

Education

CHAPTER 120

STATE DEPARTMENT OF EDUCATION

120.01 STATE BOARD OF EDUCATION.

HISTORY. 1919 c. 334 s. 1; G.S. 1923 s. 2958; M.S. 1927 ss. 53-35, 2958; 1941 c. 169 art. 1 s. 1.

The home rule charter of Minneapolis, Chapter 13, Section 4, does not apply to a school building and the board of education is not required to submit the location and design of the building to the city planning commission for approval. *Board of Education v Houghton*, 181 M 576, 233 NW 834.

The provisions of a city charter must be in harmony with the legislative policy of the state. *State v Erickson*, 190 M 216, 251 NW 519.

The opinion of the attorney general, though not binding on the courts as to construction of laws relating to school matters, is binding on school officers until reversed by the courts. When such an opinion has been rendered and not reversed, and the law construed has been re-enacted in the same language, the legislative intent is clear. *Eelkema v Board*, 215 M 590, 11 NW(2d) 76.

The division of rehabilitation and reeducation is not a part of the department of education but is under the control of the board of education acting, not as a board of education, but as a state board for vocational education, and the commissioner of education has no powers over the division of rehabilitation and reeducation. OAG Jan. 3, 1935 (397).

120.02 OATH.

HISTORY. 1919 c. 334 s. 2; G.S. 1923 s. 2959; M.S. 1927 s. 2959; 1941 c. 169 art. 1 s. 2.

120.023 CONTRACTS WITH FEDERAL GOVERNMENT.

HISTORY. 1945 c. 371 ss. 1, 2.

120.03 CONTRACTS TO BE IN WRITING.

HISTORY. 1919 c. 334 s. 2; G.S. 1923 s. 2959; M.S. 1927 s. 2959; 1941 c. 169 art. 1 s. 3.

120.04 ORGANIZATION AND RULES.

HISTORY. 1919 c. 334 s. 3; G.S. 1923 s. 2960; M.S. 1927 s. 2960; 1941 c. 169 art. 1 s. 4.

120.05 OFFICES; MAY APPOINT COMMISSIONER OF EDUCATION.

HISTORY. 1919 c. 334 s. 4; G.S. 1923 s. 2961; M.S. 1927 s. 2961; 1941 c. 169 art. 1 s. 5.

The power to appoint the commissioner of education, vested by statute in the state board of education, carries with it the power to remove such commissioner for cause, after due notice and hearing, notwithstanding his tenure of office is also fixed by statute. *State ex rel v State Board of Education*, 213 M 184, 6 NW (2d) 251.

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120.06 STATE COMMISSIONER OF EDUCATION.

HISTORY. 1919 c. 334 s. 5; G.S. 1923 s. 2962; M.S. 1927 s. 2962; 1941 c. 169 art. 1 s. 6.

See, *State ex rel v State Board*. 213 M 190, 6 NW(2d) 251.

Where the office of commissioner of education becomes vacant an appointment to fill the vacancy for the unexpired portion of the term should be made and a new commissioner should not be elected for six years. OAG July 28, 1934 (359a-20).

The commissioner of education has no powers over the division of rehabilitation and reeducation. OAG Jan. 3, 1935 (397).

120.07 ADMINISTRATION; EXCEPTIONS.

HISTORY. 1919 c. 334 s. 6; G.S. 1923 s. 2963; M.S. 1927 s. 2963; 1941 c. 169 art. 1 s. 7.

The duties prescribed in General Statutes 1913, Sections 2873 and 2877, are a part of the duties of the present board of education. OAG May 5, 1937 (397).

120.08 OFFICERS AND EMPLOYEES TO GIVE BONDS.

HISTORY. 1919 c. 334 s. 10; G.S. 1923 s. 2967; M.S. 1927 s. 2967; 1941 c. 169 art. 1 s. 8.

120.09 SUPERVISOR OF PHYSICAL AND HEALTH EDUCATION AND TRAINING.

HISTORY. 1923 c. 323 s. 4; G.S. 1923 s. 3076; M.S. 1927 s. 3076; 1941 c. 169 art. 1 s. 9.

120.10 TRAVELING EXPENSES.

HISTORY. 1913 c. 550 s. 3; G.S. 1913 s. 2871; M. Supp. s. 2962-1; 1941 c. 169 art. 1 s. 10.

120.11 FUNCTIONS, POWERS, AND DUTIES OF BOARD.

HISTORY. 1899 c. 352 ss. 2, 3, 8; 1899 c. 353 ss. 8 to 10, 12, 13; 1901 c. 148 s. 2; R.L. 1905 ss. 1391, 1393, 1394, 2252 to 2254; 1909 c. 188 s. 1; 1913 c. 550 ss. 4 to 6; G. S. 1913 ss. 2889, 2891, 2892, 4913 to 4915; 1917 c. 356 ss. 1, 2; 1919 c. 278 s. 1; 1919 c. 334 s. 6; 1921 c. 350 ss. 1, 2; G.S. 1923 ss. 2827, 2828, 2963, 2990, 2991, 5658 to 5660; 1925 c. 233 s. 1; M.S. 1927 ss. 2827, 2828, 2963, 2990, 2991; 1937 c. 139 s. 1; Ex. 1937 c. 81 s. 6; 1939 c. 162 s. 1; 1939 c. 172 s. 1; 1939 c. 437 s. 7; M. Supp. ss. 2962-2, 2962-3, 2962-4; 2991-1, 2991-2; 3036-20; 3047-1; 1941 c. 169 art. 1 s. 11; 1943 c. 454 s. 1.

Where a common school district has provided school bus transportation service for its "non-resident" high school pupils, "family transportation" of one's own children to such high school cannot be charged to the district. The rules adopted by the state board were well within the authority granted to the board by legislative enactment. *Perszyk v School District*, 212 M 513, 4 NW(2d) 321.

Even after receipt of federal aid the school board may not increase the salary of the clerk of the board beyond that authorized by the legislature. 1942 OAG 61, Nov. 21, 1941 (162-B).

120.12 FORMS AND BLANKS.

HISTORY. 1861 c. 13 s. 66; 1862 c. 1 s. 42; G.S. 1866 c. 36 s. 43; 1877 c. 74 subc. 3 s. 9; G.S. 1878 c. 36 s. 57; G.S. 1894 s. 3735; R.L. 1905 s. 1378; 1913 c. 550 s. 7; M. Supp. s. 2962-5.

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120.13 REPORTS BY THE STATE BOARD.

HISTORY. 1913 c. 550 s. 4; 1919 c. 334 s. 7; G.S. 1923 s. 2964; M.S. 1927 s. 2964; M. Supp. s. 2962-2; 1941 c. 169 art. 1 s. 13.

120.14 RECOMMENDATIONS; BUDGET.

HISTORY. 1919 c. 334 s. 8; G.S. 1923 s. 2965; M.S. 1927 s. 2965; 1941 c. 169 art. 1 s. 14.

120.15 APPLICATION.

HISTORY. 1919 c. 334 s. 11; G.S. 1923 s. 2968; M.S. 1927 s. 2968; 1941 c. 169 art. 1 s. 15.

120.16 CONFLICT OF POWERS.

HISTORY. 1919 c. 334 s. 9; G.S. 1923 s. 2966; M.S. 1927 s. 2966; 1941 c. 169 art. 1 s. 16.

120.17 QUESTIONS SUBMITTED TO ATTORNEY GENERAL.

HISTORY. 1862 c. 1 s. 37; G.S. 1866 c. 36 s. 37; 1877 c. 74 subc. 2 s. 30; G.S. 1878 c. 36 s. 48; G.S. 1894 s. 3714; R.L. 1905 s. 1335; G.S. 1913 s. 2775; G.S. 1923 s. 2848; M.S. 1927 s. 2848; 1941 c. 169 art. 1 s. 17.

120.18 STATE CIRCULATING LIBRARY; PURCHASE OF BOOKS.

HISTORY. 1899 c. 353 ss. 8, 12; R.L. 1905 s. 2252; G.S. 1913 s. 4913; G.S. 1923 s. 5658; M.S. 1927 s. 5658; 1941 c. 169 art. 1 s. 18.

120.19 LIBRARIANS, ADVICE TO.

HISTORY. 1899 c. 353 s. 9; R.L. 1905 s. 2253; G.S. 1913 s. 4914; G.S. 1923 s. 5659; M.S. 1927 s. 5659; 1941 c. 169 art. 1 s. 19.

120.20 STATISTICS; RECORDS; REPORTS.

HISTORY. 1899 c. 353 ss. 10, 13; R.L. 1905 s. 2254; G.S. 1913 s. 4915; G.S. 1923 s. 5660; M.S. 1927 s. 5660; 1941 c. 169 art. 1 s. 20.

120.21 TEACHERS EMPLOYMENT BUREAU.

HISTORY. 1913 c. 523 s. 1; G.S. 1913 s. 2865; G.S. 1923 s. 2954; M.S. 1927 s. 2954; 1941 c. 169 art. 1 s. 21.

120.22 WHO MAY ENROLL; FEES.

HISTORY. 1913 c. 523 s. 2; G.S. 1913 s. 2866; G.S. 1923 s. 2955; M.S. 1927 s. 2955; 1941 c. 169 art. 1 s. 22.

120.23 PURPOSE OF BUREAU; INFORMATION.

HISTORY. 1913 c. 523 s. 3; G.S. 1913 s. 2867; G.S. 1923 s. 2956; M.S. 1927 s. 2956; 1941 c. 169 art. 1 s. 23.

120.24 APPOINTMENT OF DIRECTOR OF STATE TEACHERS EMPLOYMENT BUREAU.

HISTORY. 1913 c. 523 s. 4; G.S. 1913 s. 2868; G.S. 1923 s. 2957; M.S. 1927 s. 2957; 1941 c. 169 art. 1 s. 24.

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120.25 TRUSTEES OF INCORPORATED COLLEGES MAY PRESCRIBE COURSE OF STUDY; ANNUAL REPORT.

HISTORY. 1853 c. 22; 1856 c. 1 s. 2; 1858 c. 40 ss. 3, 5, 8; P.S. 1858 c. 17 ss. 223, 225, 228; 1863 c. 58; G.S. 1866 c. 34 ss. 59 to 61, 63; G.S. 1878 c. 34 ss. 175 to 177, 179; G.S. 1894 ss. 2923 to 2925, 2927; R.L. 1905 s. 3108; G.S. 1913 s. 6529; G.S. 1923 s. 7899; M.S. 1927 s. 7899; 1941 c. 169 art. 1 s. 25.

120.26 MEETING WITH SCHOOL BOARDS, SUPERINTENDENTS, AND PRINCIPALS.

HISTORY. 1913 c. 550 s. 4; M. Supp. s. 2962-2; 1941 c. 169 art. 1 s. 26.

120.27 TEACHERS INSTITUTES IN COUNTIES.

HISTORY. 1925 c. 110 s. 1; M.S. 1927 s. 3063-1; 1941 c. 169 art. 1 s. 27.

120.28 HOLDING OF INSTITUTES; NOTICE; ATTENDANCE REQUIRED.

HISTORY. 1925 c. 110 s. 2; M.S. 1927 s. 3063-2; 1941 c. 169 art. 1 s. 28.

120.29 CERTIFICATES OF ATTENDANCE; PAY WHILE ATTENDING.

HISTORY. 1925 c. 110 s. 3; M.S. 1927 s. 3063-3; 1941 c. 169 art. 1 s. 29.

120.30 SCHOOL HOUSES USED FOR INSTITUTES.

HISTORY. 1925 c. 110 s. 4; M.S. 1927 s. 3063-4; 1941 c. 169 art. 1 s. 30.

120.31 INSTITUTES; EXPENSES.

HISTORY. 1925 c. 110 s. 5; M.S. 1927 s. 3063-5; 1941 c. 169 art. 1 s. 31.

120.32 VOCATIONAL REHABILITATION.

HISTORY. 1919 c. 365 ss. 1, 2; G.S. 1923 ss. 2983, 2984; M.S. 1927 ss. 2983, 2984; 1941 c. 169 art. 1 s. 32; 1945 c. 24 s. 1.

The state board of education may accept and expend donations offered for purposes in harmony with the statutes. OAG Sept. 16, 1931.

The state department of education has authority to lend money for living expenses to selected individuals eligible for reeducation and to charge interest thereon. OAG July 7, 1933.

The division of rehabilitation and reeducation is not a part of the department of education but is under the control of the board of education acting, not as a board of education, but as a state board for vocational education, and the commissioner of education has no powers over the division of rehabilitation and reeducation. OAG Jan. 3, 1935 (397).

120.33 PLAN OF COOPERATION TO BE FORMULATED.

HISTORY. 1919 c. 365 s. 3; G.S. 1923 s. 2985; M.S. 1927 s. 2985; 1941 c. 169 art. 1 s. 33.

120.34 AID INCAPACITATED PERSONS; COOPERATE WITH U. S. GOVERNMENT.

HISTORY. 1919 c. 365 s. 4; G.S. 1923 s. 2986; G.S. 1927 s. 2986; 1941 c. 169 art. 1 s. 34; 1945 c. 24 s. 2.

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120.35 REPORTS AVAILABLE TO CERTAIN STATE EMPLOYEES; DIS- CLOSURE OF CONTENTS PROHIBITED.

HISTORY. 1921 c. 436 ss. 1, 2; G.S. 1923 ss. 2987, 2988; M.S. 1927 ss. 2987, 2988; 1941 c. 169 art. 1 s. 35; 1945 c. 24 s. 3.

120.36 AREA VOCATIONAL TECHNICAL SCHOOLS.

HISTORY. 1945 c. 304.

120.37 TEACHING SEED ANALYSIS AND GERMINATION.

HISTORY. 1945 c. 391 ss. 1, 2.