

## CHAPTER 123

### SCHOOL DISTRICTS; TEN TOWNSHIPS; COUNTY UNITS; UNORGANIZED TERRITORY

#### 123.01 SCHOOL BOARDS IN DISTRICTS WITH TEN OR MORE TOWNSHIPS

HISTORY. 1862 c 1 s 7; 1877 c 74 subc 2 s 2; 1881 c 41 s 6; 1885 c 57 s 1; 1899 c 15 s 1; 1903 c 38 s 1; 1909 c 187 s 1; 1939 c 62 s 3; 1941 c 169 art 4 s 1.

#### 123.02 MEMBERS OF SCHOOL BOARD; ANNUAL MEETING; ELECTIONS

HISTORY. 1925 c 391; 1927 c 84 s 1 to 3; 1933 c 391; 1937 c 221 s 1; 1939 c 62 s 8; 1941 c 169 art 4 s 2.

#### 123.03 VACANCIES

HISTORY. 1927 c 84 s 2; 1937 c 221 s 2; 1941 c 169 art 4 s 3.

#### 123.06 TAX LIMITATIONS

The annexing district has no obligation to pay any part of the bonded indebtedness with which the annexed territory was encumbered at the time of the annexation; and the annexed territory is not burdened with the bonded indebtedness of the annexing territory. OAG Jan. 10, 1950 (519-M).

#### 123.10 ANNUAL AND SPECIAL MEETINGS

HISTORY. 1923 c 148 s 2; 1925 c 48 s 2; 1941 c 169 art 4 s 10; 1947 c 379 s 1; 1949 c 118 s 1; 1951 c 252 s 1.

Proceedings of the school board are required to be published and the publisher may collect the specified rate. OAG Aug. 21, 1947 (277-E).

#### 123.17 COMPENSATION OF OFFICERS

HISTORY. 1911 c 148 s 1; 1913 c 445 s 1; 1941 c 169 art 4 s 17; 1949 c 570 s 1; 1953 c 2 s 1.

#### 123.18 COMPENSATION FOR EXPENSES

A chairman of a school board may legally bill the school district for current and past mileage in traveling to and from his home in order to attend board meetings. OAG Sept. 18, 1952 (161-A-12).

#### 123.23 FORMATION OF COUNTY SCHOOL DISTRICTS

HISTORY. 1929 c 9 s 1; 1931 c 31 s 1; 1933 c 30 s 1; 1941 c 169 art 4 s 23; 1947 c 367 s 1; 1949 c 268 s 1.

Where the people of Cook County voted to consolidate the school district of the county into a county district the county board will before March 1, 1949 appoint a new school board for the new county district; but in the meantime the respective boards of the several districts in existence before the election will continue to maintain the school in the respective districts under their own program but not later than July 1, 1949. Such districts are subject to the governing teachers' contracts to the provisions of section 130.18. In case no action is taken by either the new county

school board or the present district boards to terminate the continuing contracts prior to April 1, 1949, the contracts will continue to be binding upon the new county school board for the next school year. The school board of the consolidated district may make contracts relating to services to be performed after July 1, following the consolidation. OAG Jan. 11, 1949 (172-C-5).

## **123.24 COUNTY SCHOOL BOARD; ELECTIONS; TERMS**

**HISTORY.** 1929 c 9 s 2; 1935 c 362 s 1, 2; 1941 c 169 art 4 s 24; 1949 c 268 s 2.

Where the people of Cook County voted to consolidate the school district of the county into a county district the county board will before March 1, 1949, appoint a new school board for the new county district; but in the meantime the respective boards of the several districts in existence before the election will continue to maintain the school in the respective districts under their own program but not later than July 1, 1949. Such districts are subject to the governing teachers' contracts to the provisions of section 130.18. In case no action is taken by either the new county school board or the present district boards to terminate the continuing contracts prior to April 1, 1949, the contracts will continue to be binding upon the new county school board for the next school year. The school board of the consolidated district may make contracts relating to services to be performed after July 1, following the consolidation. OAG Jan. 11, 1949 (172-C-5).

## **123.27 DUTIES OF BOARD**

The school board in Lake County school district has general charge of the business of the district which includes management of its schools. The board makes all the decisions concerning the policy of the district. It decides where the school shall be, who shall teach therein, the manner in which such school shall be heated, the janitor service which shall be furnished, and what the bus routes shall be. It will decide whether board and room will be furnished to certain pupils, or whether they shall be transported by bus. OAG Dec. 4, 1952 (161-A-9).

## **123.32 INDEMNITY FOR SCHOOL OFFICERS IN CASE OF ACCIDENTS**

**NOTE:** See as to automobile liability insurance on school or municipal employees, sections 471.42, 471.43.

## **123.34 MEMBERS**

**HISTORY.** 1921 c 328 s 2, 3; 1941 c 169 art 4 s 34; 1945 c 494 s 1; 1949 c 346 s 1.

A county treasurer who also serves as treasurer of the county board of education, when his term of county treasurer expires in January is not entitled to his compensation as treasurer of the county board of education after his term as county treasurer expires. OAG Jan. 3, 1947 (451-F).

In educational matters the unorganized territory of any county is governed by a county board of education, consisting of the superintendent of schools, chairman of the county board and the county treasurer, each acting as ex officio member of the board. The general powers of the board are set forth in section 125.06. If the chairman of the board is not present his absence does not create a vacancy. The other two members of the board may transact business. The statute does not provide any method of supplying a temporary chairman if the chairman of the board is temporarily absent. Section 123.35 does not apply. OAG Dec. 28, 1950 (161-A-9).

## **123.39 POWERS AND DUTIES**

**HISTORY.** 1921 c 328 s 9; 1941 c 169 art 4 s 39; 1953 c 729 s 1.

Where the county nurse in the program of services performed by her requests the immunization of pupils attending school and such immunization is ordered by the board, if there are impecunious families who are not able to pay for the service the school board must pay. OAG Feb. 1, 1950 (159-B-7).

# MINNESOTA STATUTES 1953 ANNOTATIONS

301

## SCHOOL DISTRICTS; MEETINGS, ELECTIONS 124.01

### 123.41 COMPENSATION

**HISTORY.** 1921 c 328 s 4; 1923 c 12 s 1; 1925 c 220 s 1; 1941 c 169 art 4 s 41; 1945 c 323 s 1; 1951 c 683 s 1.

Where the salary of the clerk of an unorganized school district is one percent of the cash disbursements for the year, the amount disbursed for school lunch program must be included in the total disbursement, regardless of the source of the money. OAG Nov. 23, 1946 (349-H).

### 123.47 OUTSTANDING OBLIGATIONS OF DISSOLVED DISTRICTS

**HISTORY.** 1921 c 328 s 18; 1925 c 287 s 1; 1931 c 155; 1933 c 29 s 1; 1941 c 169 art 4 s 47; 1941 c 342 s 1.

### 123.48 ORGANIZATION OF SCHOOL DISTRICTS

There may be some doubt as to whether a school district may be consolidated from territory lying in two counties in one of which counties the territory is unorganized. The project may be made more easily accomplished under the provisions of sections 123.48 to 123.51. OAG March 17, 1949 (622-K).

A majority of freeholders, qualified to vote at school meetings or elections, residing upon any territory not less than four sections in extent, and in which 20 or more school age children live, may petition the county board in the county they reside to make the territory a common or independent school district. The fact that the area is unorganized territory is immaterial. OAG March 25, 1953 (166-D-1-C).

### 123.51 CONVEYANCE AND CONTROL OF ASSETS AFTER ANNEXATION

Where land has been conveyed to the school district the question whether or not the buildings thereon are fixtures is a question of fact. If the structures were not attached to the real estate and were not fixtures they may be sold and removed by the grantor. OAG Dec. 31, 1951 (622-I-17).

### 123.52 UNORGANIZED TERRITORY, BONDS

**HISTORY.** 1921 c 328 s 19; 1933 c 431 s 1; Ex1934 s 4551; 1937 c 259 s 1; 1941 c 169 art 4 s 52; 1941 c 325 s 1; 1953 c 262 s 1.

## CHAPTER 124

## SCHOOL DISTRICTS; MEETINGS, ELECTIONS

### 124.01 ANNUAL MEETINGS OF COMMON SCHOOL DISTRICTS

**HISTORY.** 1862 c 1 s 26; 1864 c 3 s 1; 1865 c 14 s 1; 1877 c 74 subc 2 s 1; 1877 c 74 subc 7 s 4; 1881 c 41 s 10; 1885 c 57 s 2; 1889 c 166 s 1; 1897 c 305; 1903 c 38; 1911 c 249 s 1; 1911 c 357 s 1; 1925 c 147 s 1; 1929 c 26; 1931 c 390; 1937 c 427 s 1; 1939 c 62 s 1; 1941 c 169 art 5 s 1.

The electors of a common school district may, by a resolution passed by a majority vote at a duly held special meeting, revoke a resolution requesting dissolution which had been passed at a prior meeting, but which had not been considered by the board of county commissioners at the time of the second vote, the effect of such revocation is to deprive the county board of jurisdiction to pass upon the original resolution under section 122.28. A common school district special election which specifies all minimum statutory requirements is a valid election where the form of the ballot sufficiently informs the voters of the issue at hand, and where the evi-