

MINNESOTA STATUTES 1953 ANNOTATIONS

327

ACTIONS AND PENALTIES 126.02

A school district may issue warrants on anticipated income until such time as moneys from tax levies and state aid are received. Limitation on the issuance of the warrants may be found in section 471.69. OAG Feb. 28, 1950 (159-C-1).

125.29 TREASURER'S BONDS

HISTORY. 1861 c 11 s 30, 31; 1862 c 1 s 15; 1865 c 13 s 14; 1877 c 74 subc 2 s 16; 1907 c 95; 1941 c 169 art 6 s 29.

The provisions of section 125.29 do not apply to the special school district of the city of Minneapolis. OAG July 15, 1949 (451-A-4).

125.30 COMPENSATION OF TREASURERS OF COMMON DISTRICTS

The compensation of the clerk and treasurer of a common school district as provided in sections 125.26 and 125.30 is in addition to the compensation under section 125.24. The compensation of board members of a common school district is determined at the regular school meeting. OAG July 16, 1953 (161-A-6).

125.325 SCHOOL DISTRICTS; DESTRUCTION OF RECORDS

HISTORY. 1953 c 257 s 1-3.

125.33 INSURANCE; PROTECTION OF CHILDREN, INSTRUCTORS AND AUTOMOBILE OWNERS

HISTORY. 1949 c 637 s 1.

School districts are not liable for negligence in the performance of their public governmental functions. School districts are not liable for injuries suffered on the school playgrounds. OAG Nov. 7, 1951 (844-F-4).

125.34 SCHOOL DISTRICTS; ISSUANCE OF BONDS FOR BETTERMENT OF SCHOOLHOUSES

HISTORY. 1953 c 433 s 1.

125.35 ISSUANCE BY RESOLUTION WITHOUT VOTER APPROVAL

HISTORY. 1953 c 433 s 2.

125.36 TAX LEVY

HISTORY. 1953 c 433 s 3.

125.37 BETTERMENT DEFINED

HISTORY. 1953 c 433 s 4.

CHAPTER 126

ACTIONS AND PENALTIES

126.02 ACTIONS AGAINST DISTRICTS

HISTORY. RS 1851 c 79 s 15, 16; PS 1858 c 69 s 15, 16; GS 1866 c 36 s 78; 1873 c 1 s 119; 1877 c 74 t 8 s 2; GS 1878 c 36 s 117; GS 1894 s 3818; RL 1905 s 1458; GS 1913 s 2996; GS 1923 s 3098; MS 1927 s 3098; 1941 c 169 art 7 s 2.

A school district is not liable for the tort of its officers, agents, or employees done in their governmental capacity. OAG Feb. 26, 1951 (159-B-3).

MINNESOTA STATUTES 1953 ANNOTATIONS

126.03 ACTIONS AND PENALTIES

328

The school district is not liable for negligence of its officers and servants while engaged in performing purely governmental functions. OAG Nov. 4, 1947 (844-F-3).

There is no liability on a school district for the negligence of its officers and servants where they were engaged in purely governmental functions. OAG Nov. 4, 1947 (844-F-3).

A school district is not liable in tort for injuries received by a pupil while acting on school patrol. OAG July 12, 1950 (844-F-5).

A school district is not liable at common law for injuries to a pupil which results from its negligent operation of a bus used in the transportation of pupils at public expense. There is no statute under which recovery may be had. OAG Oct. 17, 1952 (844-F-6).

A school district is not liable in damages for an act of the district done in the discharge of a governmental function, resulting in personal injury. If members of the board act only in their official capacity, they would not be personally liable. Section 125.065, subdivision 7 does not authorize a school district to go into business of plowing snow for compensation. Since the board is not authorized to make such contract it cannot be claimed that when it plows snow for others it is engaged in a governmental function. The board, if they engage in an authorized business, is not protected by any doctrine of governmental immunity and they are engaged in hazardous business which may result in personal responsibility. OAG Nov. 20, 1952 (844-F-6, 377-A-11).

126.03 JUDGMENT PAID BY TREASURER

HISTORY. RS 1851 c 79 s 17, 19, 20; PS 1858 c 69 s 17, 19, 20; 1865 c 11 s 3; GS 1866 c 36 s 80; 1873 c 1 s 121; 1877 c 74 t 8 s 4; GS 1878 c 36 s 119; GS 1894 s 3820; RL 1905 s 1459; GS 1913 s 2997; GS 1923 s 3099; MS 1927 s 3099; 1941 c 169 art 7 s 3.

126.04 TAX LEVY FOR UNPAID JUDGMENT

HISTORY. 1851 c 79 s 17, 18, 19; PS 1858 c 69 s 17, 18, 19; 1865 c 11 s 1, 2; GS 1866 c 36 s 81, 82; 1873 c 1 s 122, 123; 1877 c 74 t 8 s 5; GS 1878 c 36 s 120, 121; GS 1894 s 3821, 3822; RL 1905 s 1460; GS 1913 s 2998; GS 1923 s 3100; MS 1927 s 3100; 1941 c 169 art 7 s 4.

126.05 ISSUANCE OF EXECUTION

A grantor conveying land, the title to which has reverted to him upon the happening of the condition specified in the conveyance, is entitled to a building permanently affixed thereto at the time of the reversion. A person erecting a building on land to which he has legal title subject to termination upon the happening of a condition subsequent is not entitled under M.S.A., Section 559.09 to remove the building after the happening of the condition. *Miller v Common School District*, 231 M 248, 43 NW(2d) 102.

126.06 ACTIONS WHEN TRUSTEES RESIGN

In order for a school district to acquire a site for an additional building proceedings must be had under section 125.06, subdivision 2. OAG Aug. 22, 1952 (622-I-2).

126.07 EXCLUSION OR EXPULSION OF PUPILS

Any conduct on the part of the pupil that tends to demoralize other pupils and to interfere with the proper management of the school, that is, to impair discipline, which the teacher and the board shall consider necessary for the best interest of the school may subject the offending one to the punishment prescribed by statute, and such discipline may amount to expulsion. The offense need not have been committed in the school or upon the school grounds. The action of the board must not

be arbitrary and expulsion is a severe penalty and must be based upon good cause. Where the pupil was guilty of larceny and placed upon probation it is doubtful if expulsion is the proper remedy. The object of probation is to save the child and lead him to be a good citizen and the school can put up with some inconvenience to carry out the design of the court in placing the pupil on probation. OAG Dec. 15, 1948 (169-1).

126.08 IMPROPER CLASSIFICATION OF PUPILS

Segregation; consequences; a social science statement. 37 MLR 427.

126.09 REFUSING TO SERVE ON SCHOOL BOARD

HISTORY. 1862 c 1 s 9; GS 1866 c 36 s 9; 1873 c 1 s 48; 1877 c 74 t 6 s 2; GS 1878 c 36 s 86; 1879 c 41 s 1; GS 1894 s 3782; RL 1905 s 1404; GS 1913 s 2902; GS 1923 s 3000; MS 1927 s 3000; 1941 c 169 art 7 s 9.

126.10 FAILURE OF CLERK TO REPORT

HISTORY. 1862 c 1 s 23; GS 1866 c 36 s 3; 1873 c 1 s 49; 1877 c 74 t 6 s 3; GS 1878 c 36 s 87; GS 1894 s 3783; RL 1905 s 1405; GS 1913 s 2903; GS 1923 s 3001; MS 1927 s 3001; 1941 c 169 art 7 s 10.

126.11 DRAWING ILLEGAL ORDER

A common school district which does not maintain a school within its boundaries but educates the pupils of the district at schools outside its boundary, must provide transportation for such pupils. The cost of transportation is paid in part by the school district and the balance from state public funds. The revenue from both sources is derived from taxation. A large percentage of the pupils are transported to parochial schools. Should it be determined that public funds are being wrongfully disbursed the following laws may apply: (1) if officials disburse public funds without authority of law a forfeiture may be imposed (126.11); (2) should public officers wilfully disobey the law they would be guilty in some cases of a felony and in others of a gross misdemeanor (620.01, 620.02); (3) as the duties of the county attorney are statutory and the statute has imposed no duties upon him applicable to the present situation, the duty of prosecution is not imposed upon him but it is his duty to appear for the county in all cases in which the county is a party. (388.05.) State officers have no duty to perform. (128.087, 128.088.) A taxpayer may bring a taxpayer's suit under section 126.11 in the manner outlined in Regan v Babcock, 196 M 243. OAG Dec. 13, 1949 (494-B-23) (121-B-20).

126.13 FAILURE OF AUDITOR TO REPORT

HISTORY. 1862 c 1 s 22; 1864 c 2 s 1; GS 1866 c 36 s 22; 1877 c 74 t 6 s 7; GS 1878 c 36 s 91; GS 1894 s 3787; RL 1905 s 1408; GS 1913 s 2906; GS 1923 s 3004; MS 1927 s 3004; 1941 c 169 art 7 s 13.

126.15 DEALING IN SCHOOL SUPPLIES

Right of taxpayer to enjoin or void a contract awarded on competitive bidding, a school office being interested. 35 MLR 322.

A contract for the publication of a school annual made between a school activity and a printing company in which the teacher is a stockholder, is not prohibited. OAG Sept. 5, 1951 (90-C-4).