

# MINNESOTA STATUTES 1953 ANNOTATIONS

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## ADMINISTRATION, SUPERVISION 121.07

### 120.35 REPORTS; TO WHOM AVAILABLE; DISCLOSURE PROHIBITED

The director of public institutions may release information as to patients or former patients to the division of vocational rehabilitation without the patient's consent. OAG March 23, 1953 (851-B).

### 120.36 AREA VOCATIONAL-TECHNICAL SCHOOLS

Under the provisions of section 120.36, subdivision 7, transportation may not be furnished by the district of the pupil's residence to the state line for the purpose of enabling a pupil to attend a vocational school in another state. OAG March 11, 1947 (166-A-4).

Where a district does not provide for instruction of its pupils in other districts, but a pupil resident therein attends vocational classes in an area vocational-technical school outside the district, the district is liable for the student's board and lodging or transportation but is not liable for the tuition. OAG June 14, 1948 (168).

## CHAPTER 121

### ADMINISTRATION, SUPERVISION

#### 121.01 COUNTY SUPERINTENDENT, DUTIES; PERFORMANCE BY COMMISSIONER OF EDUCATION

HISTORY. 1864 c 1 s 5; 1877 c 74 subc 4 s 5; 1941 c 169 art 2 s 1; 1947 c 70 s 1; 1953 c 130 s 1.

Where four school districts in Marshall County and six school districts in Beltrami County joined to create joint school district No. 79 under the provisions of sections 122.40 to 122.56, if new district No. 79 has elected a superintendent no duty devolves on the county superintendent to visit or administer schools of district No. 79, but if it has no superintendent, then the county superintendent's duties are defined in section 121.01 and must be performed in the county in which he was elected. He has no authority beyond the borders of the county. OAG Oct. 28, 1949 (399).

#### 121.02 COUNTY SUPERINTENDENTS TO KEEP RECORDS

HISTORY. 1861 c 11 s 26; 1862 c 1 s 12; 1864 c 1 s 7; 1877 c 74 t 4 s 8; 1905 c 137 s 2; 1941 c 169 art 2 s 2.

#### 121.05 REPORTS TO COMMISSIONER OF EDUCATION

HISTORY. 1862 c 1 s 22; 1864 c 1 s 1, 5, 7, 8; 1877 c 74 t 4 s 12; 1885 c 57 s 5; 1941 c 169 art 2 s 5.

Where four school districts in Marshall County and six school districts in Beltrami County joined to create joint school district No. 79 under the provisions of sections 122.40 to 122.56, if new district No. 79 has elected a superintendent no duty devolves on the county superintendent to visit or administer schools for district No. 79, but if it has no superintendent, then the county superintendent's duties are defined in section 121.01 and must be performed in the county in which he was elected. He has no authority beyond the borders of the county. OAG Oct. 28, 1949 (399).

#### 121.07 FAILURE TO REPORT

HISTORY. 1862 c 1 s 22, 23; 1864 c 2 s 1; 1877 c 74 t 6 s 6; 1941 c 169 art 2 s 7.

# MINNESOTA STATUTES 1953 ANNOTATIONS

## 121.09 ADMINISTRATION, SUPERVISION

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### 121.09 COUNTY SUPERINTENDENT OF SCHOOLS, SALARY

**HISTORY.** 1861 c 11 s 25; 1862 c 1 s 9; 1864 c 20 s 9; 1877 c 74 t 4 s 4; 1881 c 41 s 8; 1895 c 65; 1911 c 216 s 1; 1915 c 141 s 1; 1941 c 169 art 2 s 9; 1941 c 471; 1945 c 336 s 1; 1947 c 515 s 1; 1949 c 477 s 1; 1951 c 351 s 1, 2; 1953 c 469 s 1.

The action of the county board taken on June 4 fixing the salary of the county superintendent may legally be made effective beginning June 1, the time for review having passed. OAG Aug. 26, 1947 (399-H).

Specifies the minimum salary of the county superintendent, but the board should fix the salary. OAG Nov. 12, 1947 (399-A).

The salary of the county superintendent of schools is determined by the number of school buildings in the district and to that there is added the number of districts from which pupils are transported to another district. OAG June 3, 1949 (399-H).

### 121.10 EXPENSES, HOW PAID

**HISTORY.** 1877 c 74 t 4 s 4; 1881 c 41 s 8; 1895 c 65; 1907 c 33; 1911 c 216 s 2; 1919 c 473 s 1; 1941 c 169 art 2 s 10.

### 121.11 CLERK HIRE

**HISTORY.** 1877 c 74 subc 4 s 15; 1885 c 12 s 1; 1911 c 216 s 3; 1927 c 342 s 1; 1935 c 22 s 1; 1935 c 353 s 1; 1941 c 22 s 1; 1941 c 169 art 2 s 11; 1943 c 513 s 1, 2; 1945 c 552 s 1; 1945 c 573 s 1, 2; 1947 c 339 s 1; 1949 c 444 s 1.

Where the number of schools in a county is less than 25 due to loss of schools through dissolution or annexation, the county is not entitled to an assistant superintendent of schools. OAG April 24, 1952 (399-A).

### 121.15 CERTAIN DISTRICTS MAY EMPLOY HIGH SCHOOL SUPERINTENDENT

**HISTORY.** 1864 c 3 s 5; 1865 c 13 s 6; 1877 c 74 t 7 s 10; 1941 c 169 art 2 s 15.

In independent school district obliged to rent space in another district, may employ the superintendent of said other district. There is no prohibition against two districts employing the same superintendent. OAG Aug. 5, 1947 (768-K).

## CHAPTER 122

### SCHOOL DISTRICTS; ORGANIZATION; CONSOLIDATION; DISSOLUTION

#### 122.01 SCHOOL DISTRICTS

**HISTORY.** 1862 c 1 s 1-6; 1877 c 74 subc 151; 1941 c 169 art 3 s 1; 1947 c 150 s 1; 1947 c 538 s 2.

Reorganization of school districts are within title of 1951 act stating "Act relates to school districts and the organization, reorganization, consolidation and dissolution thereof" and the Act is not vitiated by the statement at the end of the title that the Act amends certain sections of Minnesota Statutes 1949, relating to school district consolidation proceedings, nor is the Act invalid because it amends 1947 and 1949 laws relating to surveys for reorganization of school districts. *State v Common School District No. 65*, 237 M 150, 54 NW(2d) 130.

A school district is a separate legal entity; and a consolidated school is a legal entity separate and distinct from its component parts. *Huffman v School Board*, 230 M 289, 41 NW(2d) 455.