

CHAPTER 145.

AN ACT relating to public schools in the city of Albert Lea, and the school district designated as district number thirty-eight (38), in Freeborn county.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the following described territory, the same being school district number thirty-eight (38), in Freeborn county, shall compose a school district and body corporate, to be known and designated as "The Albert Lea School District," to-wit: The south half of the northeast quarter, the southeast quarter, and the south half of the southwest quarter of section four; sections seven, eight, nine, ten, fifteen, sixteen, seventeen, eighteen; the north half of the northeast quarter of section nineteen, the north half, the southeast quarter, and the east half of the southwest quarter of section twenty, section twenty-one, the west half of the northwest quarter, and the west half of the southwest quarter of section twenty-two, all being in township one hundred and two north, of range twenty-one west, all according to the government survey. The boundaries of said Albert Lea school district shall not be subject to any change or alteration by any officers having jurisdiction of the formation and change of school districts under the General Laws of this State.

SEC. 2. That the said Albert Lea school district is hereby declared to be the successor of school district number thirty-eight, in Freeborn county, and all the property and assets of said district number thirty-eight are, by this act transferred to, and all liabilities thereof are assumed and are to be paid by said Albert Lea school district.

SEC. 3. The annual school meeting for the election of officers and the transaction of other business, shall be held on the second (2nd) Saturday in July, in each and every year, at the hour of seven (7) o'clock in the evening. Said meeting and all special meetings shall be held in the principal school building of the district. The clerk of the district shall give notice of annual and special meeting by posting written notices in three public places in the district, of the time of holding the same, which notices shall be posted ten (10) days before any meeting whether annual or special; and notices of special meetings shall specify the general nature of the business to be transacted at such special meetings; *Provided*, that any neglect on the part of the clerk to post notices of the annual meeting shall not in any way invalidate any of the proceedings of said annual meeting when properly organized and ten (10) legal voters shall be present thereat. Special meetings

shall be called by the board of education, whenever twenty-five (25) freeholders who are legal voters in the district, shall petition the board, requiring that a special meeting be called, and stating the object of said meeting.

SEC. 4. The officers of said district shall constitute a board of education, and shall consist of six members who shall be elected by ballot at the annual school meeting to be held on the second (2nd) Saturday in July next after the passage of this act; two (2) of whom shall hold their offices for one (1) year, two (2) for two (2) years, and two (2) for three (3) years; and annually thereafter, at the annual school meeting, there shall be elected two (2) members who shall serve for three (3) years, and until their successors are elected and qualified. All persons so elected shall be notified of their election in writing, by the clerk within three (3) days, and shall within three (3) days thereafter signify their acceptance of the office by filing their written acceptance thereof with the clerk of the district, which act shall be the only qualification required. No member of said board shall receive any compensation for his services except the clerk, whose compensation shall be fixed by the board at their first meeting after each annual school meeting.

SEC. 5. The board of education, four members of which shall constitute a quorum, shall fill all vacancies in the board by appointment until the next annual school meeting, when the electors of the district shall elect a person to fill the unexpired term of such vacancy.

SEC. 6. Within seven days after the annual school meeting, and after the newly elected members shall have qualified, the board of education shall hold an annual meeting in the principal school building of the district, and shall elect by ballot, one of their number to act as president of said board, another as clerk, and another as treasurer, who shall hold their offices for one (1) year, and until their successors are elected and qualified. All vacancies in either of said offices shall be filled by the board. The board may, for satisfactory reasons, remove any member or officer of the board and fill the vacancy; *Provided*, that no member shall be removed except by a concurrent vote of five (5) members of the board, and at a meeting of which he shall have been duly notified.

SEC. 7. The president shall preside at all meetings of the board and district, except that a president *pro tempore* may be chosen in his absence, shall sign all orders drawn upon the treasurer by vote of the board, and perform such other duties as the board may prescribe.

SEC. 8. The clerk shall attend all meetings of the board of education, shall keep a record of all the proceedings of the board, and shall perform such other duties as the board may prescribe. He shall also be the clerk of the district, shall attest all orders, post all notices, make all reports, and faithfully perform all other duties imposed upon him by this act, and all duties required of school district clerks by the general laws of the State of Minnesota not inconsistent herewith. In all legal proceedings against

said district the process shall be served on the clerk of the board, who shall at once notify the president of the same, and the president shall immediately call a special meeting of the board for final action thereon.

SEC. 9. The treasurer shall, before he enters upon his duties, file a bond with two or more freeholders as sureties, in such sum as the board may by resolution direct, not less than five thousand dollars (\$5,000.) which bond shall be approved by the board, and filed as other bonds are required to be filed under the General Laws of the State relating to school district treasurers. Said board may at any time, by resolution, require the treasurer to give additional security. Said treasurer shall receive, and upon the order of the board signed by the president and countersigned by the clerk, shall pay out all moneys belonging to the district, paying each order out of the particular fund only upon which it is drawn; and for this purpose every fund received shall be deemed a special school fund except the school house tax. He shall also keep a detailed and separate account with each fund received, in a book provided for that purpose. Said treasurer shall within three days preceding the annual school meeting, file with the clerk a report in writing, signed by him, and containing a detailed statement of all moneys received by him to the credit of each fund during the year, and also a detailed statement of all disbursements, accompanied by vouchers for the same, said report to show accurately the condition of the various funds, and the balance, if any, left in his hands. Said report shall be examined by the board, and approved or disapproved, by resolution entered upon the records by the clerk and by him read at the ensuing annual school meeting. When the treasurer's report shall have been approved his vouchers shall be canceled and filed with the clerk, who shall preserve the same in his office. The treasurer may at any time be required, by resolution of the board, to report the condition of the affairs of his office. He shall keep all books and papers belonging to his office and shall deliver the same, with all moneys remaining in his hands, to his successor, when authorized by resolution of the board, and shall perform all other duties pertaining to his office that may be required by the board.

SEC. 10. The board of education shall, at their first annual meeting after the first annual school meeting, or as soon thereafter as practicable, elect a superintendent of schools, who shall hold his office during the pleasure of the board and receive such compensation as shall be fixed by the board. Said superintendent shall be, *ex-officio*, a member of the board of education, shall attend the meetings of the board, and shall, from time to time, present such recommendations as he shall deem for the best interests of the schools of the district, but shall have no vote in said board. The superintendent shall exercise special supervision over the internal work and management of the schools, and shall be the executive officer of the board in carrying into effect all rules and regulations of the board relating to the organization of the schools,

the course of study, the gradation and classification of pupils, examinations for promotion, methods of discipline and instruction, and all other matters pertaining to the efficient operation of said schools. The superintendent shall, in connection with the board of education, hold public examinations at such times as the board may direct, of all persons making application to teach in the schools of said district; and all persons of good moral character found by the board suitably qualified, shall receive a certificate of such qualification signed by the president of the board and countersigned by the superintendent, which certificate shall be valid for one year from the date thereof, unless sooner revoked. Said examinations shall be of such character and extent, and the certificates issued shall be of such grades and form as the board shall direct, and certificates may be renewed from year to year by resolution of the board. The superintendent shall make such special reports to the State superintendent of public instruction as may be by him required, and shall, at the close of each term, make and file with the clerk a written report to the board of the progress and condition of each school, with such other facts and suggestions as he may deem proper. He shall also perform such other duties as shall be assigned to him by the board. The board may, in their discretion, constitute the principal of the schools the superintendent as herein provided.

SEC. 11. The board of education shall have power, and it shall be their duty to establish, alter and discontinue such schools as they shall deem expedient, to lease buildings necessary for schools, with suitable grounds for the same, and, when authorized by a vote of the district, as herein provided, to purchase, build, enlarge, alter, sell or in any other manner dispose of any school building; purchase books for schools, sites for school houses, and to fence and improve the same; they shall also have power to purchase furniture, school apparatus, books for library, books for indigent pupils, and all other necessary supplies; to procure insurance, take care of and make repairs on the property of the district; to contract with, employ and pay teachers who have received certificates as herein provided, and to discharge the same; to provide for the necessary expenses of the board, the compensation of the clerk and superintendent, and all other expenses incident to the proper management and the wants of the schools; to superintend and make all needed rules and regulations for the management of the schools of said district, and to alter the same from time to time; to suspend for a definite time, or to expel from the school for such time as they shall deem proper, any pupil who shall be guilty of any violation of the rules or regulations for the government of said schools, or of any conduct which shall, in the judgment of the board, warrant a suspension or expulsion from the school, or any pupil who shall in any way injure or deface any of the property of said district; to make all rules and regulations for the admission of non-resident pupils to the schools of said district, and for the transfer of pupils from one department or school to another; to

prescribe the text books to be used in the schools, to the exclusion of all others; to adopt a course of study for the schools, including therein such higher branches of study as they shall, by resolution, determine upon; to make, change and repeal rules and regulations for the protection, care and safe keeping of the property of the district, and to prescribe penalties for the breach thereof, to be recovered as penalties in other cases before a justice of the peace; to post said rules and regulations within and upon said property, which act shall be deemed sufficient notice to all parties of the penalties therein prescribed; to provide for the payment, at maturity, of the principal and interest of any indebtedness of the district, by voting, from time to time, taxes upon the taxable property of said district sufficient to meet the same, making allowance for the delinquency in the payment of any part of said taxes; to make, change and repeal rules and by-laws relating to the organization, government and business of the said board, and the duties of its officers.

SEC. 12. The district shall be governed by the general school laws of the State in the manner of levying and collecting all taxes not otherwise provided for in this act, and in all other matters not herein provided for and not inconsistent therewith.

SEC. 13. The board of trustees of the present district number thirty-eight (38) shall continue in office, and shall perform the duties herein specified, until the first annual school meeting, and until said board of education is elected and organized; and the clerk of the present district number thirty-eight (38) shall give notice as herein provided of the first (1st) annual school meeting to be held on the second Saturday in July next.

SEC. 14. This act shall not be repealed or affected in any manner by any subsequent act unless specially named therein.

SEC. 15. All acts or parts of acts contained in the General Laws of the State or elsewhere inconsistent with this act are, so far as they affect said Albert Lea school district, hereby repealed.

SEC. 16. This act shall be deemed a public act, and shall take effect and be in force from and after its passage: *Provided*, that nothing herein contained, except so far as the first (1st) annual school meeting and the notice thereof is concerned, shall in any way interfere with or suspend the functions of the present district number thirty-eight (38) in Freeborn county, until the election and organization of the board of education provided for herein.

Approved February 24, 1881.