

tendent of schools shall receive an annual salary of not less than eighteen hundred dollars (\$1,800.00), and such additional compensation as may be allowed by the board of supervisors in each particular county, but in no case to exceed three thousand dollars (\$3,000.00).

Sec. 29. Expenses of the county superintendent. The county superintendent shall, on the first Monday of each month, file with the county auditor an itemized and verified statement of his actual and necessary expenses incurred during the previous month in the performance of his official duties within his county, and such expenses shall be allowed by the county board of supervisors and paid out of the county fund, as other expenses of the county, but the total amount so paid, exclusive of office stationery and postage, for any one year of the superintendent's term shall not exceed the sum of four hundred dollars (\$400.00).

Approved February 7, 1924.

#### CHAPTER 70

#### CHARITABLE INSTITUTIONS

#### S. F. 101

AN ACT to amend, revise, and codify sections two thousand five hundred thirty-five (2535) to two thousand five hundred thirty-seven (2537), inclusive, two thousand five hundred forty-two (2542) to two thousand five hundred forty-four (2544), inclusive, two thousand five hundred forty-nine (2549) to two thousand five hundred fifty-three (2553), inclusive, two thousand five hundred fifty-seven (2557), two thousand five hundred fifty-nine (2559), two thousand five hundred sixty (2560), and two thousand five hundred sixty-seven (2567) of the compiled code of Iowa, and sections two thousand five hundred forty-five-a one (2545-a1) to two thousand five hundred forty-five-a four (2545-a4), inclusive, two thousand five hundred fifty-eight-a one (2558-a1), and two thousand five hundred seventy-eight (2578) of the supplement to said code, relating to education, and to provide tuition for children in certain charitable institutions.

Be It Enacted by the General Assembly of the State of Iowa:

That sections two thousand five hundred thirty-five (2535) to two thousand five hundred thirty-seven (2537), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Annual meeting of corporation. A meeting of the voters of each school corporation shall be held annually on the second Monday in March for the transaction of the business thereof. In districts in which registration is not required, notice in writing of the place, day, and hours during which the meeting will be in session, specifying the number of directors to be elected, and the terms thereof, and such propositions as will be submitted to and be determined by the voters, shall be posted by the secretary of the board in at least five public places in said corporation for not less than ten days next preceding the day of the meeting. The president and secretary of the board, with one of the directors, shall act as judges of the election. If any judge of election is absent at the organization of the meeting, the voters present shall appoint one of their number to act in his stead. The judges of election shall issue certificates to the directors elected and make a record of the propositions adopted.

Sec. 2. Electors. To have the right to vote at a school meeting or election, a person must have the same qualifications as for voting at a general election and must have been for ten (10) days prior to such school meeting or election an actual resident of the corporation and precinct or subdistrict in which he offers to vote.

Sec. 3. Powers of voters. The voters assembled at the annual meeting or election shall have power:

1. To direct a change of textbooks regularly adopted.
2. To direct the sale, lease or other disposition of any schoolhouse or site or other property belonging to the corporation, and the application to be made of the proceeds thereof.
3. To determine upon additional branches that shall be taught.
4. To instruct the board that school buildings may or may not be used for meetings of public interest.
5. To direct the transfer of any surplus in the schoolhouse fund to the general fund.
6. To authorize the board to obtain, at the expense of the corporation, roads for proper access to its schoolhouses.
7. To vote a schoolhouse tax, not exceeding ten (10) mills on the dollar in any one (1) year, for the purchase of grounds, construction of schoolhouses, the payment of debts contracted for the erection of schoolhouses, not including interest on bonds, procuring libraries for and opening roads to schoolhouses.

Sec. 4. Proposition stated in notice--vote by ballot. The board may, and upon the written request of five (5) voters of any school township or rural independent or consolidated district, or of twenty-five (25) voters of any city or town independent district having a population of five thousand (5,000) or less, or of fifty (50) voters of any other city independent district or of any district in which registration of any of the voters is required, shall provide in the notice for the annual meeting for submitting any proposition authorized by law to the voters. All propositions shall be voted upon by ballot, or by voting machine where required, in substantially the following form: "Shall a change of textbooks be directed?" (or other question as the case may be): and the voter shall designate his vote by writing the word "yes" or "no" in an appropriate place on the ballot, or indicating it on the voting machine as the case may be.

That sections two thousand five hundred forty-two (2542) to two thousand five hundred forty-four (2544), inclusive, of the compiled Code of Iowa and section two thousand five hundred forty-five a three (2545-a3) of the supplement to said Code, are amended, revised, and codified to read as follows:

Sec. 5. Annual meeting--number of directors--tenure of office. At the annual meeting in all independent districts, members of the board shall be chosen by ballot or by voting machine for the terms of three (3) years, to succeed those whose terms expire, and shall hold office for the terms for which elected and until their successors are elected and qualified. In any district including all or part of a city of the first class or a city under special charter, the board shall consist of seven (7) members. In all other independent city or town districts, in consolidated districts, and in rural independent districts having a population of over five hundred (500), the board shall consist of five (5) members. In all other rural independent districts the board shall consist of three (3) members. At the first election in newly organized districts the directors shall be elected as follows:

1. In districts having three directors, one (1) director shall be elected for one (1) year, one (1) for two (2) years, and one (1) for three (3) years.

2. In districts having five (5) directors, one (1) shall be elected for one (1) year, two (2) for two (2) years, and two (2) for three (3) years.

3. In districts having seven (7) directors, three (3) shall be elected for one (1) year, two (2) for two (2) years, and two (2) for three (3) years.

Where vacancies are to be filled at the annual meeting, the election shall be for the number of years required to fill the vacancy.

Sec. 6. Treasurer. In districts composed in whole or in part of cities or towns, a treasurer shall be chosen in like manner, whose term shall begin on the first secular day of July, and continue for two (2) years, or until his successor is elected and qualified, who shall serve without pay.

Sec. 7. Nomination of candidates. The names of all persons nominated as candidates for office in each independent city or town and consolidated district shall be filed with the secretary of the school board not later than noon of the seventh day previous to the day on which the annual school election is held. Each candidate shall be nominated by a petition signed by not less than ten (10) qualified electors of the district.

Sec. 8. Polls open. In districts where there is registration of voters, the polls shall be open from seven (7) o'clock a.m. to seven (7) p.m.; in all other districts they shall open at one (1) o'clock p.m. In such other districts composed in whole or in part of cities or towns, the polls shall remain open not less than five (5) hours; and in rural independent districts and school townships not less than two (2) hours.

Sec. 9. Ballots--voting machines. In such districts, and in all independent town, city and consolidated school districts, the secretary of the school board shall cause to be printed and delivered at the several polling places a sufficient number of ballots, printed on plain, substantial paper of uniform quality, with no party designation or mark thereon. Said ballots shall contain in alphabetical order the names of all candidates for each office, filed as provided by law, and a blank line for each such officer to be elected. There shall be at the left of each name and each blank line a square, and there shall also be a direction to the voter as to the number of candidates to be voted for at

said school election. Voting machines may be used for all school elections in all precincts where the same are in use at general elections, and the names of the candidates and propositions to be voted upon shall be arranged thereon as by law provided. The city and county, or either, as the case may be, shall, without charge, permit the use for school elections of the voting machines used at the general elections and the same shall be used according to the general law so far as applicable.

Sec. 10. General election laws applicable—tie vote. So far as applicable, all laws relating to the conduct of general elections and voting thereat and the violation of such laws shall, except as otherwise in this chapter provided, apply to and govern all school elections in independent city, town and consolidated districts. In the application of the absent voters' law, the secretary of the board shall perform the duties therein imposed upon the county auditor or clerk of the city or town. A tie vote for any elective school office shall be publicly determined by lot forthwith, under the direction of the board canvassing the returns.

Sec. 11. Division into precincts. The precincts for all school elections in districts in whole or in part in cities and towns shall be the same as for the last general state election but the board may consolidate two or more of such precincts into one unless there shall be filed with the secretary of the board at least twenty (20) days before the election a petition signed by twenty-five (25) or more electors of any precinct requesting that such precinct shall not be consolidated with any other precinct. To such petition shall be attached the affidavit of an elector of the precinct that all the signers thereof are electors of such precinct and that the signatures thereto are genuine. If there is within the school corporation any territory not within the limits of the city or town, the board shall attach the same for school election purposes to such precinct or precincts as will afford the voters residing on such territory the most convenient place at which to vote, but the voters of such territory shall not be required to register. The board shall designate in each precinct a suitable and convenient voting place.

Sec. 11-a. Registration districts. For registration purposes, the board may consolidate precincts into registration districts as provided by the law applicable to registration for general elections, and shall designate suitable and convenient places for such registration.

Sec. 12. Registrars' meeting. The board of directors of school corporations, where registration is required at general elections, shall, not less than (10) days prior to the school election, appoint two (2) registrars in each of the registration districts of such school corporation for the registration of voters therein, who shall have the same qualifications as registrars appointed for general elections and shall qualify in the same manner and receive the same compensation to be paid by the school corporation. The person in custody of the registration books and records and poll books for the general election shall furnish the same to the board of directors which shall distribute them to the proper registrars and judges and they shall be used for registration at school elections the same as at general elections and shall within ten days after the school election be returned to the proper custodian. The registrars shall meet and remain in session on election day during the time the polls are open. In all respects except as in this chapter provided, the general registration laws shall apply to registration for school elections in cities and towns wherein registration is required for general elections, except that administrative and clerical duties imposed thereby on the mayor and city clerk shall be performed by the president and the secretary of the

board respectively and except that voters residing in territory in such school corporation but not within the limits of the city or town or part thereof need not be registered but shall vote at the voting precinct to their places of residence.

Sec. 13. Notice of meeting. The secretary of school corporations in which registration is required must give notice of the annual meeting by posting the same in a public place in each precinct, at least ten (10) days before the meeting, and publication once each week for two (2) consecutive weeks preceding the same in some newspaper published in the county and of general circulation therein. Such notice shall state the time, respective voting precincts, and the polling place in each, and shall specify what questions in addition to the election of director or directors shall be voted upon.

Sec. 14. Judges--ballot box and poll book--return. The board in such districts shall appoint three voters of the precinct as judges of the election and one voter of the precinct as clerk thereof. Not more than one member of the board shall act as such judge at any one voting precinct. If any person so appointed fails to qualify, the judge or judges attending shall fill the place by the appointment of any voter present. Should all of the appointees fail to qualify, their places shall be filled by the voters from those in attendance. The judges and clerk of the election shall have the same qualifications and be sworn as in the case of a general election. The board shall provide the necessary ballot box or voting machine and poll book for each precinct, and the judges shall make and certify a return to the secretary of the corporation of the votes cast for officers and upon each question submitted. School elections may be contested as provided by law for the contesting of other elections.

Sec. 15. Canvass of returns. On the next Monday after the meeting the board shall canvass the returns made to the secretary, ascertain the result of the voting with regard to every matter voted upon, declare the same, cause a record to be made thereof, and at once issue a certificate to each person elected.

Sec. 16. Qualifications of directors. Any member of the board or the county superintendent may administer the oath of qualification to any member-elect, the secretary, treasurer, or the president of the board. Each director elected shall qualify on or before the date for the organization of the board of the corporation in which he was elected, by taking the oath required of civil officers.

That sections two thousand five hundred forty-nine (2549) to two thousand five hundred fifty-three (2553), inclusive, of the compiled Code of Iowa, and sections two thousand five hundred forty-five-a one (2545-a1), two thousand five hundred forty-five-a two (2545-a2), and two thousand five hundred forty-five-a four (2545-a4) of the supplement to said Code, are amended, revised, and codified to read as follows:

Sec. 17. Meetings of directors-election of president. The board of directors of each school corporation shall meet and organize at two (2) o'clock p.m. or at seven-thirty (7:30) o'clock p.m. if so ordered by the president of the board, on the third Monday in March each year at some suitable place to be designated by the secretary. Notice of the place and hour of such meeting shall be given by the secretary to each member and each member-elect of the board.

Such organization shall be effected by the election of a president from the members of the board, who shall be entitled to vote as a member.

Such special meetings may be held as may be determined by the board, or called by the president, or by the secretary upon the written request of a majority of the members of the board, upon notice specifying the time and place, delivered to each member in person, or by registered letter, but attendance shall be a waiver of notice.

Sec. 18. Annual settlements. On the first secular day in July, the board of each school township and with it the members of the board who retired in the preceding March, and the board of each independent school corporation, shall meet, examine the books of, and settle with the secretary and treasurer for the year ending on the thirtieth day of June preceding, and transact such other business as may properly come before it. If after the annual settlement it shall appear that there is a surplus in the general fund, the board may, in its discretion, transfer any or all of such surplus to the schoolhouse fund. Should the secretary or treasurer fail to make proper reports for such settlement, the board shall take action to secure the same.

Sec. 19. Election of secretary and treasurer. On the same day the board shall elect a secretary, who shall not be a teacher or other employee of the board. It shall, except in districts where the treasurer is elected by the voters, elect a treasurer. Such officers shall be elected from outside the membership of the board by ballot entered of record.

Sec. 20. Quorum--temporary officers--vacancies. A majority of the board of directors of any school corporation shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. The board shall appoint a temporary president or secretary, in the absence of the regular officers. Vacancies occurring among the officers or members shall be filled by the board by ballot, and the person receiving the highest number of votes shall be declared elected, and shall qualify as if originally elected or appointed, and hold office until the next annual meeting. Except as otherwise provided by law, when the board is reduced below a quorum, the secretary of the board, or if there be no secretary, the county superintendent, shall call a special election to fill the vacancies, giving notice in the same manner as for the annual meeting.

Sec. 21. Courses of study--regulations--tobacco prohibited. The board shall prescribe courses of study for the schools of the corporation, make rules for its own government and that of the directors, officers, teachers, and pupils, and for the care of the schoolhouse, grounds, and property of the school corporation, and aid in the enforcement of the same, and require the performance of duties by said persons imposed by law and the rules, and may exclude from school any incorrigible child or any child who in its judgment is so abnormal that his attendance at school will be of no substantial benefit to him, or any child whose presence in school may be injurious to the health or morals of other pupils or to the welfare of such school. Such rules shall prohibit the use of tobacco and other narcotics in any form by any student of such schools and the board may suspend or expel any student for any violation of such rule.

Sec. 22. Contracts--election of teachers. The board shall carry into effect any instruction from the annual meeting upon matters within the control of the voters, and shall elect all teachers and make all contracts necessary or proper for exercising the powers granted and performing the duties required by law, but the board may authorize any subdirector to employ teachers for the school in his subdistrict.

Sec. 23. Form of contract with teachers. Contracts with teachers must be in writing, and shall state the length of time the school is to be taught,

the compensation per week of five (5) days, or month of four (4) weeks, and that the same shall be invalid if the teacher is under contract with another board of directors in the state of Iowa to teach covering the same period of time, until such contract shall have been released, and such other matters as may be agreed upon, which may include employment for a term not exceeding the ensuing school year, except as otherwise authorized, and payment by the calendar or school month, signed by the president and teacher, and shall be filed with the secretary before the teacher enters upon performance of the contract.

Sec. 24. Superintendent--term. The board of directors of any independent school district of school township where there is a Township High School shall have power to employ a superintendent of schools for one (1) year. After serving at least seven months he may be employed for a term of not to exceed three (3) years. He shall be the executive officer of the board and have such powers and duties as may be prescribed by rules adopted by the board or by law. Boards of directors may jointly exercise the powers conferred by this section.

That section two thousand five hundred fifty-seven (2557) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 26. Agriculture, domestic science, and manual training. The teaching of elementary agriculture, domestic science, and manual training shall be required in all public schools of the state, except in rural independent districts and school townships; and the state superintendent shall prescribe the extent of such instruction.

That section two thousand five hundred fifty-eight-a one (2558-a1) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 25-a1. Physical education. The teaching of physical education, including effective health supervision and health instruction, of both sexes, shall be required in every public elementary and secondary school of the state. Modified courses of instruction shall be provided for those pupils physically or mentally unable to take the courses provided for normal children. Said subjects shall be taught in the manner prescribed by the state superintendent of public instruction.

Sec. 26-a2. Length of course. The course of physical education shall occupy periods each week totalling not less than fifty (50) minutes, exclusive of recesses, throughout each school term. The conduct and attainment of the pupils in such course shall be marked as in other subjects and it shall form part of the requirements for promotion or graduation of every pupil in attendance, but no pupil shall be required to take such instruction whose parents or guardian shall file a written statement with the school principal or teacher that such course conflicts with his religious belief.

That sections two thousand five hundred fifty-nine (2559) and two thousand five hundred sixty (2560) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 27. Kindergarten department. The board of any independent school district may establish in connection with the common schools, kindergarten departments for the instruction of children, to be paid for in the same manner as other grades and departments. Any kindergarten teacher shall hold a certificate certifying that the holder thereof has been examined upon kindergarten principles and methods and is qualified to teach in kindergartens.

Sec. 28. Higher and graded schools. It shall have power to maintain in each district one (1) or more schools of a higher order, for the better instruction of all in the district prepared to pursue such a course of study, and it may establish graded schools and determine what branches shall be taught therein, but the course of study shall be subject to the approval of the superintendent of public instruction.

Sec. 30. Determine the number of schools taught. The board shall determine the number of schools to be taught, divide the corporation into such wards or other divisions for school purposes as may be proper, determine the particular school which each child shall attend, and designate the period each school shall be held beyond the time required by law.

Sec. 31. School to be closed--when. No contract shall be entered into with any teacher to teach any school in the school corporation when the average attendance in said school the last preceding term therein was less than five (5) pupils, unless a showing is made to the county superintendent that the number of children of school age in said school district has increased so that ten (10) or more will be enrolled in such school and will attend therein. In such case, or when natural obstacles to transportation of pupils to another district, or other conditions make it clearly impracticable that such schools be closed, the county superintendent may consent to maintaining a school in said district for the ensuing term. It shall be the duty of the members of the school board residing in said district to make said showing, or any resident of said district may do so upon his own notion.

Sec. 32. Instruction of pupils of closed school--tuition. If a school is closed for lack of pupils, the board of such school corporation shall provide for the instruction of the pupils of said school in another school as convenient as may be, and shall pay to the secretary of the school corporation in which such children attend the average cost of tuition and other expenses in such school.

Sec. 33. Transportation of children. In all districts where school has been closed as provided in the preceding section, transportation shall be provided as in consolidated districts for any child residing more than two (2) miles from the nearest school, or the board may allow to the parent or guardian of such child a reasonable sum for transporting him to and from school, but in exceptional cases the county superintendent may require the transportation of children for a less distance.

Sec. 34. Tuition. Every school shall be free of tuition to all actual residents between the ages of five (5) and twenty-one (21) years, and to resident honorably discharged soldiers, sailors, and marines, as many months after becoming twenty-one (21) years of age as they have spent in the military or naval service of the United States before they became twenty-one (21). Every person, however, who shall attend any school after graduation from a four (4) years course in an approved high school or its equivalent shall be charged a sufficient tuition fee to cover the cost of the instruction received by such person.

Sec. 34-a. School year. The school year shall begin on the first of July and each school regularly established shall continue for at least thirty-two (32) weeks of five (5) school days each and may be maintained during the entire calendar year.

That section two thousand five hundred sixty-seven (2567) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 35. "Rushing" prohibited--penalty. No person shall go upon school grounds or enter any school building for the purpose of "rushing" or soliciting.



while there, any pupil of such school to join any fraternity, society, or organization outside of said school. Persons violating the provisions of this section shall be fined not less than two dollars (\$2.00) nor more than ten dollars (\$10.00), and on failure to pay such fine shall be imprisoned in the county jail for not more than ten (10) days. Fines collected shall be paid to the county treasurer, and be by him added to the school fund of the district in which the offense was committed.

That section two thousand five hundred seventy-eight (2578) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 36. Attendance at high school outside home district. Any person of school age who is a resident of a school corporation which does not offer a four (4) year high school course, and who has completed the course as approved by the department of public instruction for such corporation, shall be permitted to attend any public high school or county high school in the state approved in like manner that will receive him.

Sec. 37. Requirements for admission. Any person applying for admission to any high school under the provisions of the preceding section shall present to the officials thereof the affidavit of his parent or guardian, or if he have neither, his next friend, that such applicant is entitled to attend the public schools, and a resident of a school district of this state, specifying the district. He shall also present a certificate signed by the county superintendent showing proficiency in the common school branches, reading, orthography, arithmetic, physiology, grammar, civics of Iowa, geography, United States history, penmanship, and music. No such certificate or affidavit shall be required for admission to the high school in any school corporation when he has finished the common school branches in the same corporation.

Sec. 38. Tuition fees--payment. The school corporation in which such student resides shall pay from the general fund to the secretary of the corporation in which he shall be permitted to enter a tuition fee of not to exceed twelve dollars (\$12.00) per month during the time he so attends, not exceeding a total period of four (4) school years. Such tuition shall not exceed the average cost of tuition in such high school. The secretary shall deliver to the treasurer such tuition fees with an itemized statement on or before February fifteenth and June fifteenth of each year.

Sec. 39. Collection of tuition fees. If payment is not made the board of the creditor corporation shall file, with the auditor of the county of the pupil's residence a statement certified by its president specifying the amount due for tuition, and time for which the same is claimed. The auditor shall transmit to the county treasurer an order directing him to transfer the amount of such account from the funds of the debtor corporation to the creditor corporation and he shall pay the same accordingly.

Sec. 39-a. Tuition in charitable institutions. When any child is cared for in any charitable institution in this state which does not maintain a school providing secular instruction, and which institution is organized and operating under the laws of Iowa, and the domicile of the child is in another school district than that wherein the institution is situated, then such child shall be entitled to attend school in the district where such institution is located. In such case, the district which provides schooling for such child shall be entitled to receive tuition not exceeding the average cost thereof in the department of the school in which schooling is given, and not exceeding eight dollars (\$8.00) per month for tuition in schools below the high school grade, and not exceeding twelve

dollars (\$12.00) per month for tuition in high school grades. Such tuition shall be paid by the county of the domicile of such child. Any county so paying tuition shall be entitled to recover the amount paid therefor from the parent of such child. This section shall not apply to charitable institutions which are maintained at state expense.

**Sec. 40.** Tuition fee in counties maintaining high school. No school corporation situated in a county maintaining a county high school shall be required to pay the tuition of pupils at any high school other than such county high school, but this shall not apply to pupils who, while residing at home, attend some high school other than that of the school corporation in which they reside.

Such school corporations in such county shall pay a reasonable tuition per pupil per month, said tuition in no case to exceed the cost of instruction.

**Sec. 41.** Reimbursement of district—conditions. In counties having a high school where a child resides at home and attends a high school outside the district of his residence other than the county high school, and the school corporation where the child resides pays the tuition for such child, and at the end of the school year it is found that less pupils have attended the county high school from the district where such child resides than were entitled to attend under the county high school apportionment, then the school corporation where such child resides shall be entitled to be reimbursed from the county high school funds for the tuition so paid, not exceeding in the aggregate an amount equal to the taxes contributed by such district to said county high school funds for the tax year preceding, fair and equitable credit being given to the county high school fund for pupils actually attending said county high school during said school year from the district where said child resides.

**Sec. 42.** Determination by county superintendent—appeal. The county superintendent shall, on application for such purpose, determine in writing the amount due such corporation from the county high school fund, and furnish such corporation with a copy of such finding. Within twenty (20) days thereafter such corporation may appeal to the district court from such finding by serving written notice on the county superintendent of the taking of such appeal.

**Sec. 43.** ~~Final~~—decision final—transfer of funds. On the service of said notice, the county superintendent shall file a copy of his finding in the office of the clerk of the district court and the clerk shall docket the cause without fee. The matter shall be tried on appeal as in equity and without formal pleading. The decision of the district court shall be final, and upon the filing of a certified copy thereof with the county treasurer, he shall transfer from the county high school funds to the credit of the corporation the amount to which it is found by the court to be entitled.

Approved April 5, 1924.