free transportation shall conform to the rules and regulations of the state board of education. The teachers shall keep the registers separately for the pupils from each district discontinuing its schools and return the registers and make separate records to the clerk of such district and to the county superintendent of the number and names of pupils, with their attendance, and such district shall retain its organization and be entitled to special state aid under such rules as may be fixed by the state board of education.

[1911 c. 167; 1921 c. 467 s. 15; 1939 c. 184 s. 1; 1941 c. 169 art. 6 s. 14; 1941 c. 376; 1947 c. 633 s. 2] (2822)

125.165 [Obsolete]

125.15, 125.16, 125.17 [Repealed, 1945 c. 373 s. 2]

125.18 CONTRACTS. Subdivision 1. **Advertisement for bids.** No contract for work or labor, or for the purchase of furniture, fixtures, or other property, or for the construction or repair of school houses, the estimated cost or value of which shall exceed \$1,000, shall be made by the school board of any common or independent school district without first advertising for bids or proposals in some newspaper of the county by two weeks' published notice in the city or village located nearest to the school district in which the contracts are proposed to be let, or some newspaper published in the county-seat in such county; provided, that advertise-

ments for bids for school house construction may be published in a trade journal, periodical, or magazine. Such notice shall state the time and place of receiving bids and contain a brief description of the subject matter.

Subd. 2. **Award of contract.** Every such contract shall be awarded to the lowest responsible bidder, duly executed in writing, and the person to whom the same is awarded shall give a sufficient bond to the board for its faithful performance, and otherwise conditioned as required by sections 574.26, 574.28, 574.29, and 574.30. If no satisfactory bid is received, the board may readvertise.

Subd. 3. **Limitations.** Every contract made without compliance with the provisions of this section shall be void; provided, that in case of the destruction of buildings or injury thereto, where the public interests would suffer by delay, contracts for repairs may be made without advertising for bids.

[1913 c. 244 ss. 1, 2; 1941 c. 169 art. 6 s. 18; 1949 c. 105 s. 1] (2846, 2847)

125.19 CONTRACTS FOR SNOW REMOVAL. The school board of any school district is hereby authorized to enter into contracts with the state, or any political subdivision thereof, or any corporation, partnership, association, or individual, for the removal of snow from the roads used for regular bus routes transporting school pupils to and from school either within or without the district.

[1937 c. 375 s. 1; 1941 c. 169 art. 6 s. 19] (2816-10)

125.20 CONTRACTS WITH MUNICIPALITIES FOR HEAT. Subdivision 1. **Term of contract.** The governing board of any school district having one or more buildings within a city or village maintaining a municipal central heating plant may contract with such city or village or the water, light, power, and building commission of the city or village, or the board having the control of the central heating plant, for the furnishing of heat for these buildings for such a term as it may deem for the best interest of the district, not exceeding ten years.

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

[1931 c. 134 ss. 1, 2; Ex. 1936 c. 31 ss. 1, 2; 1941 c. 169 art. 6 s. 20] (2816-4, 2816-5)

125.21 EMPLOYMENT OF PUBLIC ACCOUNTANTS, CERTAIN CASES. Subdivision 1. **Public accountants defined.** For the purposes of this section, "public accountants" are herein defined as any individuals, who for a period of five years prior to the date of such employment have been actively engaged exclusively in the practice of public accounting.

Subd. 2. **Where authorized, how employed.** The school board of any independent school district having a population of more than 200 and having an assessed valuation of more than \$100,000, may employ public accountants on a monthly basis or on a yearly basis or for a shorter period of time for the purpose of auditing, examining, and reporting upon the books and records of account of said independent school district.

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

[1937 c. 216 ss. 1, 2, 3; 1941 c. 169 art. 6 s. 21; 1943 c. 514 s. 1] (2816-5a, 2816-6, 2816-7)

125.22 CLAIMS AGAINST DISTRICT, HOW PAID. Subdivision 1. **To be itemized and verified.** No account, claim, or demand against any school district for any property or services shall be audited or allowed by the board or officer authorized by law to audit and allow the same until it is reduced to writing, in items, and verified by the person claiming the same, or his agent, to the effect that such account, claim, or demand is just and true; that the money therein charged was actually paid for the purposes therein stated; that the property therein charged was actually delivered or used for the purposes therein stated, and was of value therein charged; and that the services therein charged were actually rendered, and either that the same were of the value therein charged, or, if official, for which fees are prescribed by law, then that the fees charged therefor are such as are allowed by law; and in all cases that no part of such account, claim, or demand has been paid. The provisions of this section shall not apply to any claim or demand for salaries of school teachers or employees or payments due bus drivers on contract.

Subd. 2. Procedure for certification. The verification required by this section may be made before any officer authorized by law to administer oaths, or before any member of the board to which the account, claim, or demand shall be presented for audit, who may administer the proper oath in such cases. In case any such account, claim, or demand shall be made or presented by an administrator or executor on behalf of the estate of a deceased person, he shall not be required to verify the same, but may prove it otherwise to the satisfaction of the board.

[1935 c. 263 ss. 1, 2; 1941 c. 169 art. 6 s. 22] (2849-2, 2849-3)

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

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

[R. L. s. 1330; 1907 c. 445 s. 3; 1911 c. 240 s. 1; 1941 c. 169 art. 6 s. 23] (2840)

125.24 COMPENSATION OF CHAIRMAN IN COMMON SCHOOL DISTRICT. The school board members of a common school district may receive as compensation such an amount as may be determined at the regular school meeting of the district.

[R. L. s. 1330; 1907 c. 445 s. 3; 1911 c. 240 s. 1; 1941 c. 169 art. 6 s. 24; 1949 c. 691 s. 1] (2840)

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

- (1) The condition and value of school property;
- (2) The receipts and disbursements in detail, and such other financial matters as may be called for by the state commissioner of education;
- (3) The length of school term and the enrollment and attendance by grades;
- (4) The names and post-office addresses of all trustees and other officers; and
- (5) Such other items of information as may be called for by the state commissioner of education.

He shall enter in his record book copies of all his reports and of the teachers' term reports, as they appear in the registers, and of the proceedings of any meeting as furnished him by the clerk pro tem, and 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 of the proper county, on or before October 10 of each year, an attested copy of his record, showing the amount of money voted by the district or the board for school purposes; draw and sign all orders upon the treasurer for the payment of money for bills allowed by the board for salaries of officers or for teachers' wages, to be countersigned by the chairman. Such orders shall state the consideration, payee, and fund and the clerk shall take a receipt therefor. Teachers' wages shall have preference in the order in which they become due, and no money applicable for teachers' wages 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.

[R. L. s. 1326; 1939 c. 62 s. 7; 1941 c. 169 art. 6 s. 25] (2832)

125.26 COMPENSATION OF CLERK IN COMMON SCHOOL DISTRICTS. The clerk of each common district shall be paid not to exceed \$6.00 in any one year, unless a greater compensation has been voted at a meeting of the district upon a notice stating that action would be had at such meeting respecting such increase of compensation; provided, that in no case shall the compensation of the clerk, as herein provided, exceed \$50.00 for any one year. Such payment shall be made by

the treasurer only upon a certificate of the county superintendent that such clerk has faithfully performed the duties of his office, including the submission of a satisfactory annual report as required by law.

[R. L. s. 1332; 1913 c. 409 s. 1; 1941 c. 169 art. 6 s. 26] (2842)

125.27 CLERK IN SPECIAL DISTRICTS. The board of education in any special school district in the state, 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 make provision for his compensation in accordance with existing law.

[1909 c. 277 s. 1; 1941 c. 169 art. 6 s. 27] (2810)

125.28 TREASURER; DUTIES. Subdivision 1. **Receipt and disbursement of funds.** The treasurer shall receive and be responsible for all money of the district and disburse the same on orders signed by the clerk and countersigned by the chairman, or other vouchers authorized by law; provided, that, in the event that the chairman has been continuously absent from the district for a period of 30 days or more, the treasurer may pay orders without the signature of the chairman. Each order shall state the fund on which it is drawn, the name of the payee, and the nature of the claim for which such order is issued. He shall keep an account of each fund, and of all receipts and disbursements, showing the source of all such receipts and the nature and purpose of such disbursements.

Subd. 2. Annual report. Within three days preceding the last Tuesday in June he shall file with the clerk a detailed financial statement of the district showing all receipts and disbursements and the nature of the same, the money on hand and the purposes to which the same are applicable, the credits of the district and its outstanding liabilities and the nature thereof. Such report, together with his vouchers, shall be examined by the board and, if found correct, approved by resolution entered in the records. If incomplete or inaccurate, a further or amended report may be required by the board. Such report when complete shall, in common school districts, be laid before the annual meeting to be in like manner approved. He shall make such further reports as may from time to time be called for by the board and perform all duties usually incumbent on such officer.

Subd. 3. Orders not paid for want of funds. Every order drawn for the payment of teachers' wages, and for any other lawful purpose, after having been presented to the treasurer for payment, and not paid for want of funds, shall be endorsed by the treasurer by putting on the back thereof the words, "Not paid for want of funds," giving the date of indorsement and signed by the treasurer. A record of such presentment, nonpayment and indorsement, shall be made by the treasurer. Every such order shall bear interest at the rate of five per cent per annum from the date of such presentment, and shall be paid in the order in which it is so presented and registered out of the first money received by the treasurer applicable to its payment; provided, that the district may enter into agreements with banks to take such orders at any rate of interest lower than the legal rate. The treasurer shall serve a written notice upon the payee or his assignee, personally, or by mail, when he is prepared to pay such order; such notice may be directed to the payee or his assignee at the address given in writing by such payee or assignee to such treasurer, at any time prior to the service of such notice; no order shall draw any interest if such address is not given when the same is unknown to the treasurer, and no order shall draw any interest after the service of such notice.

[R. L. s. 1327; 1907 c. 445 s. 2; 1931 c. 187; 1941 c. 169 art. 6 s. 28; 1943 c. 455 s. 1] (2833)

125.29 TREASURER'S BONDS. Every school district treasurer shall give bond to the state in a sum equal to twice the amount of money that will probably be in his hands at any time during any one year of his term, the school board to fix the specific amount of the bond and the bond to be approved by the board and conditioned for the faithful discharge of his official duties. If the bond so furnished by the treasurer be that of a surety company authorized to do business in Minnesota, 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,

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shall be approved as to its form by the public examiner, county attorney, or an attorney designated by the school board. All such bonds shall be filed with the county auditor and the county auditor shall not deliver any warrants for tax settlements or state aids until such bond has been filed.

[*R. L. s. 1328; 1907 c. 95; 1925 c. 69; 1941 c. 169 art. 6 s. 29*] (2834)

125.30 COMPENSATION OF TREASURERS OF COMMON DISTRICTS. The treasurer of each common school district may receive as compensation such an amount as shall be determined at the regular school meeting of the district, not exceeding \$25.00 per annum, which shall be allowed only after his annual report shall have been so approved by the board.

[*R. L. s. 1333; 1913 c. 409 s. 1; 1941 c. 169 art. 6 s. 30*] (2843)

125.31 COMPENSATION OF OFFICERS OF INDEPENDENT DISTRICTS. The clerk or secretary, treasurer, and superintendent of independent and special districts shall receive such compensation as may be fixed by the board. No officer or member of any school board shall receive pay as such, except as provided by law.

[*R. L. s. 1334; 1929 c. 151; 1941 c. 169 art. 6 s. 31*] (2844)

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

[*R. L. s. 1307; 1941 c. 169 art. 6 s. 32*] (2796)

125.33 INSURANCE; PROTECTION OF CHILDREN, INSTRUCTORS AND AUTOMOBILE OWNERS. A school district may provide for the protection of school children, instructors and automobile owners, and any other agency co-operating in providing cars for school districts where driver training courses are being offered, against public liability, property damage, collision, fire and theft, arising out of the operation of any vehicle used in the courses. Such insurance contract shall be one whereby the insurance company assumes direct liability which shall give rise to a cause of action by the injured person against the insurance company only and not against the school district.

[1949 c. 637 s. 1]