

A BILL

FOR AN ACT TO REVISE, AMEND, AND CODIFY THE LAWS IN RELATION TO THE SYSTEM OF COMMON SCHOOLS, AND TO PROVIDE FOR A SIMPLE FORM OF DISTRICT ORGANIZATION; ALSO DEFINING THE POWERS AND DUTIES OF BOARDS OF DIRECTORS.

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

1. Each civil township and each independent city, town or village district, existing as such on the second Monday in March, 1897, or organized thereafter, shall become and continue a school corporation. The name of the civil township—or of the city, town, or village, if an independent district—shall be a part of the corporate title of the school district, which shall be described as, the school township—or the independent district—of in the county of, and state of Iowa, and as such corporation any district may sue and be sued, and may exercise such powers and enjoy such privileges as are conferred by law, either in express terms or by direct implication.

SEC. 2. Changes made necessary in the form of districts by the provisions of this chapter, shall take effect on the second Monday in March, 1897. Until that time existing boards of directors shall continue to act for the school districts for which they were chosen.

SEC. 3. Directors acting as members of boards in city, town or village independent districts, shall continue to serve for the terms for which they were chosen. At the annual meeting on the second Monday in March, 1897, one director shall be chosen for three years, and also at that time the membership of the board shall be completed if necessary, so that there shall be five members in all, two of whom are to serve for two years, and two for one year, from the third Monday in March, 1897, and until their successors are elected and qualified.

SEC. 4. On the second Monday in March, 1897, the voters of every civil township then to organize as a school township, shall meet for the choice of five directors by ballot, and for the transaction of such other business as may be brought before them under the provisions of section 11 hereof, at such place in the civil township as shall be named by the county superintendent, who is hereby charged with the duty of having the proper notices given. The meeting shall organize by the selection of a chairman, a secretary, and another voter, who shall act as judges and issue certificates of election to the persons chosen.

SEC. 5. At the meeting provided for in the preceding section, a board of five members, men or women, shall be voted for by ballot. One shall be chosen for a term of three years, two for two years, and two for one year, from the following Monday, and until their successors are elected and qualified.

SEC. 6. All independent districts except city, town, or village independent districts, and all subdivisions of a district township, shall be consolidated into a school township, and become a corporate body in accordance with section 1 of this chapter, and the school township so formed shall acquire the ownership and control of all school property within the limits of the new school township, and shall receive all assets and assume all liabilities of the said independent districts and district townships, or parts of the same.

SEC. 7. It shall be the duty of all boards of district townships and independent districts which are by the provisions of this chapter to be consolidated or merged into school townships, to make a final settlement with their secretaries and treasurers, between the 1st day of March, 1897, and the 2d Monday of March, 1897. In case of a difference between a board and its secretary or treasurer as regards this final settlement, each party shall choose a disinterested arbitrator, and the two arbitrators shall select a third, and not later than two days before the third Monday in March, 1897, such arbitrators shall make a written report in complete settlement, which report shall have force in law as a final and conclusive settlement between said board and its secretary or treasurer.

SEC. 8. It shall be the duty of the above named secretaries and treasurers, on the third Monday in March, 1897, to meet with the newly organized board of the school township, and to deliver to the secretary and the treasurer of the new board, all books, plats, or other records, together with any other property or funds in their hands formerly belonging to their districts, or to them as officers. There shall be delivered to each secretary an itemized receipt for all articles and property transferred by him to the new secretary, which shall be signed by the president and the secretary of the new board. Each treasurer shall receive a similar receipt for himself, signed by the new treasurer and president. A copy of the respective receipts shall be made of record by the new board, in its proceedings. The official bonds of these former secretaries and treasurers shall be left with the board of the new school township, as a part of the records transferred. And should any secretary or treasurer fail to deliver such records, funds, or other property, or any part of the same, he shall be subject to the penalty provided in section 64 of this chapter.

SEC. 9. On the second Monday in March of every year the voters of each school township and independent district shall hold a meeting to vote by ballot for men or women to act as directors, and for the transaction of such other business as is authorized by law, of which meeting the president and secretary of the board shall be the chairman and secretary. Notice in writing of the place, day, and hours between which the meeting will be in

6 session, shall be posted by the secretary of the board in at least five public places in the
7 district, for not less than five days next preceding the day of meeting. The meeting shall
8 organize not later than 10 A. M., and shall be in session continuously for at least five hours,
9 and the polls must remain open to receive votes for members of the board, for not less than
10 four of the said five hours.

SEC. 10. If the president or the secretary of the board is absent at the organization
2 of the meeting, the voters present shall appoint one of their own number as chairman or
3 secretary. The chairman, the secretary, and one of the directors continuing in office, shall
4 act as judges of the election, and shall at once open the polls to receive ballots for the elec-
5 tion of a director or directors. When the polls have been kept open at least four hours, the
6 judges shall declare the voting closed, canvass the votes, and at once issue certificates of
7 election to the person or persons chosen. A tie vote shall be publicly determined forth-
8 with by lot in the manner provided with relation to the canvass of votes at general elections.

SEC. 11. The voters assembled at the annual meeting shall have power to direct the
2 sale of any school house or site, or of any other property, and to direct what disposition
3 shall be made of the proceeds; to instruct the board that school buildings shall not be used
4 for meetings of public interest; to name any branch of study, embracing also foreign lan-
5 guages, in addition to those subjects already included by the board in the course of study
6 in which it is desired that instruction shall be afforded during the year in one or more of
7 the schools of the district; to transfer any surplus in the school house fund to the contin-
8 gent or teachers' fund; and, upon previous announcement of a proposition therefor, given
9 in the notices of the meeting, to change text books regularly adopted. Also to vote an
10 amount of school house tax of not more than ten mills on the dollar for the purchase of
11 sites, to construct school houses and make other improvements, for the payment of judg-
12 ments or of any debt legally incurred, to pay bonds or interest on the same, and to defray
13 the expenses of opening any necessary highway to a school house. In any district having
14 territory in more than one county, the number of mills, instead of an amount, shall be
15 voted. Any matter referred to in this section may be determined by a *viva voce* vote, unless
16 the meeting directs another method.

SEC. 12. A special meeting of the voters of any district may be held whenever it has
2 lost the use of a school house by fire or otherwise, which shall have the powers given to a
3 regular meeting with reference to the sale of school property and the application to be
4 made of the proceeds, and to vote a school house tax for the purchase of a site and the
5 construction of a necessary school house, and for obtaining a road thereto.

SEC. 13. The board of each district of over 1,000 population, two weeks before the
2 annual meeting, shall publish in not exceeding two newspapers if any are published in the
3 district, and if none is published in the district by posting up in writing in not less than

4 three conspicuous places in the district, a detailed statement of the receipts and disburse-
5 ments of all funds expended for school and building purposes for the preceding year, and at
6 the same time and as a part thereof give in detail an estimate of the several amounts
7 required to maintain the schools in such district for the succeeding year.

SEC. 14. In all other districts the board shall cause to be prepared a similar detailed
2 statement and estimate, which shall be by the secretary of the board presented and read for
3 the information of the voters, at the annual meeting on the second Monday in March.

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

SEC. 16. As judges of the election referred to in the preceding section, the board shall
2 appoint two voters of the precinct, and also a clerk, who shall be sworn as provided in
3 case of a general election. If any person so appointed fails to attend, the place shall be
4 filled by the appointment of any voter present, and a like result shall follow a refusal to
5 serve or to be sworn. Should all of the appointees fail to attend, their places shall be filled
6 by the voters from those in attendance. The board shall provide the necessary ballot box
7 and poll book for each precinct, and the voting shall be conducted in all respects, so far as
8 applicable, in the same manner as a general election, including the canvass of the votes for
9 office, and upon each question submitted a return shall be made out and certified to the sec-
10 retary of the district. On the next Monday after the meeting the board shall canvass the
11 returns made to the secretary, ascertain the result of the voting with regard to every mat-
12 ter voted upon, declare the same, cause a record to be made thereof, and at once issue a
13 certificate to each person elected. At all meetings held under this and the next preceding
14 section, the polls shall be kept open from nine o'clock A. M. until six o'clock P. M.

SEC. 17. To have the right to vote at a school meeting a person must be a male citizen of the United States, at least twenty-one years of age, a resident of the state six months, and of the county sixty days preceding the meeting and must be at the time an actual resident of the district in which he wishes to vote.

SEC. 18. Any member of the board or other school officer may be of either sex. To be entitled to serve as a member or officer of the board, a man must at the time of his election or appointment be qualified to vote at a school meeting in his district. And any woman over twenty-one years of age, a citizen and a resident, may hold any school office.

SEC. 19. Any member of the board may administer the oath of qualification to any member-elect, and to the president of the board. Each director shall qualify on or before the third Monday in March, and shall hold the office for the term of three years, or for the remainder of the unexpired term to which such person is elected, and until a successor is elected and qualified. In case of a failure to elect or qualify, the office shall be vacant.

SEC. 20. All school officers, upon the termination of their offices, shall immediately surrender to their successors all books, papers, and moneys pertaining or belonging to the office, taking a receipt therefor.

SEC. 21. When a new civil township is formed, the school township thus created shall go into effect on the second Monday in March following the completed organization of the civil township. The notices of the first meeting shall be given by the county superintendent, and a board of directors shall be chosen in the manner provided in section 4. If for any cause the board of a school township or of an independent district falls below a quorum, the vacancies shall be filled at a special meeting called by the county superintendent, in the manner provided for the annual meeting.

SEC. 22. When the organization of a new district of any kind is completed, the boards of the old and new districts shall immediately make an equitable division and distribution of the then existing assets and liabilities. If the boards interested cannot agree, the matters upon which they differ shall be decided by disinterested arbitrators, one selected by each board, and if the number is then even, one arbitrator shall be added by the county superintendent, and the decision of the arbitrators, made in writing, shall be final. A similar division shall be made when a boundary between districts is changed. When by the taking effect of this chapter, territory that has belonged for school purposes to a district in another civil township, is included with the school township of the civil township in which the territory is situated, a settlement of assets and liabilities shall be made.

SEC. 23. Upon the written petition of any twenty-five voters of a city, town, or village of over two hundred inhabitants, to the board of the school township in which the portion of the town plat having the largest number of voters is situated, such board shall establish the

4 boundaries of a proposed independent district, including therein all of the city, town, or vil-
5 lage, and also such contiguous territory, in not smaller sub-divisions than entire forties of
6 land, in the same or any adjoining school townships, as may best subserve the convenience
7 of the people for school purposes, and shall give the same notices of a meeting required in
8 other cases, at which meeting all voters upon the territory included within the contemplated
9 independent district shall be allowed to vote by ballot for or against such separate organi-
10 zation.

SEC. 24. If a majority of the votes cast is in favor of the independent district, then
2 the same board shall give the usual notice for a meeting to choose a board of directors.
3 Two directors shall be chosen to serve until the next annual meeting; two until the second,
4 and one until the third annual meeting thereafter. The board shall organize by the election
5 of officers in the usual manner.

SEC. 25. The organization of such independent district shall be effected on or before
2 the 1st day of August of the year in which it is attempted, and when completed all taxes
3 certified for the school township or townships of which the independent district formed a
4 part, shall be void so far as the property within the limits of the independent district is con-
5 cerned, and the board of such independent district shall fix the amount of all necessary
6 taxes for school purposes, including school house taxes, at a meeting called for that purpose
7 at any time before the third Monday of August, which shall be certified to the board of
8 supervisors on or before the first Monday of September, and it shall levy said tax at the
9 same time and in the same manner that other school taxes are required to be levied.

SEC. 26. When the boundary line between a school township and an independent dis-
2 trict is not also the line between civil townships, such boundary may be changed at any time
3 by the concurrence of the boards of directors, but in no case shall a forty acre tract of land,
4 by the government survey be divided, and such sub-divisions shall be excluded or included
5 as entire forties. The boundaries of the school township or the independent district may in
6 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.

SEC. 27. In any case where by reason of natural obstacles, any portion of the inhabi-
2 tants of any school township or independent district cannot, in the opinion of the county
3 superintendent, with reasonable facility attend school in their own district, he shall by a
4 written order in duplicate attach the part thus affected to an adjoining school township or
5 independent district, the board of the same consenting thereto, one copy of which order
6 shall be at once transmitted to the secretary of each district affected thereby, who shall
7 record the same and make the proper designation on the plat of the district. Township or
8 county lines shall not be a bar to the operation of this section, but any transfer made shall
9 be by entire forties of land.

SEC. 28. One or more of the forty acre tracts transferred under the provisions of the preceding section may be restored, or the former district line adopted, at any time, by the concurrence of the boards.

SEC. 29. The board of directors shall meet on the third Monday in March and September, and may hold such special meetings as may be called by the president, or the secretary upon the written request of a majority of the board, upon notice specifying the time and place, delivered to each director in person, but attendance shall be a waiver of notice. Such meetings may be held at any place within the civil township in which the district is situated. At the regular March meeting the board shall organize by the election of a president from its members, who shall be entitled to vote as a director. At the regular September meeting it shall elect, from outside the board, a secretary and a treasurer, who may be of either sex. All such officers shall be elected by ballot, and the vote shall be recorded by the secretary.

SEC. 30. The president of the board shall preside at all of its meetings, sign all warrants and drafts respectively, drawn upon the county treasurer for money apportioned to and taxes collected belonging to his district, sign all orders on the treasurer drawn as provided by law, sign all contracts made by the board, and appear in behalf of his district in all actions brought by or against it, unless individually a party, in which case this duty shall be performed by the secretary. In all cases where actions may be instituted by or against any of the school officers to enforce any of the provisions of this chapter, the board may employ counsel, for which the district shall be liable.

SEC. 31. The secretary and the treasurer shall each give bond to the district in such penalty as the board may require and with sureties to be approved by it, which bond shall be filed with the president, conditioned for the faithful performance of all official duties. Each shall take the oath required of civil officers, which shall be indorsed upon the bond, and shall complete his qualification within ten days. In case of a breach of the bond, the president shall bring action thereon in the name of the district.

SEC. 32. The board of directors of any district shall have power and perform duties as follows:

1. A majority thereof shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. Vacancies occurring among the officers or directors shall be filled by the board, and the person receiving the highest number of votes upon a formal ballot shall be declared elected, and shall qualify as if originally elected or appointed thereto.

2. It shall appoint a temporary president and secretary, or either of them, in the absence of the regular officers; may make rules and regulations for its own government and that of the officers, teachers, and scholars, and the care of the school house, grounds,

11 and property of the school corporation, and aid in the enforcement of the same, and require
12 the performance or duty by said persons in accordance with law and said rules and reg-
13 ulations.

14 3. It may determine the number of schools to be taught in each district, fix the site
15 for each school house, taking into consideration the geographical position, number, and
16 convenience of the schools in the district, provide for the fencing of school house sites, and
17 determine the period each school shall be held beyond the time required by law. Each
18 school regularly established shall be free of tuition to all between the ages of 5 and 21 resid-
19 ing in the district, and shall be continued for at least twenty-four weeks of five school days
20 each, in each school year commencing the third Monday in March, unless the county super-
21 intendent shall authorize the board to shorten this period in any one or more schools, when
22 in his judgment there are sufficient reasons for so doing.

23 4. It may when necessary, rent a room and employ a teacher where there are ten
24 scholars for whose accommodation there is no school house; and when the board is released
25 from its obligations to maintain a school, or when scholars live at an unreasonable distance
26 from their own school, the board may contract with boards of other school townships or
27 independent districts for the instruction of children thus deprived of school advantages, in
28 any school therein, and the cost thereof shall be paid from the teachers' fund. And when
29 the board believes there will be a saving of expense, and that children will also thereby
30 secure increased advantages, it may arrange with any person outside the board, for the
31 transportation of any scholar to and from a school in the same or in an adjoining district,
32 and such expenses shall be paid from the contingent fund.

33 5. It shall require all teachers to give and all scholars to receive instruction in physi-
34 ology and hygiene, which study in every division of the subject shall include the effects
35 upon the human system, of alcoholic stimulants, narcotics, and poisonous substances. The
36 instruction in this branch shall of its kind be as direct and specific as that given in other
37 essential branches, and each scholar shall be required to complete the part of such study
38 in the class or grade, before being advanced to the next higher, and before being credited
39 with having completed the study of the subject.

40 6. It shall have power to maintain in each school township at least one school of a
41 higher order, for the better instruction of all in the district prepared to pursue such a
42 course of study, and it may establish graded or union schools and determine what branches
43 shall be taught therein, and may select a person who shall have general supervision of the
44 schools in any district, subject to the control of the board.

45 7. It shall carry into effect in good faith any instruction from the annual meeting,
46 upon matters within the control of said voters, and shall make all contracts necessary or
47 proper for exercising the powers granted and performing the duties required in this chapter.

48 Contracts with teachers must be in writing and shall state the length of time the school is to
49 be taught, the compensation per week of five school days, or month of four weeks, and such
50 other matters as may be agreed upon, signed by the president and teacher and filed with the
51 secretary before the teacher commences to teach under such contract.

52 8. It shall have power to make all contracts purchases, sales, and payments, neces-
53 sary to carry out any vote of the annual meeting. No school house, however, shall be
54 erected without first consulting with the county superintendent as to the most approved
55 plan for such building and securing his approval in writing of the plan submitted, nor shall
56 any school house be erected or repaired at a cost exceeding three hundred dollars, save
57 under an express contract reduced to writing, and upon proposals therefor, invited by adver-
58 tisements for four weeks in some newspaper published in the county in which the work is to
59 be done, and the contract shall be let to the lowest responsible bidder, bonds with sureties
60 for the faithful performance of the contract being required, but the board may reject any
61 bid and advertise for new ones.

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

67 10. It shall provide for visiting the schools of the district by one or more of its mem-
68 bers, to aid the teachers in the government thereof, and in enforcing the rules and regulations
69 of the board. It may, by a majority vote, discharge any teacher for incompetency, inatten-
70 tion to duty, partiality, or any good cause, after a full and fair investigation made at a meet-
71 ing of the board held for that purpose, at which he shall be permitted to be present and make
72 defense, allowing him a reasonable time to prepare therefor. It may by a majority vote
73 expel any scholar from school for immorality, or for a violation of the regulations or rules
74 established by the board, or when the presence of the scholar is detrimental to the best
75 interests of the school, and it may confer upon any teacher, principal, or superintendent,
76 the power temporarily to dismiss a scholar, notice of such dismissal being at once given in
77 writing to the president of the board. When a scholar is dismissed by the teacher, princi-
78 pal, or superintendent, as above provided, he may be re-admitted by such teacher, principal,
79 or superintendent, but when expelled by the board he may be re-admitted only by the
80 board or in the manner prescribed by it.

81 11. It may use unappropriated contingent funds to effect insurance upon school prop-
82 erty, to set out, protect, and renew not less than twelve shade trees upon each school house
83 site, to purchase dictionaries, library books, maps, charts, and apparatus for the use of the
84 schools of the district, to procure public roads to any school house when directed by a meeting

85 of the voters, and to furnish school books for indigent children when they are likely to be
86 deprived of the proper benefits of the school unless so aided, but no debt shall be contracted
87 for any of said purposes.

88 12. It shall give special attention to the matter of convenient water-closets or
89 privies, and provide on every school house site not within an independent district including
90 a city, town or village, two separate buildings, located at the furthest point from the main
91 entrance to the school house, and as far from each other as may be, and keep them in whole-
92 some condition and good repair. In independent districts including a city, town or village,
93 where it is inconvenient or undesirable to erect two separate outhouses, several closets may
94 be included under one roof, and if outside the school house, each shall be effectively separ-
95 ated from the other by a brick wall, double partition, or other solid or continuous barrier,
96 extending from the roof to the bottom of the vault below, and the approaches to the outside
97 doors for the two sexes shall be separated by a substantial close fence not less than seven
98 feet high and thirty feet in length.

99 13. It may direct the secretary to insert in the notice of any regular or special
100 meeting of the voters any questions authorized by law, expected to be voted upon and
101 determined thereat.

SEC. 33. The secretary shall:

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

9 2. He shall countersign all warrants and drafts upon the county treasurer, drawn or
10 signed by the president; draw each order on the treasurer, specifying the fund on which it
11 is drawn and the use for which the money is appropriated, countersign and keep a register
12 of the same, showing the number, date, to whom drawn, the fund upon which it is drawn,
13 the purpose and the amount, and from time to time shall furnish the treasurer with a tran-
14 script of the same.

15 3. He shall give five days' printed or written notice of all meetings of the voters,
16 posted at the door of each school house in the district, but in at least five public places
17 therein, one of which shall be at or near the last place of meeting, and each notice shall
18 state the date, hour, and place of meeting, and the object, if a special meeting.

19 4. He shall, between the first day of September and the third Monday in September of
20 each year, enter in a book made for that special purpose, the name, sex, and age of every

21 person between five and twenty-one in the district, together with the name of the parent or
22 guardian. The tenth day of September shall be the determining date as to age.

23 5. He shall notify the county superintendent when each school is to begin and its
24 length of term, and immediately after the third Monday of September in each year, file
25 with the county superintendent a report, which shall give the number of persons in the dis-
26 trict, male and female, of school age, the number of schools and branches taught, the number
27 of scholars enrolled and average attendance in each school, the number of teachers employed
28 and the average compensation paid per month, distinguishing the sexes, the length of school
29 in days, and the average cost of tuition per month for each scholar, the text books used,
30 number of volumes in the district library, the value of apparatus belonging to the district,
31 the number of school houses and their estimated value, the name, age, and postoffice address
32 of each deaf and dumb or blind person in the district between the ages of five and twenty-
33 one years, and this shall include those who are so blind or deaf as to be unable to obtain
34 an education in the common schools, a like report as to all feeble-minded children of and
35 between such ages, and the number of trees set out and in a thrifty condition on each school
36 house ground.

37 6. He shall send by mail to the county superintendent, auditor and treasurer, one
38 written notice for each, giving the name and postoffice address of the president, treasurer
39 and secretary of the board, and certifying to his election and qualification, as soon as prac-
40 ticable after qualification, and shall advise each of such officers of changes made in said
41 officers as soon as qualified.

42 7. Within five days after the board has fixed the amount required for the contin-
43 gent and teachers' fund, he shall certify to the board of supervisors the amount so fixed, and
44 at the same time shall certify the amount of school house tax voted at any regular or special
45 meeting. In case a school house tax is voted by a special meeting after the above certificate
46 has been made and prior to the first day of March following, he shall forthwith certify the
47 same to the board of supervisors. He shall also certify to such board any provision made by
48 the board of directors for the payment of principal or interest of bonds lawfully issued.

49 8. Whenever changes are made in the boundaries of the district, he shall promptly
50 make and certify to the county auditor and county treasurer, one for each, a written state-
51 ment of the boundaries as changed, with a correct plat thereof, and shall furnish such
52 statement and plat at any time upon written request of either of said officers.

SEC. 34. 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
3 accurate account of all receipts and expenditures in a book provided for that purpose. He
4 shall register all orders drawn and reported to him by the secretary, showing the number,
5 date, to whom drawn, the funds upon which they are drawn, the purpose and amount. The

6 money collected by district tax for the erection of school houses and the payment of debts
7 contracted therefor shall be called the school house fund; that for rent, fuel, repairs and
8 other contingent expenses, necessary for keeping the school in operation, the contingent
9 fund; and that received for the payment of teachers, the teachers' fund; and he shall keep
10 a separate account with each fund, paying no order that fails to give the fund upon which
11 it is drawn and the specific use to which it is to be applied. Whenever an order cannot be
12 paid in full out of the fund upon which it is drawn, partial payment shall be made ratably as
13 nearly as may be. All school orders shall draw lawful interest after being presented to the
14 treasurer, and by him indorsed as not paid for want of funds.

SEC. 35. 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 school house fund, held over, received, paid
5 out, and on hand, the several funds to be separately stated, and he shall immediately file a
6 copy of this report with the county superintendent.

SEC. 36. The bible shall not be excluded from any school or institution in the state,
2 nor shall any scholar be required to read it contrary to the wishes of his parent or guardian.

SEC. 37. Each district may have as many schools and be divided into such wards or
2 other divisions for school purposes as the board may deem proper, and it shall determine
3 the particular school which each scholar shall attend.

SEC. 38. Persons between five and twenty-one years of age shall be of school age.
2 Non-residents and children sojourning temporarily in any district, may attend school therein
3 upon such terms as the board may determine.

SEC. 39. 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
3 in which the child resides and the board of such adjoining district consent thereto,
4 if the child resides nearer any school house in the adjoining district, and one and one-half
5 miles or more by the usual road from any public school in the district of his residence. In
6 case of such action, the board of the district of the child's residence shall be notified
7 thereof in writing, and shall pay to the other district the average tuition per week and an
8 average proportion of contingent expenses for the school or room thereof in which such
9 child attends. If payment is refused or neglected, the board of the creditor district shall
10 file an account thereof, certified by its president, with the auditor of the county of the
11 child's residence, who shall at the time of the making of the next semi-annual apportion-
12 ment, deduct the amount from the sum apportioned to the debtor district, and cause it to be
13 paid to the district entitled thereto.

SEC. 40. The board of any district deeming it expedient may, under the direction of the county superintendent, hold and maintain an industrial exposition in connection with the schools of such district, such exposition to consist in the exhibit of useful articles invented, made, or raised by the children, by sample or otherwise, in any of the departments of mechanics, manufacture, art, science, agriculture, and the kitchen, such exposition to be held in the school room, on a school day, as often as once during a term, and not oftener than once a month, at which the children participating therein shall be required to explain, demonstrate, or present the kind and plan of the articles exhibited, or give its method of culture, and work in these several departments shall be encouraged and patrons of the school invited to be present at each exhibition made.

SEC. 41. No person shall be employed as a teacher in a common school which is to receive its distributive share of the school fund, without having a certificate of qualification, given by the county superintendent of the county in which the school is situated, or by some officer duly authorized by law, and no compensation shall be recovered by a teacher for services rendered while without such certificate or other certificate or diploma authorized by law.

SEC. 42. Each teacher shall keep a daily register which shall correctly exhibit the name or number of the school, the district and county in which it is kept, the day of the week, month, year, and the name, age, and attendance of each scholar, and the branches taught, and when scholars reside in different districts, separate registers shall be kept for each one, and a certified copy of this register shall immediately at the close of the school be filed by the teacher in the office of the secretary of the board.

SEC. 43. When a judgment shall be obtained against a school township or independent district, its board shall order the payment thereof out of the proper fund, by an order on the treasurer, not in excess, however, of the funds available for that purpose. If the proper fund is not sufficient, then, unless its board has provided by the issuance of bonds for raising the amount necessary to pay such judgment, the voters thereof shall at their annual meeting vote a sufficient tax for the purpose.

SEC. 44. The board of each school township and independent district shall at its regular meeting in March of each year or at a special meeting convened for that purpose, between the time designated for such regular meeting and the third Monday in May, estimate the amount required for the contingent fund, not exceeding five dollars for each person of school age, but each school township may estimate not exceeding seventy-five dollars for each school thereof, and also such additional sum as is authorized in the chapter upon uniformity of text-books, also such sum as may be required for the teachers' fund, which including the amount received from the semi-annual apportionment, shall not exceed fifteen dollars for each person of school age therein, but each school township may estimate

10 not exceeding two hundred and seventy dollars, including such apportionment for each school
11 therein. No tax shall be estimated by the board after the third Monday in May. School
12 townships or independent districts containing territory in adjoining counties may vote and
13 estimate all taxes for school purposes in mills.

SEC. 45. 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
3 under this chapter, but if the amount certified for any such fund is in excess of the amount
4 authorized by law, it shall levy only so much thereof as is authorized by law. If a school
5 house tax is voted at a special school township or independent district meeting and certified
6 to said board after the regular levy is made, it shall at its next regular meeting levy such
7 tax and cause the same to be forthwith entered upon the tax list to be collected as other
8 school taxes. It shall also levy a tax for the support of the schools within the county of
9 not less than one nor more than three mills on the dollar on the assessed value of all the
10 real and personal property within the county.

SEC. 46. The county auditor shall on the first Monday in April and the fourth Monday
2 in September of each year, apportion the county school tax, together with the interest of
3 the permanent school fund to which his county is entitled, and all other money in the hands
4 of the county treasurer belonging in common to the schools of his county and not included
5 in any previous apportionment, among the several school townships and independent dis-
6 tricts therein, in proportion to the number of persons of school age, as shown by the report
7 of the county superintendent filed with him for the year immediately preceding.

SEC. 47. He shall immediately notify the president of each school township and inde-
2 pendent district of the sum to which it is entitled by said apportionment, and shall issue his
3 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. 48. He shall forward to the superintendent of public instruction a certificate of
2 the election or appointment and qualification of the county superintendent, and shall also
3 on the second Monday in February and August of each year make out and transmit to the
4 auditor of state, in accordance with such form as said auditor may prescribe, a report of the
5 interest of the school fund then in the hands of the county treasurer, and not included in
6 any previous apportionment, and also the amount of said interest remaining unpaid.

SEC. 49. On the first day of each quarter, the county treasurer shall give notice to the
2 president of the school board of each school district in the county of the amount collected
3 for each fund, and the president of each board shall draw his draft countersigned by the
4 secretary upon the county treasurer for such amount, who shall pay the amount of such
5 taxes to the treasurers of the several school boards only on such drafts. He shall on the
6 first Monday in April of each year pay over to the treasurers of the school townships and

7 independent districts the amount of all school taxes which have been collected, and shall
8 pay over the amount in his hands quarterly thereafter.

SEC. 50. The provisions of this chapter shall apply alike to all districts, except when
2 otherwise clearly stated, and the powers given to one form of district, or to a board in one
3 kind of district, shall be exercised by the other in the same manner, as nearly as practica-
4 ble. But the right to incur an original indebtedness by the issue of the bonds of the
5 district shall be exercised by the voters of independent districts only.

SEC. 51. The board of directors may issue bonds in the name of the school township
2 or independent district to pay any judgment against it, or any matured indebtedness under
3 bonds lawfully issued, and the board of an independent district may issue bonds to pay any
4 matured indebtedness for money borrowed by it as authorized by law, or for money borrowed
5 for the erection or completion of school houses when authorized by the voters at a regular
6 or special meeting, which bonds shall be substantially in the form provided for county
7 bonds, shall run not more than ten years, be in a sum of not more than one thousand nor
8 less than one hundred dollars, and bear a rate of interest not exceeding six per cent per
9 annum, payable semi-annually, to be signed by the president and countersigned by the
10 secretary, and shall not be disposed of for less than par value, nor issued for other purposes
11 than in this section provided. They shall be payable at the pleasure of such corporation in
12 sums of not less than one hundred dollars of principal, be registered at the office of the
13 county auditor, numbered consecutively, and redeemable in the order of their issuance.
14 Upon being issued, they shall be delivered to the treasurer, the president taking his receipt
15 therefor, and thereupon the treasurer shall stand charged on his official bond with their
16 amount. He shall sell the bonds for not less than par value and apply the proceeds thereof in
17 payment of the outstanding bonded or judgment indebtedness, or he may exchange the new
18 bonds for outstanding bonds without discount, the cost of engraving and printing the bonds
19 to be paid out of the contingent fund. The treasurer shall keep a record of the name and
20 postoffice address of all persons to whom bonds are sold. The provisions relating to
21 payment of county bonds and notice to the owner thereof shall also apply to school bonds
22 issued under this section.

SEC. 52. 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
3 levied to pay any amount of principal or interest due or to become due during the next
4 year of lawful bonded indebtedness, or in independent districts of any money borrowed for
5 improvements after a vote thereof authorizing the same, which amount shall be certified to
6 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
8 assessed valuation of such property, for money borrowed for improvements.

SEC. 53. Any school corporation may take and hold so much real estate as may be
2 required for school house sites, for the location or construction thereon of school houses
3 and the convenient use thereof, but not to exceed one acre exclusive of the highway for
4 any one site, except by the owner's consent, which site must be upon some public road
5 already established or procured by the board of directors, and shall, except in cities and
6 incorporated towns, be at least forty rods from the residence of any one who objects to its
7 being placed nearer, and not in any orchard, garden, or public park.

SEC. 54. If the owner of real estate desired for a school house site, or a public road
2 thereto, refuses or neglects to convey the same, or is unknown or cannot be found, the
3 county superintendent of the proper county, upon the application of either party in interest
4 shall appoint three disinterested referees, unless a less number shall be agreed upon, who
5 shall take and subscribe an oath to the effect that they will faithfully and impartially dis-
6 charge the duties laid upon them, and notice having been given by the superintendent to
7 the owner of the time and place of making the assessment of damages as and for the length
8 of time required for the commencement of actions in the district court, such referees shall
9 inspect the grounds proposed to be taken, fix the damages to be sustained on account of
10 such appropriation, and report in writing to the superintendent their doings and findings,
11 which report shall be filed and preserved in his office, and upon the amount found by the
12 referees being deposited with the county treasurer for the use of the owner, possession may
13 at once be taken and the necessary building or buildings erected and occupied. From the
14 assessment so made, either party may appeal to the district court by giving notice thereof,
15 as in case of taking private property for works of internal improvement, within twenty days
16 after receiving notice of the award made. If such appeal is not taken, the assessment shall
17 be final; if taken, the construction of the improvements shall not be delayed, if the deposit
18 hereinbefore provided has been or shall be made, and upon such appeal the school corpora-
19 tion shall not be liable for costs, unless the owner shall be allowed a greater sum than given
20 by the referees, all costs in making the referees' assessment to be paid by the school cor-
21 poration.

SEC. 55. In case of non-user for school purposes for two years continuously of
2 any real estate acquired for a school house site, it shall revert with the improvements
3 thereon to the owner of the tract from which it was taken, upon repayment of the purchase
4 price without interest, together with the value of the improvements, but during its use the
5 owner of the right of reversion shall have no interest in or control over the premises.

SEC. 56. Barb wire shall not be used in inclosing any school building or grounds, nor
2 for any fence or other purpose within ten feet of any such grounds. Any person violating
3 the provisions of this section shall be punished by fine of not exceeding twenty-five dollars.

1 SEC. 57. The board of each school township or independent district shall cause to be
2 set out and properly protected twelve or more shade trees on each school house site where
3 such trees are not growing. The county superintendent, in visiting the several schools of
4 his county, shall call the attention of any board neglecting to comply with the require-
5 ments of this section to any failure to carry out its provisions.

1 SEC. 58. 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
3 of such decision or the making of such order, appeal therefrom to the county superintendent
4 of 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
6 affidavit shall set forth any error complained of in a plain and concise manner.

1 SEC. 59. The county superintendent shall, within five days after the filing of such affi-
2 davit in his office, notify the secretary of the proper school corporation, in writing, of the
3 taking of such appeal; the latter shall within five days after being thus notified, file in the
4 office of the county superintendent a complete transcript of the record and proceedings
5 relating to the decision complained of, which transcript shall be certified to be correct by
6 the secretary; after the filing of the transcript aforesaid, the county superintendent shall
7 notify in writing all persons adversely interested of the time and place where the matter of
8 the appeal will be heard by him.

1 SEC. 60. At the time fixed for hearing, he shall hear testimony for either party, and he
2 shall make such decision as may be just and equitable, which shall be final, unless appealed
3 from as hereinafter provided.

1 SEC. 61. 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
4 as 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
6 final.

1 SEC. 62. Nothing in this chapter shall be so construed as to authorize either the county
2 or state superintendent to render judgment for money, neither shall they be allowed any
3 other compensation than is now allowed by law. All necessary postage must first be paid
4 by the party aggrieved.

1 SEC. 63. The county superintendent, in all matters triable before him, shall have
2 power to issue subpoenas for witnesses, which may be served by any peace officer, compel
3 the attendance of those thus served, and the giving of evidence by them in the same man-
4 ner and to the same extent as the district court may do, and such witnesses and officers may
5 be allowed the same compensation as is paid for like attendance or service in such court,

6 which shall be paid out of the contingent fund of the proper school township or independent
7 district, upon the certificate of the superintendent to and warrant of the secretary upon the
8 treasurer, but if the superintendent is of the opinion that the proceedings were instituted
9 without reasonable cause therefor, (or if, in case of an appeal, it shall not be sustained, he shall
10 enter such finding in the record and tax all such costs to the party responsible therefor. A
11 transcript thereof shall be filed in the office of the clerk of the district court, and a judg-
12 ment entered thereon by him, which shall be collected as other judgments.

13 **SEC. 64.** Any school officer violating any provision of this chapter imposing on him a
14 duty as such, or wilfully failing or refusing to perform such duty, and any person violating
15 any provision thereof shall forfeit and pay into the treasury of the particular school cor-
16 poration in which the violation occurs the sum of twenty-five dollars, action to recover
17 which shall be brought in the name of the proper school corporation, and applied to the use
18 of the schools therein.

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