131.26 INSURANCE LAWS NOT APPLICABLE TO CERTAIN ASSOCIATIONS

HISTORY. 1949 c 94 s 1.

CHAPTER 132

ADMISSION AND ATTENDANCE

132.01 ADMISSION TO PUBLIC SCHOOLS; AGE LIMITATIONS

HISTORY. 1862 c 1 s 1; 1865 c 13 s 19; 1873 c 1 s 2; 1877 c 74 t 1 s 1; 1877 c 74 t 2 s 14; 1881 c 41 s 5; 1921 c 61; 1941 c 169 art 12 s 1.

The school board has power to make its own rules relating to procedure at board meetings. The board may adopt rules for admission of children who become six years of age after commencement of the school year. OAG Oct. 16, 1951 (161-B-11).

The law requires admission to all public schools shall be free to all persons between the ages of five to twenty-one years, in the district where such person resides. Unless excused, such pupil is compelled by law to attend such school. No school can lawfully require such pupil to pay fees conditioned to his attendance. School districts which receive state aid are required to furnish free textbooks so no rule should require the payment of book rental. A deposit may be required in the nature of security. There is no objection to voluntary contribution of laboratory fees but they cannot be compelled. There is no obligation on the part of the school board to furnish towels for pupils. If the district has a rule under which the rules are made available to the pupils the use is optional. The district cannot require a pupil to use the district towels; he may use his own. OAG June 24, 1952 (169).

Where a city of the first class owned and operated a water pumping station in an adjoining county, the children of the families residing on the pumping station property are deemed to be residents of the school district wherein the pumping station is located. OAG Aug. 28, 1947 (169-P).

The law imposes upon the school board of the district the business of management. Although the children in the instant case reside on property owned by the city of St. Paul they are, in fact, residents of school district No. 23, and the duty devolves upon the trustees of school district No. 23 to place the children in school so as to comply with the compulsory education section 132.05. OAG Aug. 28, 1947 (169-P).

132.02 ATTENDANCE; NEARER SCHOOL

Children not residents of a city or village and residing more than two miles from the district schoolhouse may attend school in an adjoining district upon such terms as may be fixed by the school board of the adjoining district. This does not apply where free transportation is furnished by the home district. OAG Jan. 28, 1948 (166-A-3) (180-G).

Where children living in district No. 66, not within the limits of any incorporated city or village, or more than two miles by the nearest traveled road from the district schoolhouse, and their residence is nearer to the schoolhouse in district No. 79, and if no school is being maintained in district No. 79, pupils in district No. 79 are transported to district No. 17. Upon such reasonable terms as shall be fixed by the school board in district No. 79 the pupils described as living in district No. 66 may avail themselves of the school service furnished by district No. 79, including transportation to district No. 17 and instruction therein. District No. 66 is required to pay the tuition for these children to district No. 79; but if transportation to

another district is furnished by district No. 66 then section 132.02 does not apply. OAG March 19, 1948 (166-A-8) (180-D).

Attendance of pupils in an adjoining district where the schoolhouse is the nearer, includes transportation and instruction in another district in those cases where no school is held. OAG Nov. 2, 1949 (166-A-8).

"Nearest traveled road" is the nearest road which the public actually travels and not merely a road that has been laid out and not traveled. The nearest traveled road need not be passable at all times. OAG June 17, 1948 (166-A-10).

The powers of a school board to furnish instruction in another district under authority of section 125.06 are not limited by the provisions of section 132.02. OAG May 25, 1950 (180-D).

Under the provisions of section 125.06, the school board of the district of the pupil's residence may, when conditions are such as to make attendance in the pupil's district impracticable, provide instructions for the pupil in a nonadjoining district by agreeing to pay tuition to the district to be attended and to pay for transportation. OAG Oct. 4, 1951 (180-D).

Where a pupil attends school in an adjoining district under circumstances permitted by law, the home district must pay the tuition to the district furnishing the instruction. OAG June 18, 1953 (180-D).

In the matter of tuition the question whether the pupil is a resident or a nonresident is a question of fact to be determined by the board. OAG Nov. 29, 1946 (180-G).

If a schoolhouse outside the child's district is nearer the child's place of residence than the school in the district in which the child resides, the child may attend school outside the district at the expense of the district. OAG Sept. 13, 1948 (180-G).

Where a child resides more than two miles from the school building in the district where he resides, and the district furnishes no transportation, the parent may choose to send the child to a school in another district closer to where the parent resides. Under such circumstances the school district wherein the child resides should pay tuition to the school where the child attends; but if the parent of the child voluntarily pays the tuition, his voluntary payment precludes him from recovering from the district to which he pays the tuition. OAG Sept. 29, 1948 (180-G).

132.03 ATTENDANCE; HIGH SCHOOL IN ADJOINING STATE

HISTORY. 1927 c 135 s 1, 8; 1933 c 144 s 1; 1941 c 169 art 14 s 3; 1951 c 287 s 1.

The outstanding thought embodied in Laws 1947, Chapter 633, was that all persons of school age residing in Minnesota should have equality of opportunity in education; and as the legislature did not repeal section 132.08 it intended that pupils residing in Minnesota who attend a high school in a neighboring state should receive the same treatment as is accorded students attending high school in an adjoining district in Minnesota. OAG Jan. 6, 1948 (180-E).

Nonresident high school pupils who qualify for tuition aid under section 132.03 will be counted for apportionment, basic and equalization aid at the same rate as all other nonresident secondary pupils are counted under section 128.081, subdivisions 3 and 6. OAG Oct. 16, 1948 (180-E).

132.05 COMPULSORY ATTENDANCE

HISTORY. 1911 c 356 s 1; 1919 c 320 s 1; 1923 c 78 s 1; 1941 c 169 art 12 s 5; 1953 c 372 s 1, 2.

School districts are public corporations with limited powers and the school board is not authorized to rent space in a public school building to a music teacher for the purpose of permitting private instruction to pupils in the public school nor may it rent a piano for such purpose. The board is without power to excuse

pupils from attending public schools to enable the pupil to take private piano lessons. OAG Sept. 25, 1952 (622-A-6) (169).

Where a school district discontinues its schools it is its duty to provide for transportation of the pupils to the school in an adjoining district. In the instant case, the district provided for bus service, the bus route being within four and one half miles of the home where the four children resided, the father claiming inability to himself transport the children the four and one-half miles and return each school day, cannot be prosecuted for violating under section 132.14. It is the plain duty of the school board to furnish more ample facilities. OAG Nov. 13, 1947 (169-B).

A child of school age is compelled to attend school but may be excused from attendance for any of the reasons stated in section 132.05, subdivision 3. The law does not recognize as a reason for excusing a child from attending said school that he is studying music and art elsewhere. OAG Sept. 29, 1948 (169-B).

The attendance by a child under 16 at a beauty cultural school does not fulfill the requirements of section 132.05. OAG Jan. 13, 1953 (169-B).

No law shall be construed to be retroactive unless clearly and manifestly so intended by the legislature. New provisions of the law amending a previous law are construed as effective only from the date when the amendment becomes effective. The requirement found in Laws 1953, Chapter 372, that a pupil must complete the studies required for the 9th grade applies to children below the age of 16 years but it does not include pupils legally excused prior to the effective date of the 1953 amendment. OAG July 23, 1953 (169-B).

The law imposes upon the school board of the district the business of management. Although the children in the instant case reside on property owned by the city of St. Paul they are, in fact, residents of school district No. 23, and the duty devolves upon the trustees of school district No. 23 to place the children in school so as to comply with the compulsory education section 132.05. OAG Aug. 28, 1947 (169-P).

If a school board upon consideration concludes that it is for the best interests of the school and the pupils attending, that a child shall be excluded from attendance at the school because said child is a feebleminded person, the school board not only has the power, but it is its duty to exclude such child from attendance. OAG Sept. 13, 1950 (169-T).

132.14 VIOLATIONS; PENALTIES

A father did not violate the provisions of section 132.14 relating to compulsory attendance if schooling is not provided in the district and the bus route provided was of a distance greater than provided by section 132.14. OAG Nov. 13, 1947 (169-B).

CHAPTER 133

TEXT BOOKS

133.01 LICENSE TO SELL; CONDITIONS

HISTORY. 1868 c 5 s 1-5; 1873 c 1 s 91-93; 1877 c 75 s 1-12; 1878 c 2 s 7; 1883 c 39 s 1, 2; 1885 c 20; 1893 c 23 s 2; 1911 c 43 s 1.

133.04 Repealed, 1947 c 633 s 22.

133.07 COMBINATION TO CONTROL PRICES; DUTY OF ATTORNEY GENERAL

Economical considerations in the enforcement of the federal anti-trust laws. 34 MLR 210.