

*Joint committee substitute
for this bill and HF 62
was SF 94*

A BILL

FOR AN ACT TO REVISE, AMEND AND CODIFY THE STATUTES IN RELATION TO
THE SYSTEM OF COMMON SCHOOLS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

CHAPTER 14 (OF TITLE XIII).

OF THE SYSTEM OF COMMON SCHOOLS.

SECTION 1. Each school district now existing shall continue a body politic as a school
2 corporation, unless hereafter changed as provided by law.

SEC. 2 School corporations shall be designated as follows: The independent district of
2 (naming the city, town, or village, and if there are two or more school districts therein, includ-
3 ing some appropriate name or number) in the county of, and state of Iowa, or
4 the school township of (naming the civil township), in the county of, and state
5 of Iowa, or: the rural independent district of (some appropriate name or number)
6 township, in the county of, and state of Iowa. Each district shall exercise exclu-
7 sive jurisdiction in all school matters over the territory therein, may sue and be sued, hold
8 and dispose of property, and exercise such other powers and enjoy such privileges as are now
9 or may hereafter be conferred by law in express terms or by direct implication. District town-
10 ships now existing shall hereafter be called school townships.

SEC. 3. The affairs of each school corporation shall be conducted by a board of directors
2 the members of which in all independent districts shall be chosen for a term of three years
3 and in all sub-districts of school townships for a term of one year.

SEC. 4. A meeting of the voters of each school corporation shall be held annually on the
2 second Monday in March, for the transaction of the business of the district. Notice in writing
3 of the place, day and hours between which the meeting will be in session, shall be posted by
4 the secretary of the board in at least five public places in the district, for not less than five
5 days next preceding the day of the meeting. The meeting shall organize not later than ten
6 o'clock, A. M., and shall be in session continuously for at least five hours. The president and
7 the secretary of the board shall be the chairman and secretary of the annual meeting. If the
8 president or the secretary of the board is absent at the organization of the meeting, the voters
9 present shall appoint one of their own number as chairman or secretary.

SEC. 5. The voters assembled at the annual meeting shall have power to direct the sale
2 of any schoolhouse or site, or of any other property, and to direct what disposition shall be
3 made of the proceeds; to instruct the board that school buildings may or may not be used for
4 meetings of public interest; to name any branch of study, embracing also foreign languages,
5 in addition to those subjects already included by the board in the course of study, in which it
6 is desired that instruction shall be afforded in one or more of the schools of the district, but
7 all branches except foreign languages shall be taught in English; to transfer any surplus in
8 the schoolhouse fund to the contingent fund or teacher's fund; and, upon previous announce-
9 ment of the proposition therefor, given in the notices of the meeting, to change text-books
10 regularly adopted. Also to vote an amount of schoolhouse tax of not more than ten mills on
11 the dollar for the purchase of sites, to construct schoolhouses and make other improvements,
12 for the payment of judgments or of any debt legally incurred, to pay bonds or interest on the
13 same, and to defray the expenses of opening any necessary highway to a schoolhouse, or to
14 vote upon any other matter which may legally come before said meeting. In any district
15 having territory in more than one county, the number of mills, instead of an amount, shall be
16 voted. Any matter referred to in this section may be determined by a *viva voce* vote unless
17 otherwise provided for by law.

SEC. 6. The board of directors may call a special meeting of the voters of any district by
2 giving notice in the same manner as for the annual meeting, whenever the district has lost
3 the use of a schoolhouse by fire or otherwise, which shall have the powers given to a regular
4 meeting with reference to the sale of school property and the application to be made of the
5 proceeds, and to vote a schoolhouse tax for the purchase of a site and the construction of a
6 necessary schoolhouse, and for obtaining a road thereto.

SEC. 7. The board of each district, two weeks before the annual meeting, shall publish
2 in not exceeding two newspapers if any are published in the district, or shall post up in writ-
3 ing in not less than three conspicuous places in the district, a detailed statement of the
4 receipts and disbursements of all funds expended for school and building purposes for the pre-
5 ceding year, and at the same time and as a part thereof give in detail an estimate of the
6 several amounts required to maintain the schools in such district for the succeeding year, all
7 of which shall be read for the information of the voters, at the annual meeting on the second
8 Monday in March.

SEC. 8. At the annual meeting in all independent districts, members of the board shall
2 be chosen by ballot, and the polls must remain open to receive votes for members of the board
3 and on propositions voted for by ballot, for not less than four of the five hours during which
4 the annual meeting must remain in session.

SEC. 9. 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 members, three of whom shall be chosen on the second Monday in March, 1898, two on the second Monday in March, 1899, and two on the second Monday in March, 1900.

SEC. 10. Any district of more than 15,000 inhabitants shall be divided into not less than three nor more than five precincts, in each of which a poll shall be held at a convenient place, fixed by the board of directors for the reception of the ballots of voters residing in such precinct. A separate register of the voters of each precinct shall be prepared by the board from the register of the electors of any city included within such district, and for that purpose a copy of such register of electors shall be furnished by the clerk of the city to the board of directors. Before each annual meeting these registers shall be revised and corrected by comparison with the last register of elections of such cities, and shall have the same force and effect at school meetings held under this section, in respect to the reception of votes thereat, as the register of election has by law at general elections. Notice of the meeting must be given by the secretary, by posting a notice in a public place in each precinct at least five days before the meeting, and by publication for two weeks preceding the same in some newspaper published in the district, such notice to state the time, respective voting precincts and the polling place in each precinct, and also to specify what questions authorized by law in addition to the election of director or directors, shall be voted upon by ballot and determined by the voters of the several precincts.

SEC. 11. As judges of the election referred to in the preceding section, the board shall appoint three voters of the precinct, one of whom shall act as clerk, who shall be sworn as provided in case of a general election. If any person so appointed fails to attend, the judge or judges attending shall fill the place by the appointment of any voter present and a like result shall follow a refusal to serve or to be sworn. Should all of the appointees fail to attend, their places shall be filled by the voters from those in attendance. The board shall provide the necessary ballot box and poll book for each precinct, and the judges shall make and certify a return to the secretary of the district of the canvass of the votes for office and upon each question submitted. 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. At all meetings held under this and the next preceding section, the polls shall be kept open from 9 o'clock A. M. until 6 o'clock P. M.

SEC. 12. All candidates for director in city independent districts of over four thousand population, shall, not less than ten days before the annual meeting, cause to be filed with the secretary, a certificate of nomination signed by at least ten voters of such district, giving the

4 name of the proposed candidate. When the secretary posts notices of the meeting, he shall
5 include the names of all such candidates. Only such votes shall be counted by the judges as
6 were cast for candidates for whom certificates of nomination were filed.

SEC. 13. In all independent city, town, or village districts except those included in sec-
2 tion 9, the board shall consist of five members, one of whom shall be chosen on the second
3 Monday in March, 1898, two on the second Monday in March, 1899, and two on the second
4 Monday in March, 1900.

SEC. 14. In all rural independent districts the board shall consist of three members, one
2 of whom shall be chosen on the second Monday in March, 1898, and one each year thereafter.

SEC. 15. The chairman of the annual meeting, the secretary and one of the directors
2 continuing in office, shall act as judges of the election provided for in section 8. When
3 the polls have been kept open at least four hours the judges may declare the voting
4 closed, canvass the votes, and at once issue certificates of election to the person or persons
5 chosen. A tie vote shall be publicly determined forthwith by lot under the direction of the
6 judges of election.

SEC. 16. The several subdistricts now existing in district townships shall be subdistricts
2 of school townships until changed as provided by law. A meeting of the electors of each sub-
3 district shall be held on the first Monday in March of every year. The meeting shall not
4 organize earlier than 9 o'clock A. M., nor adjourn before 12 o'clock, M., and when a subdirector
5 is voted for, the polls shall remain open not less than three hours. Notice in writing of the
6 time and place of said meeting shall be given by the subdirector, or if there is none, by the
7 secretary of the school township, by posting in five public places in the subdistrict for five
8 days next preceding the meeting. The voters shall select a chairman and a secretary of the
9 meeting, who shall act as judges of the election. At the meeting held just preceding the
10 expiration of the term of office of the subdirector for that subdistrict, or in case of a vacancy
11 therein, the voters shall elect the subdirector. The vote shall be canvassed by the judges of
12 the election and the person receiving the highest vote shall be declared elected.

SEC. 17. The board of directors of a school township shall be composed of one sub-
2 director of either sex from each subdistrict into which the school township is divided. But
3 when there are only two subdistricts a third subdirector shall be elected at large by all the
4 voters of the two subdistricts. When the school township is not divided into subdistricts
5 one member of the board of three subdirectors shall be elected at large by all the voters of
6 the school township on the first Monday in March of each year.

SEC. 18. A tie vote in the election of subdirector shall be publicly determined forthwith
2 by lot under the direction of the judges. A certificate of election shall be executed and
3 signed by the judges of election and delivered to the person elected as subdirector.

SEC. 19. The voters of any subdistrict, at the meeting on the first Monday in March, 2 may vote an amount of schoolhouse tax to be raised upon the property within the subdis- 3 trict. The sum thus voted shall be certified forthwith by the secretary of the subdistrict 4 meeting to the secretary of the school township, and shall be by him reported to the annual 5 meeting of the school township. The voters of the school township may vote that a part or 6 all of the same amount shall be voted upon all the property of the school township, to be 7 expended for the aforesaid subdistrict, in which case the vote of the subdistrict to have the 8 tax raised upon that subdistrict alone shall be void to the extent assumed by the school town- 9 ship. But the total amount of schoolhouse tax thus voted in a single year shall not exceed 10 in the aggregate the sum of fifteen mills on the dollar.

SEC. 20. When a new civil township is formed, the same shall constitute a school town- 2 ship which shall go into effect on the first Monday in March following the completed organ- 3 ization of the civil township. The notices of the first meeting shall be given by the county 4 superintendent, and a board of three directors shall be chosen, their respective terms to be 5 determined by lot. If for any cause the board of a school township or of an independent 6 district falls below a quorum, the vacancies shall be filled at a special meeting called by the 7 county superintendent, in the manner provided for the annual meeting.

SEC. 21. To have the right to vote at a school meeting a person must have the same 2 qualifications as for voting at a general election, and must be at the time an actual resident 3 of the district or subdistrict in which he wishes to vote.

SEC. 22. A school officer or member of the board may be of either sex, and must at the 2 time of election or appointment be a citizen and a resident of the district or subdistrict and 3 over twenty-one years of age, and, if a man, he must be a qualified voter of the district.

SEC. 23. Any member of the board may administer the oath of qualification to any mem- 2 ber-elect, and to the president of the board. Each director or subdirector shall qualify on or 3 before the third Monday in March by taking an oath to support the constitution of the United 4 States and that of the state of Iowa, and that he will faithfully discharge the duties of his 5 office; and shall hold the office for the term, or for the remainder of the unexpired term to 6 which such person is elected, and until a successor is elected and qualified. In case of a va- 7 cancy, the office shall be filled by appointment by the board until the next annual meeting.

SEC. 24. All school officers and members of boards, upon the termination of their offices, 2 shall immediately surrender to their successors all books, papers and moneys pertaining or 3 belonging to the office, taking an itemized receipt therefor.

SEC. 25. When the organization of a new district of any kind is completed, the boards of 2 the old and new districts shall immediately make an equitable division and distribution of the 3 then existing assets and liabilities. If the boards interested cannot agree, the matters upon

4 which they differ shall be decided by disinterested arbitrators, one selected by each board, and
5 if the number is then even one arbitrator shall be added by the county superintendent, and
6 the decision of the arbitrators, made in writing, shall be final. A similar division shall be
7 made when a boundary between districts is changed.

SEC. 26. Upon the written petition of any twenty-five voters of a city, town or village of
2 over two hundred inhabitants, to the board of the school township in which the portion of the
3 town plat having the largest number of voters is situated, such board shall establish the bound-
4 aries of a proposed independent district, including therein all of the city, town or village,
5 and also such contiguous territory, in not smaller subdivisions than entire forties of land, in
6 the same or any adjoining school townships, as may best subserve the convenience of the people
7 for school purposes, and shall give the same notices of a meeting as required in other cases,
8 at which meeting all voters upon the territory included within the contemplated independent
9 district shall be allowed to vote by ballot for or against such separate organization. When it
10 is proposed to include territory outside the village plat, town, or city, the voters residing upon
11 such outside territory shall be entitled to vote separately upon the proposition for the forma-
12 tion of such new district, by presenting a petition of at least twenty-five per cent of the
13 voters residing upon such outside territory, and if a majority of the votes so cast is against
14 including such outside territory, then the proposed independent district shall not be formed.

SEC. 27. If the proposition to establish an independent district carries, then the same
2 board shall give the usual notice for a meeting to choose a board of directors. Two directors
3 shall be chosen to serve until the next annual meeting, two until the second, and one until
4 the third annual meeting thereafter. The board shall organize by the election of officers in
5 the usual manner.

SEC. 28. The organization of such independent district shall be effected on or before the
2 first day of August of the year in which it is attempted, and when completed all taxes certi-
3 fied for the school township or townships of which the independent district formed a part,
4 shall be void so far as the property within the limits of the independent district is concerned,
5 and the board of such independent district shall fix the amount of all necessary taxes for
6 school purposes, including schoolhouse taxes, at a meeting called for such purposes at any
7 time before the third Monday of August, which shall be certified to the board of supervisors
8 on or before the first Monday of September, and it shall levy said tax at the same time and in
9 the same manner that other school taxes are required to be levied.

SEC. 29. At any time in any year before the first day of August, upon the written request
2 of one-third of the legal voters in each subdistrict of any school township, the board shall call a
3 meeting of the voters of the subdistrict, giving at least thirty days' notice thereof by posting
4 three notices in each subdistrict in each school township, at which meeting the voters shall vote

5 by ballot for or against rural independent district organization. If a majority of the votes
6 cast in each subdistrict shall be favorable to such independent organization, then each sub-
7 district shall become a rural independent district, and the board of the old school township
8 shall then call a meeting in each rural independent district for the choice of three directors,
9 to serve one, two and three years respectively, and the organization of the said rural inde-
10 pendent district shall be completed.

SEC. 30. Rural independent districts may subdivide for the purpose of forming two or
2 more rural independent districts, or have territory detached to be annexed with other ter-
3 ritory in the formation of a rural independent district or districts, the board of directors of
4 the original rural independent districts to establish the boundaries of the districts thus
5 formed, such new districts to contain not less than four government sections of land each ;
6 but in case a stream or other obstacle shall debar a considerable number of children of school
7 privileges, a rural independent district may be thus organized containing less territory ; or, if
8 such new district shall include within its territory a town or village with not less than one
9 hundred inhabitants, it may in like manner be made up of less territory ; but in neither
10 case shall the new district contain less than two government sections of land, nor be
11 organized except on a majority vote of the electors of each proposed district, and the pro-
12 ceedings for such subdivision shall in all respects be like those provided in the section
13 relating to organizing cities and towns into independent districts so far as applicable.

SEC. 31. Rural independent districts located contiguous to each other may unite and form
2 one and the same rural independent district in the manner following: At the written request
3 of any ten legal voters residing in each of said rural independent districts, or if there be not
4 ten, then a majority of such voters, their respective boards of directors shall require their
5 secretaries to give at least ten days' notice of the time and place for a meeting of the
6 electors residing in each of such districts, by posting written notices in at least five
7 public places in each of said districts, at which meeting the electors shall vote by ballot for or
8 against a consolidated organization of said rural independent districts ; and if a majority
9 of the votes cast at the election in each district shall be in favor of uniting said districts, the
10 secretaries shall give similar notice of a meeting of the electors as provided for by law for the
11 organization of independent districts including cities and towns.

SEC. 32. A school township may be consolidated and organized as an independent district
2 in the manner following: If the board of directors shall deem the same advisable, or is requested
3 by a petition signed by one-third the voters thereof, it shall submit the question to a
4 vote of the electors of the school township, at a regular election, or one called for the purpose,
5 after notice, published for four weeks in some newspaper published in the township, or
6 if none, then in the county at which the electors shall vote for or against consolidation. If a

7 majority of the votes cast be in favor of consolidated organization, then such school township
8 shall, at the date for holding the regular annual meeting following, organize as a rural inde-
9 pendent district. If the proposed consolidation is in townships which have been divided into
10 rural independent districts, then the township trustees shall act in place of the board of
11 directors; but this section shall not be so construed as to affect independent districts com-
12 posed wholly or mainly of cities or towns. Rural independent districts in like manner may
13 change their boundaries so as to form any number of districts less than those existing at the
14 time such change is asked for, the proposed change to be specified in the notices of election.

SEC. 33. The rural independent districts of a civil township which has been divided into
2 rural independent districts may be erected into a school township by a vote of the electors, to
3 be taken upon the written request of one-third of the legal voters residing in such civil town-
4 ship. Upon presentation of such written request to the township trustees they shall call
5 a meeting of the electors at the usual place or places of holding the township election, upon
6 giving at least ten days' notice thereof by posting three written notices in each rural inde-
7 pendent district in the township, and by publication in a newspaper, if one be published in
8 such township, at which meeting the said electors shall vote by ballot for or against a school
9 township organization. If a majority of the votes cast at such election be in favor of such
10 organization, each rural independent district shall become a subdistrict of the school town-
11 ship, and shall organize as such, on the first Monday in March following, by the election of a
12 subdirector; notice of which shall be given as in other cases by the secretary of each of the
13 old rural independent districts; and the subdirectors so elected shall organize as a board of
14 directors of the school township on the third Monday in March following; but this section
15 shall not be construed to affect independent districts composed wholly or mainly of cities or
16 towns.

SEC. 34. When the boundary line between a school township and an independent city or
2 town district is not also the line between civil townships, such boundary may be changed at
3 any time by the concurrence of the boards of directors; but in no case shall a forty-acre tract
4 of land, by the government survey, be divided; and such subdivisions shall be excluded or
5 included as entire forties. The boundaries of the school township or the independent district
6 may in the same manner be extended to the line between civil townships, even though by such
7 change one of the districts shall be included within and consolidated with the other as a
8 single district. When the corporate limits of any city or town are extended outside the exist-
9 ing independent district or districts, the boundaries of said independent district or districts
10 shall be also correspondingly extended. But in no case shall the boundaries of an independ-
11 ent district be affected by the reduction of the corporate limits of a city or town.

SEC. 35. In any case where, by reason of natural obstacles, any portion of the inhabitants
2 of any school township or independent district cannot, in the opinion of the county superin-
3 tendent, with reasonable facility attend school in their own district, he shall, by a written
4 order in duplicate, attach the part thus affected to an adjoining school township or independ-
5 ent district, the board of the same consenting thereto, one copy of which order shall be at
6 once transmitted to the secretary of each district affected thereby, who shall record the same
7 and make the proper designation on the plat of the district. Township or county lines shall
8 not be a bar to the operation of this section, but any transfer made shall be by entire forties
9 of land.

SEC. 36. One or more of the forty-acre tracts transferred under the provisions of the
2 preceding section of which have been previously transferred may be restored, or the former
3 district line adopted, at any time, by the concurrence of the boards; and such territory shall
4 be restored to the school township or independent district to which it naturally belongs upon
5 the petition of two-thirds of the voters residing upon said territory, together with the con-
6 currence of the county superintendent and the board of the school township or independent
7 district which is to receive back the territory.

SEC. 37. The boundary lines of contiguous independent districts within the same civil
2 township may be changed by the concurrent action of the respective boards of directors at their
3 regular meetings in September, or at special meetings thereafter called for that purpose.
4 The independent district from which territory is detached shall after the change contain not
5 less than four government sections of land, and its boundary lines shall conform to the lines
6 of congressional divisions of land.

SEC. 38. The board of directors shall meet on the third Monday in March and September,
2 and may hold such special meetings as may be called by the president, or the secretary upon
3 the written request of a majority of the board, upon notice specifying the time and place,
4 delivered to each member in person, but attendance shall be a waiver of notice. Such meet-
5 ings may be held at any place within the civil township in which the district is situated. At
6 the regular March meeting the board shall organize by the election of a president from its
7 members, who shall be entitled to vote as a member. At the regular September meeting it
8 shall elect, from outside the board, a secretary and a treasurer, who may be of either sex.
9 Upon the organization of any district the board shall elect a secretary and treasurer to hold
10 until the September meeting following. All such officers shall be elected by ballot, and the
11 vote shall be recorded by the secretary.

SEC. 39. The president of the board shall preside at all of its meetings, sign all warrants
2 and drafts respectively, drawn upon the county treasurer for money apportioned to and taxes
3 collected belonging to his district, sign all orders on the treasurer drawn as provided by law,

4 sign all contracts made by the board, and as directed by the board appear in behalf of his di
5 strict in all actions brought by or against it, unless individually a party, in which case this
6 duty shall be performed by the secretary. In all cases where actions may be instituted by or
7 against any of the school officers to enforce any of the provisions of this act, the board may
8 employ counsel, for which the district shall be liable.

SEC. 40. The secretary and the treasurer shall each give bond to the district in such pen-
2 alty as the board may require, and with sureties to be approved by it, which bond shall be
3 filed with the president, conditioned for the faithful performance of all official duties. Each
4 shall take the oath required of civil officers, which shall be endorsed upon the bond, and shall
5 complete his qualification within ten days. In case of a breach of the bond, the president
6 shall bring action thereon in the name of the district under the direction of the board.

SEC. 41. A majority of the board of directors of any district shall constitute a quorum for
2 the transaction of business, but a less number may adjourn from time to time. Vacancies
3 occurring among the officers or members shall be filled by the board, and the person receiving
4 the highest number of votes upon a ballot shall be declared elected, and shall qualify as if orig-
5 inally elected or appointed thereto.

SEC. 42. The board shall appoint a temporary president and secretary, or either of them,
2 in the absence of the regular officers; may make and enforce rules and regulations for its own
3 government and that of the officers, teachers and scholars, and the care of the schoolhouse,
4 grounds and property of the school corporation, and require the performance of duty by said
5 persons in accordance with law and said rules and regulations.

SEC. 43. It may fix the site for each schoolhouse, taking into consideration the geograph-
2 ical position, number, and convenience of the schools, provide for the fencing of schoolhouse
3 sites, determine the number of schools to be taught, and designate the period each school
4 shall be held beyond the time required by law. Every school shall be free of tuition to all
5 actual residents between the ages of 5 and 21, and each school regularly established shall be
6 continued for at least twenty-four weeks of five school days each, in each school year com-
7 mencing the third Monday in March, unless the county superintendent shall authorize the
8 board to shorten this period in any one or more schools, when in his judgment there are suf-
9 ficient reasons for so doing.

SEC. 44. It may, when necessary, rent a room and employ a teacher where there are ten
2 children for whose accommodation there is no schoolhouse; and when the board is released
3 from its obligation to maintain a school, or when children live at an unreasonable distance
4 from their own school, the board may contract with boards of other school townships or inde-
5 pendent districts for the instruction of children thus deprived of school advantages, in any
6 school therein, and the cost thereof shall be paid from the teachers' fund. And when the

7 board believes there will be a saving of expense, and that children will also thereby secure
8 increased advantages, it may arrange with any person outside the board for the transportation
9 of any child to and from a school in the same or in another district, and such expenses shall
10 be paid from the contingent fund.

SEC. 45. It shall require all teachers to give and all scholars to receive instruction in
2 physiology and hygiene, which study in every division of the subject shall include the effects
3 upon the human system of alcoholic stimulants, narcotics and poisonous substances. The
4 instruction in this branch shall of its kind be as direct and specific as that given in other
5 essential branches, and each scholar shall be required to complete the part of such study in
6 the class or grade before being advanced to the next higher, and before being credited with
7 having completed the study of the subject.

SEC. 46. It shall have power to maintain in each district one or more schools of a higher
2 order, for the better instruction of all in the district prepared to pursue such a course of study;
3 and it may establish graded or union schools and determine what branches shall be taught
4 therein, but the course of study shall be subject to the approval of the superintendent of
5 public instruction; and it may select a person who shall have general supervision of the schools
6 in any district, subject to the control of the board.

SEC. 47. That the board of directors of any independent school district is hereby
2 empowered to establish within said district, in connection with the common schools a kinder-
3 garten or kindergartens, for the instruction of children, to be paid for in the same manner as
4 other grades and departments. All teachers in kindergartens established under this section
5 shall hold a certificate from the county superintendent certifying that the holder thereof has
6 been examined upon kindergarten principles and is qualified to teach in kindergartens.

SEC. 48. It shall carry into effect, in good faith, any instruction from the annual meeting
2 upon matters within the control of said voters, and shall elect all teachers and make all
3 contracts necessary or proper for exercising the powers granted and performing the duties
4 required in this act. Contracts with teachers must be in writing, and shall state the length
5 of time the school is to be taught, the compensation per week of five school days, or month of
6 four weeks, and such other matters as may be agreed upon, signed by the president and
7 teacher, and filed with the secretary before the teacher commences to teach under such
8 contract.

SEC. 49. It shall have power to make all contracts, purchases, sales and payments neces-
2 sary to carry out any vote of the annual meeting. No schoolhouse, however, shall be erected
3 without first consulting with the county superintendent as to the most approved plan for
4 such building, and securing his approval in writing of the plan submitted, nor shall any school-
5 house be erected or repaired at a cost exceeding three hundred dollars, save under an express

6 contract reduced to writing, and upon proposals therefor, invited by advertisement for four
7 weeks in some newspaper published in the county in which the work is to be done, and the
8 contract shall be let to the lowest responsible bidder, bonds with sureties for the faithful per-
9 formance of the contract being required, but the board may reject any bid and advertise for
10 new ones.

SEC. 50. It shall audit and allow all just claims against the district, and no order shall be
2 drawn upon the treasury until the claim therefor has been audited and allowed; it shall from
3 time to time examine the accounts of the treasurer and make settlements with him, and shall
4 fix the compensation to be paid the secretary and treasurer. But no member of the board
5 shall receive compensation out of any school fund for any services.

SEC. 51. It shall provide for visiting the schools of the district by one or more of its
2 members and aid the teachers in the government thereof, and in enforcing the rules and regu-
3 lations of the board. It may, by a majority vote, discharge any teacher for incompetency,
4 inattention to duty, partiality, or any good cause, after a full and fair investigation made at a
5 meeting of the board held for that purpose, at which he shall be permitted to be present and
6 make defense, allowing him a reasonable time to prepare therefor. It may by a majority vote
7 expel any scholar from school for immorality, or for a violation of the regulations or rules
8 established by the board, or when the presence of the scholar is detrimental to the best
9 interests of the school, and it may confer upon any teacher, principal or superintendent the
10 power temporarily to dismiss a scholar, notice of such dismissal being at once given in writ-
11 ing to the president of the board. When a scholar is dismissed by the teacher, principal or
12 superintendent, as above provided, he may be re-admitted by such teacher, principal or super-
13 intendent, but when expelled by the board he may be re-admitted only by the board or in the
14 manner prescribed by it.

SEC. 52. It shall provide and pay out of the contingent fund to insure school property
2 such sum as may be necessary if deemed best to insure such school property; and shall pur-
3 chase dictionaries, maps, charts and apparatus for the use of schools of the district to an
4 amount not exceeding twenty-five dollars in any one year for each schoolroom under its
5 charge; and shall furnish schoolbooks for indigent children when they are likely to be deprived
6 of proper benefits of school unless so aided; and shall also when directed by a vote of the
7 district purchase and loan books to scholars and shall provide by levy of a contingent fund
8 therefor; and shall set out, protect and renew not less than twelve shade trees upon each
9 schoolhouse site.

SEC. 53. It shall give special attention to the matter of convenient water-closets or
2 privies, and provide on every schoolhouse site not within an independent city or town district,
3 two separate buildings, located at the farthest point from the main entrance to the school-

4 house, and as far from each other as may be, and keep them in wholesome condition and good
5 repair. In independent city or town districts where it is inconvenient or undesirable to erect
6 two separate outhouses, several closets may be included under one roof, and if outside the
7 schoolhouse, each shall be effectively separated from the other by a brick wall, double parti-
8 tion, or other solid or continuous barrier, extending from the roof to the bottom of the vault
9 below, and the approaches to the outside doors for the two sexes shall be separated by a sub-
10 stantial close fence not less than seven feet high and thirty feet in length.

SEC. 54. It may direct the secretary to insert in the notice of any regular or special
2 meeting of the voters any questions authorized by law, expected to be voted upon and deter-
3 mined thereat.

SEC. 55. The secretary shall file and preserve copies of all reports made to the county
2 superintendent, and all papers transmitted to him pertaining to the business of the district;
3 keep a complete record of all the proceedings of the meetings of the board and of the district
4 in separate books; keep an accurate, separate account of each fund with the treasurer, and
5 charge him with all warrants and drafts drawn in his favor, and credit him with all orders
6 drawn on each fund in his hands; he shall keep an accurate account of all expenses incurred
7 by the district and present the same to the board for audit and payment.

SEC. 56. He shall countersign all warrants and drafts upon the county treasurer, drawn
2 or signed by the president; draw each order on the treasurer, specify the fund on which it is
3 drawn and the use for which the money is appropriated, countersign and keep a register of
4 the same, showing the number, date, to whom drawn, the fund upon which it is drawn, the
5 purpose and the amount, and from time to time shall furnish the treasurer with a transcript
6 of the same.

SEC. 57 He shall give five days' printed or written notice of all meetings of the voters,
2 posted in at least five public places in the district, but a notice shall be posted at the door of
3 each schoolhouse, also at or near the last place of meeting, and each notice shall state the
4 date, hour, and place of meeting, and the object, if a special meeting.

SEC. 58. He shall, between the first day of September and the third Monday in Septem-
2 ber of each year, enter in a book made for that special purpose, the name, sex, and age of
3 every person between five and twenty-one in the district, together with the name of the parent
4 or guardian.

SEC. 59. He shall notify the county superintendent when each school is to begin and its
2 length of term, and immediately after the third Monday of September in each year, file with
3 the county superintendent a report, which shall give the number of persons in the district,
4 male or female, of school age, the number of schools and branches taught, the number of
5 scholars enrolled and average attendance in each school, the number of teachers employed

6 and the average compensation paid per month, distinguishing the sexes, the length of school
7 in days, and the average cost of tuition per month for each scholar, the text-books used, num-
8 ber of volumes in the district library, the value of apparatus belonging to the district, the
9 number of school houses and their estimated value, the name, age and postoffice address of
10 each deaf and dumb or blind person in the district between the ages of five and twenty-one
11 years, and this shall include those who are so blind or deaf as to be unable to obtain an educa-
12 tion in the common schools, a like report as to all feeble-minded children of and between such
13 ages, and the number of trees set out and in a thrifty condition on each schoolhouse ground.

SEC. 60. He shall report to the county superintendent, auditor and treasurer, the name
2 and postoffice address of the president, treasurer and secretary of the board as soon as prac-
3 ticable after the qualification of each.

SEC. 61. Within five days after the board has fixed the amount required for the contin-
2 gent and teachers' fund, he shall certify to the board of supervisors the amount so fixed, and
3 at the same time shall certify the amount of schoolhouse tax voted at any regular or special
4 meeting. In case a schoolhouse tax is voted by a special meeting after the above certificate
5 has been made and prior to the first day of March following, he shall forthwith certify the
6 same to the board of supervisors. He shall also certify to such board any provision made by
7 the board of directors for the payment of principal or interest of bonds lawfully issued.

SEC. 62. The treasurer shall receive all moneys belonging to the district, pay the same
2 out only upon the order of the president, countersigned by the secretary, keeping an accurate
3 account of all receipts and expenditures in a book provided for that purpose. He shall
4 register all orders drawn and reported to him by the secretary, showing the number, date,
5 to whom drawn, the funds upon which they are drawn, the purpose and amount. The money
6 collected by district tax for the erection of schoolhouses and the payment of debts contracted
7 therefor shall be called the schoolhouse fund; that for rent, fuel, repairs and other contingent
8 expenses, necessary for keeping the school in operation, the contingent fund; and that
9 received for the payment of teachers, the teachers' fund; and he shall keep a separate account
10 with each fund, paying no order that fails to state the fund upon which it is drawn and the
11 specific use to which it is to be applied. Whenever an order cannot be paid in full out of the
12 fund upon which it is drawn, partial payment may be made. All school orders shall draw
13 lawful interest after being presented to the treasurer, and by him endorsed as not paid for
14 want of funds.

SEC. 63. He shall render a statement of the finances of the district whenever required
2 by the board, and his books shall always be open for inspection. He shall make an annual
3 report to the board on the third Monday in September, which shall show the amount of the
4 teachers' fund, the contingent fund and the schoolhouse fund, held over, received, paid out,

5 and on hand, the several funds to be separately stated, and he shall immediatly file a copy
6 of this report with the county superintendent.

SEC. 64. The board of any school township may by a vote of a majority of all the mem-
2 bers thereof, at the regular meeting in September, or at any special meeting called there-
3 after for that purpose, divide the school township into subdistricts, such as justice, equity,
4 and the interests of the people require, and may make such alterations of the boundaries of
5 subdistricts heretofore formed, as may be deemed necessary, and shall designate such sub-
6 districts, and all subsequent alterations in a distinct and legible manner, upon a plat of the
7 school township provided for that purpose; and shall cause a written description of the same
8 to be recorded in the records of the school township, a copy of which shall be delivered by
9 the secretary to the county treasurer, and also to the county auditor, who shall record the
10 same in his office. The boundaries of subdistricts shall conform to the lines of congressional
11 divisions of land, and the formation and alteration of subdistricts as contemplated in this
12 section shall not take effect until the next sub district election thereafter, at which election a
13 subdirector shall be elected for any subdistrict newly formed.

SEC. 65. Each subdirector shall, between the first and tenth days of September in each
2 year, prepare a list of the heads of families in his subdistrict, with the name, sex and age of
3 each child of school age, regarding the fifth day September as the determining date as to age,
4 and by the fifteenth day of said month he shall file a copy of this list with the secretary of
5 the school township, who shall make a full record thereof.

SEC. 66. The subdirector, under the direction of the board, shall have special charge of
2 the schoolhouse or schoolhouses in his subdistrict, with regard to the repairing, furnishing,
3 care and use of the same, and over all other matters necessary for the convenience and pros-
4 perity of the schools in his subdistrict.

SEC. 67. The Bible shall not be excluded from any school or institution in the state, nor
2 shall any child be required to read it contrary to the wishes of his parent or guardian.

SEC. 68. Each district may have as many schools and be divided into such wards or other
2 divisions for school purposes as the board may deem proper, and it shall determine the partic-
3 ular school which each child shall attend.

SEC. 69. Persons between five and twenty-one years of age shall be of school age. Non-
2 residents and children sojourning temporarily in any district, may attend school therein upon
3 such terms as the board may determine.

SEC. 70. A child residing in one district may attend school in another in the same or
2 adjoining county, if the two boards so agree; or where the superintendent of the county in
3 which the child resides and the board of such adjoining district consent thereto, if the child
4 resides nearer any schoolhouse in the adjoining district, and one and one-half miles or more

5 by the usual road from any public school in the district of his residence. In case of such
6 action, the board of the district of the child's residence shall be notified thereof in writing,
7 and shall pay to the other district the average tuition per week and an average proportion
8 of contingent expenses for the school or room thereof in which such child attends. If pay-
9 ment is refused or neglected, the board of the creditor district shall file an account thereof,
10 certified by its president, with the auditor of the county of the child's residence, who shall at
11 the time of the making of the next semi-annual apportionment, deduct the amount from the
12 sum apportioned to the debtor district, and cause it to be paid to the district entitled thereto.

SEC. 71. The board of any district deeming it expedient may, under the direction of the
2 county superintendent, hold and maintain an industrial exposition in connection with the
3 schools of such district, such exposition to consist in the exhibit of useful articles invented,
4 made or raised by the children, by sample or otherwise, in any of the departments of mechan-
5 ics, manufacture, art, science, agriculture, and the kitchen, such exposition to be held in the
6 schoolroom, on a school day, as often as once during a term, and not oftener than once a
7 month, at which the children participating therein shall be required to explain, demonstrate
8 or present the kind and plan of the articles exhibited, or give its method of culture, and work
9 in these several departments shall be encouraged, and patrons of the school invited to be pres-
10 ent at each exhibition made.

SEC. 72. No person shall be employed as a teacher in a common school which is to
2 receive its distributive share of the school fund, without having a certificate of qualification,
3 given by the county superintendent of the county in which the school is situated, or by some
4 officer duly authorized by law, and no compensation shall be recovered by a teacher for serv-
5 ices rendered while without such certificate or other certificate or diploma authorized by law.

SEC. 73. Each teacher shall keep a daily register, which shall correctly exhibit the name
2 or number of the school, the district and county in which it is kept, the day of the week,
3 month, year, and the name, age and attendance of each scholar, and the branches taught, and
4 when scholars reside in different districts separate registers shall be kept for each district, and
5 a certified copy of the register shall immediately at the close of the school be filed by the
6 teacher in the office of the secretary of the board.

SEC. 74. When a judgment shall be obtained against a school district, its board shall
2 order the payment thereof out of the proper fund by an order on the treasurer, not in excess,
3 however, of the funds available for that purpose. If the proper fund is not sufficient, then,
4 unless its board has provided by the issuance of bonds for raising the amount necessary to
5 pay such judgment, the voters thereof shall at their annual meeting vote a sufficient tax for
6 the purpose. In case of failure or neglect to vote such tax, the school board shall certify the
7 amount required to the board of supervisors, who shall levy a tax on the property of the dis-
8 trict for the same.

SEC. 75. The board of each district shall, at its regular meeting in March of each year, or
2 at a special meeting convened for that purpose, between the time designated for such regular
3 meeting and the third Monday in May, estimate the amount required for the contingent fund,
4 not exceeding five dollars for each person of school age, but each school township may esti-
5 mate not exceeding seventy-five dollars for each school thereof, and also such additional sum
6 as may be legally authorized; also such sum as may be required for the teachers' fund, which,
7 including the amount received from the semi-annual apportionment, shall not exceed fifteen
8 dollars for each person of school age therein, but each township may estimate not exceeding
9 two hundred and seventy dollars, including such apportionment, for each regular school
10 therein. No tax shall be estimated by the board after the third Monday in May. School
11 townships or independent districts containing territory in adjoining counties may vote and
12 estimate all taxes for school purposes in mills.

SEC. 76. The board of each school township shall apportion any tax voted by the annual
2 meeting for schoolhouse fund, among the several subdistricts in such a manner as justice and
3 equity may require, taking as the basis of such apportionment the respective amounts previ-
4 ously levied upon said subdistricts for the use of such fund; but if the voters of one or more
5 subdistricts at their last annual meeting voted to raise a sum for schoolhouse purposes greater
6 than that granted by the voters at the last annual meeting of the school township, it shall
7 estimate the amount of such excess on such subdistrict or subdistricts, and cause the secretary
8 to certify the same within five days thereafter to the board of supervisors, who shall, at the
9 time of levying taxes for county purposes, levy the percentum of such excess on the taxable
10 property of the subdistrict asking the same, but not more than fifteen mills on the dollar
11 shall be levied on the taxable property of any subdistrict for any one year for schoolhouse
12 purposes.

SEC. 77. The board of supervisors shall, at the time of levying taxes for county purposes,
2 levy the taxes necessary to raise the various funds authorized by law and certified to it under
3 this act, but if the amount certified for any such fund is in excess of the amount authorized by
4 law, it shall levy only so much thereof as is authorized by law. If a schoolhouse tax is voted
5 at a special school township or independent district meeting and certified to said board after
6 the regular levy is made; it shall at its next regular meeting levy such tax and cause the same
7 to be forthwith entered upon the tax list to be collected as other school taxes. It shall also
8 levy a tax for the support of the schools within the county, of not less than one nor more than
9 three mills on the dollar on the assessed value of all the real and personal property within
10 the county.

SEC. 78. The county auditor shall on the first Monday in April and the fourth Monday in
2 September of each year, apportion the county school tax, together with the interest of the

3 permanent school fund to which his county is entitled, and all other money in the hands of
4 the county treasurer belonging in common to the schools of his county and not included in
5 any previous apportionment, among the several school townships and independent districts
6 therein, in proportion to the number of persons of school age, as shown by the report of the
7 county superintendent filed with him for the year immediately preceding.

SEC. 79. He shall immediately notify the president of the board of each school township
2 and independent district of the sum to which it is entitled by such apportionment, and shall issue
3 his warrant for the same to accompany said notice, and shall authorize the treasurer thereof to
4 draw the amount due from the county treasurer.

SEC. 80. He shall forward to the superintendent of public instruction a certificate of the
2 election or appointment and qualification of the county superintendent, and shall also on the
3 second Monday in February and August of each year make out and transmit to the auditor of
4 state, in accordance with such form as said auditor may prescribe, a report of the interest of
5 the school fund then in the hands of the county treasurer, and not included in any previous
6 apportionment, and also the amount of said interest remaining unpaid.

SEC. 81. Before the third Monday of January, April, July and October in each year, the
2 county treasurer shall give notice to the president of the board of each school district in the
3 county, of the amount collected for each fund to the first day of such month; and the presi-
4 dent of each board shall draw his draft therefor, countersigned by the secretary, upon the
5 county treasurer, who shall pay such taxes to the treasurers of the several school boards
6 only on such draft. He shall also keep the amount of tax levied for schoolhouse purposes sep-
7 arate in each subdistrict where such levy has been made directly upon the property of the sub-
8 district, and shall pay over the same, quarterly to the treasurer of the school township for the
9 benefit of such subdistrict.

SEC. 82. The provisions of this act shall apply alike to all districts, except when other-
2 wise clearly stated, and the powers given to one form of district, or to a board in one kind of
3 district, shall be exercised by the other in the same manner, as nearly as practicable. But the
4 right to incur an original indebtedness by the issue of the bonds of the district shall be exer-
5 cised only by the voters of independent city, town and village districts.

SEC. 83. The board of directors may issue bonds in the name of the school district to pay
2 any judgment against it, or any matured indebtedness under bonds lawfully issued; and the
3 board of an independent city, town or village district may issue bonds to an amount not in
4 excess of five per centum of the last assessed valuation of the property of the district, to pay
5 any matured indebtedness for money borrowed by it as authorized by law, or for money bor-
6 rowed for the erection or completion of schoolhouses when authorized by the voters at a regu-
7 lar or special meeting, which bonds shall be substantially in the form provided for county

8 bonds, shall run not more than ten years, be in a sum of not more than one thousand nor less
9 than one hundred dollars, and bear a rate of interest not exceeding six per cent per annum,
10 payable semi-annually, to be signed by the president and countersigned by the secretary, and
11 shall not be disposed of for less than par value, nor issued for other purposes than in this sec-
12 tion provided. They shall be payable at the pleasure of such corporation in sums of not less
13 than one hundred dollars of principal, be registered at the office of the county auditor, num-
14 bered consecutively and redeemable in the order of their issuance. Upon being issued, they
15 shall be delivered to the treasurer, the president taking his receipt therefor, and there-
16 upon the treasurer shall stand charged on his official bond with their amount. He shall sell
17 the bonds for not less than par value and apply the proceeds thereof in payment of the out-
18 standing bonded or judgment indebtedness, or he may exchange the new bonds for outstand-
19 ing bonds without discount, the cost of engraving and printing the bonds to be paid out of the
20 contingent fund. The treasurer shall keep a record of the name and postoffice address of all
21 persons to whom bonds are sold. The provisions relating to the payment of county bonds
22 and notice to the owner thereof shall also apply to school bonds issued under this section.

SEC. 84. The board of each school corporation shall at the same time and in the same
2 manner as provided with reference to other taxes, fix the amount of tax necessary to be levied
3 to pay any amount of principal or interest due or to become due during the next year of law-
4 ful bonded indebtedness, or in independent city and town districts, of any money borrowed
5 for improvements after a vote thereof authorizing the same, which amount shall be certified
6 to the board of supervisors as other taxes and levied by them on the property therein as other
7 school taxes are levied, but such tax shall not exceed five mills upon the dollar of the assessed
8 valuation of such property, for money borrowed for improvements.

SEC. 85. Any school corporation may take and hold so much real estate as may be
2 required for schoolhouse sites, for the location or construction thereon of schoolhouses and
3 the convenient use thereof, but not to exceed one acre, except in a city, incorporated town,
4 or village, it may include one block, exclusive of the street or highway, as the case may be,
5 for any one site, unless by the owner's consent, which site must be upon some public road
6 already established or procured by the board of directors and shall, except in cities and incor-
7 porated towns, be at least forty rods from the residence of any owner who objects to its being
8 placed nearer, and not in any orchard, garden, or public park.

SEC. 86. If the owner of the real estate desired for a schoolhouse site, or a public road
2 thereto, refuses or neglects to convey the same, or is unknown or cannot be found, the county
3 superintendent of the proper county, upon the application of either party in interest, shall
4 appoint three disinterested referees, unless a less number shall be agreed upon, who shall take
5 and subscribe an oath to the effect that they will faithfully and impartially discharge the

6 duties laid upon them, dan notice having been given by the superintendent to the owner of
7 the time and place of making the assessments of damages as and for the length of time
8 required for the commencement of actions in the district court, such referees shall inspect
9 the grounds proposed to be taken, fix the damages to be sustained on account of such appro-
10 priation, and report in writing to the superintendent their doings and findings, which
11 report shall be filed and preserved in his office, and upon the amount found by the referees
12 being deposited with the county treasurer for the use of the owner, possession may at once be
13 taken and the necessary building or buildings erected and occupied. From the assessment so
14 made, either party may appeal to the district court by giving notice thereof, as in case of
15 taking private property for works of internal improvement, within twenty days after receiving
16 notice of the award made. If such appeal is not taken, the assessment shall be final; if taken
17 the board may proceed with the construction of the improvements, if the deposit hereinbefore
18 provided has been or shall be made, and upon such appeal the school corporation shall not be
19 liable for costs, unless the owner shall be allowed a greater sum than given by the referees,
20 all costs in making the referees' assessment to be paid by the school corporation.

SEC. 87. In the case of non-user for school purposes for two years continuously of any real
2 estate acquired for a schoolhouse site, it shall revert, with improvements thereon, to the owner
3 of the tract from which it was taken, upon repayment of the purchase price without interest,
4 together with the value of the improvements, to be determined by arbitration, but during its
5 use the owner of the right of reversion shall have no interest in or control over the premises.

SEC. 88. Barb wire shall not be used to inclose any school building or grounds, nor for any
2 fence or other purpose within ten feet of any such grounds. Any person violating the provis-
3 ions of this section shall be punished by fine not exceeding twenty-five dollars.

SEC. 89. The board of each school township or independent district shall cause to be set
2 out and properly protected twelve or more shade trees on each schoolhouse site where such
3 trees are not growing. The county superintendent, in visiting the several schools of his
4 county, shall call the attention of any board neglecting to comply with the requirements of
5 this section to any failure to carry out its provisions.

SEC. 90. Any person aggrieved by any decision or order of the board of directors of any
2 school corporation, in a matter of law or fact, may, within thirty days after the rendition of
3 such decision or the making of such order, appeal therefrom to the county superintendent of
4 the proper county; the basis of the proceeding shall be an affidavit filed by the party
5 aggrieved with the county superintendent, within the time for taking the appeal, which affi-
6 davit shall set forth any error complained of in a plain and concise manner.

SEC. 91. The county superintendent shall, within five days after the filing of such affidavit
2 in his office, notify the secretary of the proper school corporation, in writing, of the taking of

3 such appeal; the latter shall, within ten days after being thus notified, file in the office of the
4 county superintendent a complete transcript of the record and proceedings relating to the
5 decision complained of, which transcript shall be certified to be correct by the secretary; after
6 the filing of the transcript aforesaid, the county superintendent shall notify in writing all
7 persons adversely interested of the time and place where the matter of the appeal will be
8 heard by him.

SEC. 92. At the time fixed for hearing, he shall hear testimony for either party, and
2 he shall make such decision as may be just and equitable, which shall be final, unless appealed
3 from as hereinafter provided.

SEC. 93. An appeal may be taken from the decision of the county superintendent to the
2 superintendent of public instruction in the same manner as provided in this chapter for tak-
3 ing appeals from the board of a school corporation to the county superintendent, as nearly as
4 applicable, except that thirty days' notice of the appeal shall be given the appellant and
5 county superintendent, and also to the adverse party. The decision when made shall be final.

SEC. 94. Nothing in this act shall be so construed as to authorize neither the county or
2 state superintendent to render judgment for money, neither shall they be allowed any other
3 compensation than is now allowed by law. All necessary postage must first be paid by the
4 party aggrieved.

SEC. 95. The county superintendent, in all matters triable before him shall have power
2 to issue subpoenas for witnesses, which may be served by any peace officer, compel the attend-
3 ance of those thus served, and the giving of evidence by them, in the same manner and to the
4 same extent as the district court may do, and such witnesses and officers may be allowed the
5 same compensation as is paid for like attendance or service in such court which shall be paid
6 out of the contingent fund of the proper school township or independent district, upon the
7 certificate of the superintendent and warrant of the secretary upon the treasurer; but if the
8 superintendent is of the opinion that the proceedings were instituted without reasonable
9 cause therefor, or if, in case of an appeal, it shall not be sustained, he shall enter such finding
10 in the record, and tax all such costs to the party responsible therefor. A transcript thereof
11 shall be filed in the office of the clerk of the district court, and a judgment entered thereon by
12 him, which shall be collected as other judgments.

SEC. 96. Any school officer violating any provision of this act, imposing on him a duty
2 as such, or wilfully failing or refusing to perform such duty, and any person violating any
3 provision hereof, shall forfeit and pay into the treasury of the particular school corporation
4 in which the violation occurs the sum of twenty-five dollars, action to recover which shall be
5 brought in the name of the proper school corporation, and be applied to the use of the schools
6 therein.

SEC. 97. All laws inconsistent with this act are hereby repealed.

CHAPTER 15 (OF TITLE XIII).

OF THE UNIFORMITY OF TEXT BOOKS.

SECTION 1. The board of directors of each and every school township and independent
2 district in the state of Iowa is hereby authorized and empowered to adopt text-books for the
3 teaching of all branches that are now or may hereafter be authorized to be taught in the pub-
4 lic schools of the state, and to contract for and buy said books and any and all other neces-
5 sary school supplies at said contract prices, and to sell the same to the pupils of their respec-
6 tive districts at cost, and said money so received shall be returned to the contingent fund.
7 The books and supplies so purchased shall be under the charge of the board, who may select
8 one or more persons within the county, to keep said books and supplies for sale, and to insure
9 the safety of the books and moneys the board shall require of each person so appointed, a
10 bond in such sum as may seem to the board to be desirable.

SEC. 2. All the books and other supplies, purchased under the provisions of this chapter,
2 shall be paid for out of the contingent fund, and the board of directors shall annually certify
3 to the board of supervisors the additional amount necessary to levy for the contingent fund
4 of said district to pay for such books and supplies. But such additional amount shall not
5 exceed in any one year the sum of one dollar and fifty cents for each pupil residing in the
6 school township or independent school district, and the amount so levied shall be paid out on
7 warrants drawn for the payment of books and supplies only, but the district shall contract no
8 debt for that purpose.

SEC. 3. In the purchasing of text books it shall be the duty of the board of directors or
2 the county board of education to take into consideration the books then in use in the respec-
3 tive districts, and they may buy such additional number of said books as may from time to
4 time become necessary to supply their schools, and they may arrange on equitable terms for
5 exchange of books in use for new books adopted.

SEC. 4. If at any time the publishers of such books as shall have been adopted by any
2 board of directors or county board of education, shall neglect or refuse to furnish such books
3 when ordered by said board in accordance with the provisions of this chapter at the very low-
4 est price, either contract or wholesale, that such books are furnished any other district or
5 state board, then said board of directors or county board of education may, and it is hereby
6 made their duty to bring suit upon the bond given them by the contracting publisher.

SEC. 5. Before purchasing text books, under the provisions of this chapter, it shall be the
2 duty of the board of directors, or county board of education, to advertise, by publishing a
3 notice for three consecutive weeks in one or more newspapers published in the county; said
4 notice shall state the time up to which all bids will be received, the classes and grades for
5 which text books and other necessary supplies are to be bought, and the approximate quantity

6 needed; and said board shall award the contract for said text-books and supplies to any respon-
7 sible bidder or bidders offering suitable text-books and supplies, at the lowest prices, taking
8 into consideration the quality of material used, illustrations, binding and all other things that
9 go to make up a desirable text-book; and may to the end that they may be fully advised, con-
10 sult the county superintendent; or, in case of city independent districts, with city superin-
11 tendent or other competent person with reference to the selection of text-books, provided
12 that the board may reject any and all bids, or any part thereof, and re-advertise therefor as
13 above provided.

SEC. 6. It shall be unlawful for any board of directors, or county board of education,
2 except as provided in section 4, to displace or change any text-book that has been regularly
3 adopted or re-adopted under the provisions of this chapter before the expiration of five years
4 from the date of such adoption or re-adoption unless authorized to do so by a majority of the
5 electors present and voting at their regular annual meeting in March, due notice of said propo-
6 sition to change or displace said text-books having been included in the notice for the said
7 regular meeting.

SEC. 7. Any person or firm desiring to furnish books or supplies under this chapter, in
2 any county, shall, at or before the time of filing his bid hereunder, deposit in the office of the
3 county auditor samples of all text-books included in his bid, accompanied with lists giving the
4 lowest wholesale and contract prices for the same. And said samples and lists shall remain
5 in the county auditor's office, and shall be delivered by him to his successor in office; and shall
6 be kept by him in such safe and convenient manner as to be open at all times to the inspec-
7 tion of such school officers, school patrons and school teachers as may desire to examine the
8 same, and compare them with others, for the purpose of use in the public schools. The board
9 of directors and county board of education mentioned shall require of any person or persons
10 with whom they contract for furnishing any books or supplies to enter into a good and suffi-
11 cient bond in such sum and with such conditions and sureties as may be required by such board
12 of directors or county board of education for the faithful performance of any such contract.

SEC. 8. The county superintendent, the county auditor and the members of the board of
2 supervisors shall constitute a county board of education. When petitions shall have been
3 signed by one-half the school directors in any county, other than those in cities and towns, and
4 filed in the office of the county superintendent of such county, at least thirty days before the
5 annual school elections, asking for a uniform series of text-books in the county, then such
6 county superintendent shall immediately notify the other members of the county board of
7 education in writing; and within fifteen days after the filing of the petitions said board of
8 education shall meet and provide for submitting to the electors at the next annual meeting
9 the question of county uniformity of school text-books.

SEC. 9. Should a majority of the electors voting at such elections, favor a uniform series
2 of text-books for use in said county, then the county board of education shall meet and select
3 the school text-books for the entire county, and contract for the same under such rules and
4 regulations as the said board of education may adopt. When a list of text-books has been so
5 selected, they shall be used by all the public schools of said county, except as hereinafter pro-
6 vided, and the board of education may arrange for such depositories as it may deem best, and
7 may pay for said school books out of the county funds and sell them to the school districts at
8 the same price as provided for in section one of this chapter, and the money received from
9 said sales shall be returned to the county funds by said board of education monthly. The
10 boards of school officers, who are hereby made the judges of the school meetings, shall certify
11 to the board of supervisors the full returns of the votes cast at said meetings the next day
12 after the holding of said meetings, who shall, at their next regular meeting, proceed to can-
13 vass said votes and declare the result.

SEC. 10. The county superintendent shall, in all cases, be chairman of the county board
2 of education, and the county auditor shall be the secretary, and a full and complete record
3 shall be kept of their proceedings in a book kept for that purpose, in the office of the county
4 superintendent. A list of text-books so selected, with their contract prices, shall be reported
5 to the state superintendent with the regular annual report of the county superintendent.

SEC. 11. It shall be unlawful for any school director, teacher or member of the county
2 board of education to act as agent for any school text-books or school supplies during such
3 term of office or employment, and any school director, officer, teacher or member of the county
4 board of education, who shall act as agent or dealer in school text-books or school supplies,
5 during the term of such office or employment, shall be deemed guilty of a misdemeanor, and
6 shall upon conviction thereof, be fined not less than ten dollars nor more than one hundred dol-
7 lars, and pay the costs of prosecution.

SEC. 12. The provisions of sections 8, 9 and 10, of this chapter, shall not apply to schools
2 located within cities or towns, nor shall the electors of said cities or towns vote upon the
3 question of county uniformity, but nothing herein shall be so construed as to prevent such
4 schools in said cities and towns from adopting and buying the books adopted by the county
5 board of education at the prices fixed by them, if by a vote of the electors they shall so
6 decide.

SEC. 13. Whenever a petition signed by one-third or more of the legal voters, to be
2 determined by the school board of any school township or independent district, shall be filed
3 with the secretary, thirty days or more before the annual meeting of the electors, asking that
4 the question of providing free text-books, for the use of pupils in the public schools thereof,
5 be submitted to the voters at the next annual meeting, he shall cause notice of such proposi-
6 tion to be given in the call for such meeting.

SEC. 14. If, at such meeting, a majority of the legal voters present and voting by ballot
2 thereon shall authorize the board of directors of said school township or independent district
3 to loan text-books to the pupils free of charge, then the board shall procure such books,
4 as shall be needed, in the manner provided by law for the purchase of text-books, and loan
5 them to the pupils. The board shall hold pupils responsible for any damage to, loss of, or
6 failure to return any such books, and shall adopt such rules and regulations as may be reas-
7 onable and necessary for the keeping and preservation thereof. Any pupil shall be allowed
8 to purchase any text-box used in the school at cost. No pupil already supplied with text-
9 books shall be supplied with others without charge until needed. The electors may, at any
10 election called, as provided in the last section, direct the board to discontinue the loaning of
11 text-books to pupils.