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State of Utah

School Law

1897

(Reprint 1899.)

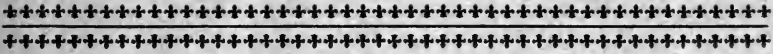
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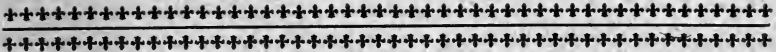


STATE OF UTAH.

SCHOOL LAW

1897.

(Reprint 1899.)



CANNON PUBLISHING HOUSE.



LB 2529

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1897



(Reprint 1899.)

SCHOOL LAW

OF THE

STATE OF UTAH.

PASSED MARCH 11TH, 1897.

“AN ACT Creating a State Board of Education, Defining its Duties and Providing for a Uniform System of Free Schools throughout the State of Utah.”

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

*Sec.
No.
R. S.
1898.

CHAPTER 1.—STATE BOARD OF EDUCATION.

1763.

SECTION 1. The State Board of Education shall consist of the State Superintendent of Public Instruction, the president of the University of Utah, the president of the Agricultural College, and two other persons of large experience and eminent professional standing, to be appointed by the Governor, by and with the consent of the Senate, to serve for a period of four years. The general control and supervision of the public school system is vested in the State Board of Education.

State Board of Education.

To control public school system.

1764.

Sec. 2. The State Board of Education is hereby authorized and empowered to issue diplomas of two grades, namely, State high school and State grammar, and certificates of one grade, namely, State grammar.

Power to grant diplomas.

*Section numbers Revised Statutes of Utah, 1898.

1765.

Qualifications
for diplomas.

Sec. 3. State diplomas or State certificates shall be issued only to professional teachers, who have reached the age of twenty years, have had two years' successful experience in this State, and exhibit satisfactory evidence of good moral character, and upon critical examination are found to possess the requisite scholarship and culture.

1766.

Validity of di-
plomas.

Sec. 4. These State diplomas and certificates shall be valid in any county, city, town, or school district in the State; the high school diplomas in any department of the public schools; the grammar grade diplomas, in grammar and primary departments; and certificates, in grammar and primary departments; State diplomas shall be good during the lifetime of the holders, and State certificates for a period of five years.

1767.

Subjects for
examination
for diplomas.

Sec. 5. Candidates for State professional diplomas of high school grade shall be required by examination or other evidence to exhibit a high degree of scholarship in all the following branches, namely: arithmetic, United States history, reading and elocution, orthography, English grammar, political and physical geography, physiology, algebra, physics; rhetoric, drawing, plane and solid geometry, botany, English literature, general history, civil government, history and science of education, and psychology; and also in any three of the following branches, namely: chemistry, geology, French, German, Latin, Greek, trigonometry, zoology, biology, and mineralogy. Candidates for State professional diplomas of grammar grade shall be required, by examination or other evidence, to exhibit satisfactory knowledge of all the following subjects, namely: arithmetic, United States history, reading and elocution, orthography, English grammar, political and physical geography, physiology, nature studies, algebra, physics, rhetoric, drawing, plane geometry, botany, English literature, general history, civil government, the history and science of education, and psychology; *Provided, that:*

Normal certi-
ficates and di-
plomas.

1st: Normal certificates and normal diplomas, issued by the University of Utah subsequent to March 10, 1892, and all normal certificates and normal diplomas issued hereafter by the University of Utah shall have the force of State certificates; and the holder of any normal diploma as hereinbefore specified, after having had two years' successful experience in teaching in this State, shall be entitled to a high school diploma.

2nd: Holders of normal certificates issued by the University of Utah subsequent to March 10th, 1892, and all normal certificates and normal diplomas issued hereafter by the Uni-

versity of Utah; and holders of high school certificates now in force and issued as provided by law by boards of education in cities of the first and second classes, and Territorial first grade certificates and State diplomas and certificates now in force, may, at the discretion of the State Board of Education, be exempt from examination in any and all subjects which were required in the examination for such certificates. Holders of normal certificates and diplomas may be exempt from examination.

3rd: Life diplomas issued by state boards in other states and shown to be of equal rank with those issued by the State Board of this State may receive equal recognition after the holders acquire two years' successful experience in schools of this State. When countersigned by the State Superintendent of Public Instruction under the direction of the State board, such diplomas shall have equal validity with those of corresponding rank issued by the State board. Life diplomas.

4th: No professional diploma or certificate shall be in force if the holder allow a space of five years to elapse without following some educational pursuit. When not in force.

1768. Sec. 6. The State Board of Education shall have authority to appoint a sufficient number of assistants of eminent educational ability to conduct examinations, and the necessary expense connected with the holding of such examinations shall be paid out of the State school fund upon vouchers to be approved by the State Board of Examiners. Board may appoint assistants.

1769. Sec. 7. The State Board of Education is authorized and required to revoke, for immoral or unprofessional conduct or evident unfitness for teaching, State diplomas and State certificates issued under the provisions of this chapter. Revocation of diplomas.

1770. Sec. 8. A statement of actual and necessary traveling expenses of the members of said board, incurred in attending meetings of the board, must be certified to by the State Superintendent of Public Instruction, and be filed with the State Board of Examiners, who are empowered to allow or reject the same, in whole or in part, in the same manner as in the case of claims for which an appropriation has been made, and the State Auditor shall draw his warrant on the State Treasurer in favor of the person named therein for the amount allowed. The members of the said State Board of Education shall receive four dollars per day for time actually and necessarily spent in the performance of their duties; *Provided*, that no member of the board receiving salary from the State or any subdivision thereof, or from any public institution, shall receive any such per diem. Traveling expenses.
Compensation.

Clerical assistance.

The board may engage necessary clerical assistance, the cost of which shall not exceed \$250 annually, and shall be certified to as provided above in this section.

1771.

Chairman and Secretary.

Sec. 9. The State Superintendent of Public Instruction shall be chairman of the State board, and he shall appoint a member of the board secretary, who shall keep a record of the board's proceedings.

1772.

Validity of acts.

Sec. 10. A concurrence of a majority of all the members shall be necessary to the validity of an act of the board.

1773.

Times of meeting.

Sec. 11. The board shall meet at the call of the chairman, and at least twice each year.

CHAPTER 2.—STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

1774.

Election and term of office of State Superintendent of Public Instruction.

SECTION 1. There shall be chosen by the qualified electors of the State at the regular State election in the year nineteen hundred, and every four years thereafter, a Superintendent of Public Instruction, hereinafter called the State Superintendent, who, at the time of his election shall be a qualified elector, shall have been a resident citizen of the State or Territory of Utah for five years next preceding his election, shall have attained the age of thirty years, shall be the holder of a State certificate of the highest grade issued in some state, or shall be a graduate of some reputable university, college or normal school. He shall reside and hold his office at the seat of government for the term of four years from the first Monday in January following his election and until his successor is elected and qualified. Before entering upon his duties, he shall take the oath of office and give a bond in the penal sum of five thousand dollars, with not less than two sureties, to be approved by the Governor and filed in the office of the Secretary of State. He shall have power to appoint a deputy, who shall be a qualified elector in the State, and who shall be paid a salary not to exceed the sum of three hundred dollars per annum to be paid out of the school fund.

May appoint deputy; compensation of deputy.

1775.

State Superintendent to supervise system of public instruction.

Sec. 2. The State Superintendent shall be charged with the administration of the system of public instruction and the general superintendence of the business relating to district schools of the State, and of the school revenue set apart and appropriated for their support, and shall have full power to in-

investigate all matters pertaining to the public schools. It shall be the duty of the State Auditor to notify the Superintendent of the actual amount of money in the State Treasury to the credit of the State district school fund on the thirty-first day of October and December and on the thirty-first day of March of each year. Within ten days after receiving such notification the superintendent shall apportion said fund among the several counties and cities of the first and second class in the State under the provisions of this chapter, according to the number of persons between the ages of six and eighteen years, residing in such county or city as shown by the last school census lists of the several counties and cities, and immediately furnish to each county treasurer, and to the county and city superintendents, an abstract of such apportionment. He shall also certify such apportionment to the State Auditor, and, upon receiving such certificate, the auditor shall forthwith draw his warrant on the State Treasurer in favor of the county treasurer of each county or the treasurer of each city board of education, as the case may be, for the amount due said county or board; *Provided*, that:

Auditor to report money in treasury.

Superintendent to apportion school fund.

1st. No apportionment shall be made to any county or city until all the reports for the year next preceding, as required by law, have been received from such county or city by the State Superintendent.

No apportionment till reports are forthcoming.

2nd. If any district or districts in any county have failed to maintain school for twenty weeks during the year next preceding that in which the apportionment is made, the number of children of school age in such district or districts shall be subtracted from the total school population of the State and from the school population of the county in which such district or districts are located before making the apportionment; *Provided*, that when the failure to maintain school in such district or districts the required length of time is due to quarantine, fire, flood, or other like uncontrollable causes, such failure shall not affect the basis upon which the apportionment is made.

Failure to maintain school reduces apportionment.

Exception.

1776. Sec. 3. The Superintendent shall provide and keep a seal by which his official acts and copies of all papers and documents filed in his office may be authenticated, and when so authenticated, said copies shall be received as evidence in all courts of this State equally with, and in like manner as the original. He shall prepare and transmit to the proper officers suitable forms and regulations for making all reports, with the necessary

Superintendent's seal.

To prepare and transmit forms and regulations for reports.

Payment of costs.

To visit each county at least once a year.

May examine records.

Meet with officers, etc.

1777.

To advise with county superintendents.

Effect of decisions.

1778.

Biennial report and printing thereof with school laws.

Contents of report.

blanks therefor, also school registers, and all necessary instructions for the organization and government of district schools, and the conducting of all necessary proceedings under this act. He shall print and circulate a summary of his opinions and rulings. The cost of such blank forms, school registers, and for the printing of the summary of his opinions and rulings, shall be paid out of the state school fund, and the vouchers therefor shall be certified to by the Superintendent, and filed with the State Board of Examiners, who are empowered to allow or reject the same, in whole or in part, in the same manner as in the case of claims for which an appropriation has been made, and the State Auditor shall draw his warrant on the State Treasurer for the amount allowed in favor of the person to whom said amount is due. He shall visit at least once a year in each county in the State and the principal schools and district school boards. He may examine the State Auditor's books and records relative to school revenue, and those of other public officials relating to school accounts. He shall meet with school officers, advise with teachers, and lecture to institutes and public assemblies upon topics calculated to promote the interests of education.

Sec. 4. He shall advise with county superintendents and with school boards and other school officers upon all matters involving the welfare of the schools. He shall, when requested by superintendents or other school officers, give them written answers to all questions concerning the school law. His decisions shall be held to be correct and final until set aside by a court of competent jurisdiction or by subsequent legislation.

Sec. 5. On or before the first day of January preceding each biennial session of the Legislature, the State Superintendent shall present to the Governor a report of his administration of the system of public instruction. There shall be printed in pamphlet form at least one thousand copies of his report and laws relating to schools, which shall be distributed under his direction. The Superintendent in his report shall furnish a brief exhibit:

1st. Of his labors, the results of his experience and observations as to the operation of the public school system, and suggestions as to the remedy for imperfections.

2nd. Of the amount of school revenue and its general condition as to sufficiency or insufficiency.

3rd. Of such plans as he may have matured for the better

organization of the schools, and for the increase and economical expenditure of the school revenue.

4th. A full statement of the condition and amount of all funds and property appropriated for educational purposes; the number and grade of schools in each county, and in each city of the first and of the second class; the number of children between the ages of six and eighteen years in each county and in each city of the first and of the second class, with the number of such attending district schools, the average number of children that have attended district schools during the two years previous to July 1st of that year, the number that can read and write, the amount of school money raised by county taxation or otherwise, the amount expended for salaries of teachers and for building school houses.*

5th. A comparison of the results of the two years then closing, with those of the years preceding, indicating the progress of public instruction; and as far as can be ascertained, the number and condition of private schools, academies, and colleges in the State.

1779.

Sec. 6. He shall append to his report such information relative to the system of public instruction, the schools, their annual revenues, and such other matters as he may deem proper. He shall include in his report statistical tables compiled from information transmitted to his office, with summaries, averages and totals appended thereto; also a statement of the annual collections of school revenue, and his apportionment thereof; and when he deems it of sufficient interest, he shall append extracts from the correspondence of school officers, showing either the salutary or defective operation of the system. He shall furnish the United States commissioner of education at Washington such information as that officer may require.

Appendix to
report; stat-
istical tables.

Information
to national
commissioner

1780.

Sec. 7. At the end of each quarter year he shall file with the State Board of Examiners an itemized account of his expenses verified by his oath. The said board shall examine the same and, if the account is found to be correct and the expenditures necessary, shall certify the same to the State Auditor, who shall issue a warrant to the State Treasurer for the amount due on such account, and for one-fourth of the Superintendent's annual salary, and shall charge the same to the State district school fund. At the expiration of his term of office, he shall deliver to his successor all books, records, documents, maps, reports, papers, and other articles pertaining to his office.

Itemized ac-
count of
expenses.

1781.
May call con-
vention of
county and
city superin-
tendents.

County and
city superin-
tendents to
attend.

Expenses
allowed.

Sec. 8. The State Superintendent shall have power to call biennially a convention of county and city superintendents, to assemble at such time and place as he shall deem most convenient, for the discussion of questions pertaining to the supervision and administration of the public schools, the laws relating thereto, and such other subjects affecting the welfare and interest of the public schools as shall properly be brought before it. It is hereby made the duty of all county and city superintendents to attend such conventions when called. The actual traveling expenses of county superintendents for attending such conventions shall be allowed by the board of county commissioners and paid out of the same fund as the salaries of county superintendents. The actual traveling expenses of city superintendents attending such convention shall be allowed and paid out of the same fund as salaries of city superintendents.

CHAPTER 3.—COUNTY SUPERINTENDENTS.

1782.
Election and
term of office
of county
superinten-
dents.

SECTION 1. At the time of the election for school trustees in the year eighteen hundred and ninety-eight, and biennially thereafter, there shall be elected for each county in the State, a county superintendent of district schools, who shall be the holder of a valid certificate not lower than the grammar grade, and shall be a qualified elector in said county. His term of office shall be two years and until his successor is elected and qualified. He shall take office at twelve o'clock m. of the first Monday of August next succeeding his election. The present incumbents shall hold office until their successors are elected and qualified. Before entering upon the duties of his office, he shall qualify by taking and subscribing the oath of office and giving a bond for the faithful discharge of his duties, in the penal sum of one thousand dollars, with sureties to be approved by the county clerk, which oath and bond shall be filed with said clerk; *Provided*, that voters residing within the limits of cities of the first and of the second class shall not be permitted to vote for the election of county superintendents.

1783.
General superinten-
dence of
county
schools.

Sec. 2. The county superintendent shall have the general superintendence of all district schools in his county, except in cities of the first and of the second class.

1784.

Sec. 3. It shall be the duty of every county superintendent to ascertain whether the boundaries of the school districts in his county are definitely and plainly described in the records of



the board of county commissioners, and to keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting or incorrectly described, he shall immediately report the fact to the board of county commissioners, who shall change said boundaries so as to make them harmonize.

To ascertain boundaries and keep correct transcript.

1785. Sec. 4. He shall visit every district school under his supervision within the county at least twice in each school year, and oftener if necessary to increase its usefulness. He shall at such visits carefully observe the condition of the school, the mental and moral instruction given, the methods employed by the teacher, and the progress of the pupils. He shall advise and direct the teachers in regard to the instruction, classification, government, and discipline of the school and prescribe the course of study. He shall keep a record of such visits and by memoranda indicate his judgment of the teacher's ability to teach and govern, and the conditions and progress of the school, which information shall be used for or against teachers at the time of their examination for certificates.

Visit each district school twice a year.

1786. Sec. 5. He shall keep a record of all his official acts, preserve all books, maps, charts, and apparatus belonging to his office, file all reports and statements from teachers and school trustees, and deliver them to his successor in office.

Records of office.

1787. Sec. 6. The county superintendent may arrange for meetings with school officers at designated times and places, due notice of which shall be given, for the purpose of inspecting the district records, insuring their accuracy, and giving instruction in the manner of keeping the same and preparing the reports of district officers.

May arrange meetings with school officers.

1788. Sec. 7. He shall decide all controversies pertaining to discipline arising in the administration of the school law in his county or appealed to him from the decision of school trustees.

Decide controversies.

1789. Sec. 8. The county superintendent shall have power to administer oaths of office to all subordinate school officers and witnesses and to examine them under oath in cases that may come before him for investigation, but he shall not receive pay for administering such oaths.

Administer oaths.

1790. Sec. 9. He shall see that the pupils are instructed in the several branches of study required by law to be taught in the schools, as far as they are qualified to pursue them. If any teacher neglects or refuses to give instruction on any subject required by law, the county superintendent shall promptly

See that pupils are instructed as law requires.

report the fact to the county board of examiners, who, after due examination and inquiry, may revoke such teacher's certificate and cause him to be discharged.

1791.

Report to
State Super-
intendent;
contents.

Sec. 10. On or before the first Monday of August in each year, he shall make and transmit to the State Superintendent reports, containing such census, statistical and financial items, as may be required by law or by the State department. Such reports shall include a list of persons between five and thirty years of age too deaf, too dumb or too blind to obtain an education in the public schools, stating their names, ages, addresses, and the names of their parents. Such report shall be made upon and conform to the blanks furnished by said State Superintendent for that purpose. He shall not receive any compensation for the last quarter in his official year until he presents to the board of county commissioners the State Superintendent's receipt for such report.

Compensa-
tion withheld
until report
is made.

1792.

May appoint
deputy.

Sec. 11. The county superintendent may appoint a deputy, who shall be a qualified elector within said county, and for whose official acts and compensation he shall be responsible.

1793.

Annual
teachers'
institutes.

Sec. 12. The county superintendent shall annually hold a teacher's institute for the instruction of teachers, and those who desire to teach, and procure such assistance as may be necessary to conduct the same. Said institute shall be held at such times as the district schools in the county are generally closed, and it shall be the duty of the county superintendent to see that all teachers in his county and the State Superintendent are notified of the time and place of holding the same. Such institute shall hold a session of not less than two nor more than ten days. The actual expense of holding the institute, which shall not exceed one hundred dollars in any one year, shall be paid out of the county school fund, upon the warrant of the county superintendent accompanied with vouchers showing to whom and for what purpose the money was paid. Under the direction of the State Superintendent, union institutes may be held by two or more counties. with an additional expense of not more than fifty dollars for each additional county represented, the whole expense thereof to be divided equally among the counties so represented; *Provided*, that institute meetings held once or twice a month during each year shall be equivalent to the institute mentioned in this section.

Expense.

Union Insti-
tutes.

1794.

Sec. 13. The county superintendent, together with two other persons practically experienced as teachers, shall consti-

tute the county board of examiners. The county superintendent shall be the chairman of the board. The associate examiners shall be residents of the county in which they are to serve, and shall be appointed by the county superintendent for a term of one year. The county superintendent shall have power to remove them, or either of them, for misconduct and incapacity, and to fill any vacancies occurring in the office of either of the said two appointees. The two appointees shall be paid for their services from the county school funds upon the warrant of the county superintendent approved by the board of county commissioners.

County board of examiners.

Compensation of associate examiners.

1795. Sec. 14. The county board of examiners shall hold teachers' examinations during each year, at such times as the chairman may direct. If from the percentage of correct answers required by the rules and other evidences disclosed by the examination, including particularly the superintendent's knowledge and information of the candidate's experience and ability as a teacher, the applicant is found to be a person of good moral character and to possess such knowledge and understanding, together with aptness to teach and govern, as will enable the applicant to teach successfully in the district schools of the State the various branches required by law, said board of examiners shall grant such applicant a certificate of qualification.

Examiners to hold teachers' examinations

1796. Sec. 15. The certificates issued by the county board of examiners shall be of two grades, county grammar and county primary, and shall be valid for one year, but may be renewed year by year without examination under such regulations as the board may provide. All certificates heretofore granted shall be valid for the full term for which they were issued. No certificate shall be granted unless the applicant be found proficient in pedagogy, and qualified to teach the following branches of common English education, namely: reading, writing, spelling, English grammar, geography, United States history, arithmetic, physiology and hygiene, nature studies, and drawing. The percentage required to pass in any branch shall be prescribed by the board of examiners. In addition to the regular grades of certificates, the county superintendent may grant a temporary certificate, valid until the next regular meeting of the board, but in no case shall such certificate be granted to the same person more than once; *Provided*, that special certificates may be issued for one year by the board of examiners to teachers of special branches.

Certificates of qualification for teachers.

Percentage to pass.

Temporary certificates.

Special certificates.

1797.
Age of persons to whom certificates may issue; valid in county.

Sec. 16. No county certificate to teach shall be granted to any person under eighteen years of age. The certificates issued by county boards shall be valid only in the county where issued.

1798.
Teacher to hold certificate.

Sec. 17. No person shall be employed or permitted to teach in any of the district schools of the State who is not the holder of a lawful certificate of qualification. Any contract made in violation of this section shall be void. All boards of examiners are authorized and required to revoke, for immoral or unprofessional conduct or evident unfitness for teaching, any certificate granted by them.

Revocation of certificate.

CHAPTER 4.—SCHOOL DISTRICTS.

1799.
Each school district a corporation.

SECTION 1. Every school district or high school district now or hereafter created shall be and is hereby constituted a public corporation to be designated as —— school district (or high school district, as the case may be,) of —— county, State of Utah, with its proper name inserted in the blank before the word school, and the proper name of the county inserted in the blank before the word county; and in its own proper name as such corporation may sue and be sued, contract and be contracted with, and it may acquire, purchase, convey, and hold real and personal property for school purposes.

1800.
Extent of school district.

Sec. 2. Each county and each city, unless divided by proper authority, shall form a school district.

1801.
County commissioners may create, divide or consolidate school districts.

Sec. 3. The board of county commissioners of any county may create into a school district any territory not already so created, or may create a district out of a part or parts of one or more districts upon being petitioned so to do by as many residents of such territory as have the care and custody of not less than twenty school children of school age residing therein, or upon the recommendation of the county superintendent. The board of county commissioners may change the boundaries of, divide and consolidate existing school districts. Whenever the board of county commissioners of any county shall divide, consolidate, or change the boundaries of existing school districts, such board shall have the power, as an incident to the division, consolidation, or change, equitably to adjust the property rights and burdens of the several districts affected thereby, by apportioning existing school property and debts, and by modifying or re-apportioning taxes already voted, in such manner as the justice of the case shall, in the opinion of the board, de-



mand. To accomplish the adjustment, the board of county commissioners may from time to time direct necessary special taxes to be levied and collected on particular areas of districts so changed.

Levy special taxes.

1802. Sec. 4. In any county hereafter created the board of county commissioners thereof shall so divide the county, or any part thereof which has residing therein not less than twenty children of school age, into school districts as will best promote the permanent interests of the district schools in the county, upon the same petitions and subject to the conditions and restrictions provided in the last preceding section.

Division of county into school districts.

1803. Sec. 5. Whenever any new district shall be created by the board of county commissioners, said board shall forthwith appoint three trustees of said district, who shall be qualified electors therein, to serve until the next ensuing regular election for trustees.

Trustees for new district.

CHAPTER 5.—ELECTION OF TRUSTEES.

1804. SECTION 1. Except in cities of the first and of the second class, there shall be held an annual election on the second Monday in July, in each school district. At such election there shall be elected by the registered voters residing in such school district, one school trustee to serve for the term of three years and until his successor is elected and qualified. In each newly organized district, at the first annual school election occurring after such organization, there shall be elected three trustees, one for three years, one for two years, and one for one year, and until their successors are elected and qualified; and annually thereafter there shall be elected, at such annual election, one trustee to hold office for three years and until his successor is elected and qualified. Trustees shall qualify by taking and subscribing the oath of office and giving bonds to the district in which they reside in such sums and with such sureties as the county clerk of the county wherein said school district is situated, may approve, conditioned for the faithful discharge of the duties of their office; the oath of office and bonds to be filed with said clerk. The ballots used at such election shall state the names of the persons and the office, and the length of term voted for.

Election of trustees and term of office.

Ballot to state term.

1805. Sec. 2. The trustees, or any two of them whose official bonds have been approved, shall constitute a quorum for the

Organization of school board.

transaction of business. They shall meet and organize within twenty days after their election or appointment, by appointing one of their number chairman, another clerk and another treasurer, and shall at once notify the county superintendent of such organization. Said trustees, when thus organized, shall constitute the district school board. The treasurer shall give bond to the district with sufficient sureties and for a sufficient amount, to be approved by the board of trustees and filed with the county clerk.

1806.
Election meetings for trustees, or on question of tax or of bonds.

Sec. 3. Meetings for the election of trustees and for county superintendents of district schools and for voting on the rate per cent of taxes to be assessed, and on the question of issuing bonds, shall be called by the trustees causing notices to be posted in at least three public and conspicuous places within the district, at least twenty days before the time for holding such meeting. Such notice shall state the time, place, and object of such meeting and the officers to be elected, and if the polls are to be opened at any such meeting to determine any question, the notice shall state the hours at which the polls will be opened and closed. All business transacted at such meeting other than specified in said notice shall be void. The voting at such meetings shall be by secret ballot.

Business confined to object stated in notice.

1807.
County Clerk to furnish registration list.

Sec. 4. It shall be the duty of the county clerk to furnish the board of trustees of the district at least five days previous to the day of election, a certified copy of the registration list, showing the names of all registered voters residing in the election districts covered in whole or in part by such school district. The board of trustees of the district shall act as judges of election, and the clerk of the district school board shall act as clerk. The polls shall be kept open during at least four successive hours on the day of election. In case of a vacancy occasioned by the absence of any of the said officers at any election for trustee, the registered voters who are present at the time of the opening of the polls shall choose a person to fill such vacancy.

Judges and clerk of election.

1808.
Conduct of elections and qualification of electors.

Sec. 5. School elections held under the provisions of this chapter shall be conducted, and the qualification of electors shall be, as provided in the general election laws, except as in this chapter otherwise provided. It shall not be necessary to file certificates of nomination of candidates, nor to publish a list of nominations. It shall be the duty of the county clerk to furnish the board of trustees of every school district with a

Nominations.



sufficient number of plain envelopes for election purposes, and such envelopes shall be uniform in size and quality, without any marks, writing, printing, or other device upon them, and no other kind shall be used at any election. Ballots shall not be printed at public expense. Every voter shall designate on a single ballot, written or printed, the name of the person or persons voted for, with a pertinent designation of the office to be filled. The ballot shall be neatly folded and placed in one of the envelopes hereinbefore provided for, and shall be delivered to the presiding judge of election, who shall, in the presence of the voter, on the name of the proposed voter being found on the registry list and on all challenges to such vote being decided in favor of such voter, deposit it in the ballot box without any mark whatever being placed on such envelope; otherwise the ballot shall be rejected. The registry and poll lists shall be preserved by the clerk of the school board. The ballots cast and those rejected as "excess" or "defective" shall be carefully sealed in a strong envelope and shall be preserved by such clerk for one year.

Election envelopes and ballots.

Excess and defective ballots.

1809. Sec. 6. Immediately after the polls are closed, the judges shall proceed to count and canvass the votes cast at such election and the person receiving the highest number of votes for trustee shall be declared elected. The result of the vote for county superintendent of district schools shall be certified by the judges to the county clerk. All ties shall be decided by lot.

Canvass of votes.

1810. Sec. 7. The clerk of the school board shall, within five days after such election, furnish each trustee with a certificate of election, a copy of which, with the oath of office, must be forwarded immediately to the county superintendent.

Ties.
Certificate of election.

1811. Sec. 8. Every citizen of the United States of the age of twenty-one years or over who has been a resident of the State of Utah for one year, of the county four months, and of the school district for sixty days, both immediately preceding the day on which any meeting is held for the purpose of voting on the question of levying a special tax or issuing bonds for any school district, or high school district, or for selecting a schoolhouse site, and who has paid a property tax in said district during the year next preceding, shall be entitled to vote at any such meeting.

Qualified voters.

VACANCIES.

1812. Sec. 9. Should a vacancy occur in the office of trustee of

Filling vacancy in school board. a school district, the remaining trustees shall immediately appoint some qualified elector of the district to fill the vacancy, and such appointee shall qualify and serve until the next school election, and until his successor is elected and qualified; *Provided*, that in case two or more vacancies occur at the same time in the office of trustee in any school district, the board of county commissioners of the county in which such district is situated shall fill such vacancies.

1813. Same. Sec. 10. A vacancy in the office of trustee vacates the office which such trustee held in the school board, and such vacancy shall be filled by appointment of the board.

1814. Same. Sec. 11. Any officer of a school district may resign, but such resignation shall not take effect until his successor has qualified according to law. Any office of a school district shall be deemed vacant if the person duly elected or appointed thereto shall remove from the district, or neglect or refuse, for the period of twenty days after such election or appointment, to accept and qualify for such office.

CHAPTER 6.—POWERS AND DUTIES OF TRUSTEES.

1815. Control of district is with school board. SECTION 1. The school district board shall have general charge, direction and management of the schools of the district, and the care, custody and control of all property belonging to the district, subject to the provisions of law. It may annually order to be raised on the taxable property of the district, one-half of one per cent for the support of schools and to defray current expenses; additional funds may be raised for such purposes by vote of the qualified voters as provided in chapters five and eleven of this act.

1816. Tax for current expenses. Sec. 2. It shall organize, maintain and conveniently locate schools for the education of the children of school age within the district, or change or discontinue any of them according to law.

1817. Maintain, locate or discontinue schools. Sec. 3. It shall make all necessary repairs to the school-houses, outbuildings, and appurtenances, and furnish fuel and necessary supplies for the schools.

1818. Make repairs, furnish supplies, etc. Sec. 4. It shall furnish all necessary and suitable furniture, maps, charts, apparatus, and reference books. It shall have power to establish and support school libraries; to purchase, exchange, and improve the school apparatus, books, furniture, fixtures, and all other school supplies, in said schools; to supply and loan to pupils in the several grades and departments

Supplies, libraries, text books, etc.

of said schools, free of charge, all text books and supplies used by the pupils of said schools; to sell to pupils in the several grades and departments of said schools, at cost, all text books and supplies used by the pupils of said schools; to collect all books and apparatus loaned to pupils of the public schools of any such district, or damages for the loss, injury or destruction of the same. The school register and all school blanks, except those used solely for district and county purposes, shall be those furnished by the State Superintendent.

Blanks to be furnished by State.

1819. Sec. 5. It shall employ the teachers of the schools of the district, and may dismiss any teacher for violation of contract, immorality, or neglect of duty. Every contract for the employment of a teacher must be in writing, but no such contract shall extend beyond the thirtieth day of June next following. The county superintendent shall be informed immediately of the engagement or dismissal of any teacher. It shall have power to grant to the teacher or teachers a day each term for the purpose of visiting other schools; *Provided*, that such visits shall be made under the direction of the school board.

School board to employ or dismiss teachers; contracts.

Teacher's visiting day.

1820. Sec. 6. It shall have power to admit to the schools in the district pupils from other districts when it can be done without injuring or overcrowding such schools, and shall have power to make regulations for their admission and to charge and collect reasonable fees for their tuition. It shall have power to arrange with the board of an adjacent district for sending to such district such pupils as can be conveniently taught therein, when for any cause such pupils cannot be conveniently taught in the district where they reside, and for paying their tuition. It shall also have power to make proper and needful rules for the assignment and distribution of pupils to and among the schools in the district and their transfer from one school to another.

Pupils from other districts.

Distribution and transfer of pupils.

1821. Sec. 7. It shall assist and co-operate with teachers in the government and discipline of the schools, and in connection with the county superintendent make proper rules and regulations therefor. It may suspend or expel from school any insubordinate or habitually disobedient pupil; *Provided*, such suspension or expulsion shall not be for a longer period than ten days, nor beyond the end of the current term of school, unless in the judgment of the board such pupil is incorrigible.

Co-operate with teachers

Expulsion or suspension of pupils.

1822. Sec. 8. It may permit a schoolhouse, when not occupied for school purposes, to be used for any purpose which will not interfere with the seating or other furniture or property; and

May permit use of school-house for various purposes.

shall make such charges for the use of the same as they may decide to be just; but for any such use or privilege the district shall not be at any expense for fuel or otherwise.

1823.
Election upon matters pertaining to school buildings.

Sec. 9. When necessary for the welfare of the schools of the district, or to provide proper school privileges for the children therein or whenever petitioned so to do by one-fourth of the resident taxpayers of the district, the board shall call a meeting of the qualified voters, as defined in section eight of chapter five of this act, at some convenient time and place fixed by the board, to vote upon the question of selection, purchase, exchange, or sale of a schoolhouse site, or the erection, removal, purchase, exchange, or sale of a schoolhouse, or for payment of teachers' salaries or for current expenses of maintaining schools. The chairman of the board shall be chairman, and the clerk of the board secretary of such meeting. In case either of these officers is not present, his place shall be filled by some one chosen by the voters present. A notice, stating the time, place, and purpose of such meeting, shall be posted in three public places in the district by the clerk of the district board at least twenty days prior to such meeting. If a majority of such voters present at such meeting shall by vote select a schoolhouse site, or shall be in favor of the purchase, exchange, or sale of a designated schoolhouse site, or of the erection, removal, or sale of a schoolhouse, as the case may be, the board shall locate, purchase, exchange, or sell such site, or erect, remove, or sell such schoolhouse, as the case may be, in accordance with such vote; *Provided*, that it shall require a two-thirds vote to order the removal of a schoolhouse.

1824.
Organization of new school.

Sec. 10. If a petition, signed by the persons charged with the support and having the custody and care of fifteen or more children of school age, all of whom reside two miles or more from the nearest school, be presented to the board asking for the organization of a school for such children, the board may organize, equip, and maintain such school and employ a teacher therefor.

1825.
Arranging school terms.

Sec. 11. The district board shall determine and fix the length of time the school in the district shall be taught in each year, and when each term shall begin and end. It shall so arrange such terms as to accommodate and furnish school privileges equally and equitably to pupils of school age; *Provided*, that every district school shall be kept in session not less than two terms in each school year; and, *Provided, further*, that any

school may be discontinued when the average attendance of pupils therein for twenty consecutive days shall be less than eight, or when, with the consent of a majority of the patrons of such school, proper and convenient school facilities can be provided for the pupils in some other school.

Discontinuing school.

1826.

Sec. 12. The board shall cause the clerk to make and transmit to the county superintendent, between the first and third Monday in July of each year, an enumeration, subscribed and sworn to by said clerk, of all persons over six and under eighteen years of age residing in the district, giving:

Enumeration and other data for county superintendent.

1st. The name, age, sex, and color of each person.

2nd. The number attending district schools.

3rd. The number attending private schools.

4th. Such other facts as may be required by law or by the county superintendent.

Such report shall include a list stating the names, ages, postoffice addresses, and the names of the parents or guardians, of all persons over the age of five and under the age of thirty years residing in such school district too deaf, too dumb, or too blind to receive an education in the public schools.

1827.

Sec. 13. It shall be the duty of the district board to cause to be set out and properly protected as many shade trees as the size, location, and arrangement of the school lot will justify, and such expense shall be paid from the special school fund. It shall be the duty of the county superintendent to see that this requirement is compiled with.

Setting out shade trees.

1828.

Sec. 14. It shall be the duty of the district board to keep an accurate journal of its proceedings, an account of all moneys paid to the treasurer and of all moneys paid on orders drawn on the treasurer, and prepare and cause to be presented to the voters at the regular annual meeting held on the second Monday in July, of each year, a statement, under oath, showing; First, the moneys on hand at the date of the last annual report, the moneys received by the treasurer since such report and from what sources received; second, the amount of sinking fund and how invested; third, the amounts paid out, to whom and for what paid; fourth, the balance of school money in the hands of the treasurer; fifth, the number, date, and amount of every bond issued or redeemed under the authority given in this act, and the amount received or paid therefor, to which statement shall be added a report showing the management and condition of the schools in the dis-

Record to be kept of proceedings and receipts and disbursements.

File report with county superintendent.

Vouchers.

Compensation of trustees.

1829.

Physiology and hygiene.

trict during the preceding year. A copy of such statement and report, together with such other reports as may be required by the State Superintendent, and for which blank forms have been provided, shall, on or before the fifteenth day of July of each year, be filed with the county superintendent. They shall also present with their statement to the superintendent, vouchers for all moneys paid out; *Provided*, that trustees shall each receive such compensation for their services as may be voted at such meeting.

Sec. 15. It shall be the duty of all boards of education and trustees in charge of schools and educational institutions supported in whole or in part by public funds, to make provision for systematic and regular instruction in physiology and hygiene, including special reference to the effects of stimulants and narcotics upon the human system.

CHAPTER 7.—HIGH SCHOOLS.

1830.

When trustees may provide high schools.

SECTION 1. The trustees of any school district having a population of over fifteen hundred, when authorized by a majority vote of the property taxpayers resident in the district present at an annual or at a special meeting called for the purpose, may establish and maintain a high school, in which pupils may be instructed in higher branches of education than those usually taught in the district schools, and pupils over eighteen years of age may be admitted to and instructed in such schools on such terms as to tuition and otherwise as the trustees may prescribe.

1831.

Districts may unite in high school.

Sec. 2. Two or more contiguous school districts may unite and form a high school district in the manner following: At the written request of the respective boards of trustees of the constituent school districts, or of any ten legal voters residing in each of said districts, it shall be the duty of the county superintendent of schools to give at least ten days' notice of a time and places for meetings of such electors residing in such districts as have the qualifications prescribed in section five of chapter five of this act, by posting written notices in at least five public places in each of said districts, at which meetings the said electors shall vote by ballot for or against the organization of a high school district; and if a majority of the votes cast at the election in each district are in favor of forming a high school district as aforesaid, then the county superintendent of schools shall give similar notice of meetings of the qualified electors of each of the districts comprising such high school district, for the purpose of electing two high school trustees

Election on high school proposition.

for said high school district from each of said constituent school districts and for the purpose of deciding whether or not a special tax shall be voted for the purpose of providing and maintaining a high school within such district. The rate of taxation to be voted upon shall be proposed by the county superintendent of schools, and shall be stated in the notice of the meetings.

High school trustees.

Special tax for high school election.

1832

Sec. 3. The trustees so elected and the county superintendent of schools shall constitute the board of trustees of such high school district, and the county superintendent shall be ex-officio president of the board. The trustees elected as hereinbefore provided shall serve until the next school election within their districts, at which time their successors shall be elected to serve for the term of two years and until their successors are elected. A vacancy in the board shall be immediately filled by the remaining trustees by the appointment of some qualified elector of the district in which the vacancy occurred, and such appointee shall serve until the next school election and until his successor is elected.

Organization and term of high school board.

Vacancy.

1833.

Sec. 4. The provisions of this act respecting the powers and duties of trustees of school districts shall, as far as conformable with this chapter, apply to, govern and control the board of trustees of such high school district. They may order to be raised annually on the taxable property of the district a tax of one-half of one per cent for the support of the high school; and a special tax, not to exceed two per cent per annum, may be levied by a majority vote of the qualified electors of the high school district at a special meeting called for that purpose in the manner prescribed for the calling of meetings for a like purpose in the case of other school districts. All taxes levied and assessed under the provisions of this and the next preceding sections shall become due and delinquent at the same time and be assessed and collected by the same officers, and in the same manner, and attach to and become a lien on the real and personal estate assessed, as other school taxes levied and assessed under the provisions of this act.

Powers and duties of high school trustees.

Taxes.

1834.

Sec. 5. Whenever the qualified electors of a duly organized high school district, at any regular or special meeting called and held for the purpose, shall determine to issue bonds of such high school district for the purpose of building and furnishing schoolhouses, purchasing grounds on which to locate the same, or to fund or refund any outside indebtedness, the

Bonds of high school district.

trustees may issue such bonds in accordance with the provisions of chapter fourteen of this act.

1835. Sec. 6. At all elections for the purpose of electing trustees or determining whether a tax shall be levied or bonds shall be issued, a majority of the qualified votes cast shall be necessary to elect trustees or to authorize such levy or bond issue.

1836. Sec. 7. The trustees of the several school districts comprised within the high school district shall act as judges at all elections held within and for the high school district, and shall canvass and certify the result thereof, as in other cases.

1837. Sec. 8. The high school may be maintained during forty weeks in each year, and may be free to all children of school age residing in the high school district having such qualifications as may be prescribed by the board, or the board may collect such tuition from pupils as it may deem just.

CHAPTER 8.—TEACHERS.

1838. SECTION 1. Every teacher on commencing a term of school shall give written notice to the county superintendent of the time and place of beginning such school and the time it will probably close. If such school is to be suspended for more than one week at any one time in said term, the teacher shall notify the county superintendent of such proposed suspension.

1839. Sec. 2. No teacher shall be entitled to any compensation for teaching in any district school unless he is the holder of a certificate, valid and in force in the county where such school is taught; *Provided*, that if a teacher's certificate shall expire by its own limitation within six weeks of the close of the term, the holder may finish such term without re-examination or renewal of certificate; *Provided, further*, that teachers of special subjects and substitutes employed temporarily made be paid, though they hold no certificates.

1840. Sec. 3. Every teacher, before assuming charge of a school, shall present to the county superintendent his or her certificate, who shall record in a book provided for that purpose, the name of the holder, the grade of the certificate, and the date of its expiration.

1841. Sec. 4. Every teacher shall keep a school register and at the close of each year make a report in such form and containing such items as shall be required by law. Such reports shall be made in duplicate, one copy of which shall be filed with the



clerk of the board, and one copy with the county superintendent. No teacher shall be paid the last month's salary of any year until the report for such year shall be filed as herein required.

Salary withheld till report is filed.

1842. Sec. 5. The school year shall begin on the first day of July of each year, and close on the last day of June of the year following. A school week shall consist of five school days, a school month of twenty school days, and a school term of ten school weeks. No school shall be taught on a legal holiday. A legal holiday falling upon a day which otherwise would be a day of school, shall be counted a day of school, and the teachers shall be paid therefor.

School year and school terms.

No school on holiday.

1843. Sec. 6. Every teacher in the district schools shall teach pupils the course of study prescribed.

Teacher to follow course of study.

1844. Sec. 7. Each teacher who is engaged in teaching during a period which includes the time of holding a teacher's institute, upon receiving notice from the county superintendent to attend, shall close his school during the holding of such institute and attend the same, and shall be paid by the school board of the district the regular salary as teacher for the time of attendance during such institute, as certified by the county superintendent. The certificate of any teacher may be revoked by the county board of examiners, when upon due examination and inquiry it appears that he is guilty of inexcusable neglect or refusal to attend a teachers' institute held for such county.

Teachers to attend teachers' institute.

Certificate may be revoked for neglect or refusal.

1845. Sec. 8. A teacher may suspend from school, for not more than five days at any one time, any pupil for insubordination, habitual disobedience, or disorderly conduct. In such case the teacher shall give immediate notice of such suspension, and the reason thereof, to the parents or guardian of such pupil, and also to some member of the district school board.

Suspension of pupils by teacher.

1846. Sec. 9. It shall be the duty of the teachers to assign to each pupil such studies as he is qualified to pursue, and to place him in the proper classes; *Provided*, that in graded schools the principal or superintendent shall perform such duty.

Teacher to assign pupil.

1847. Sec. 10. Teachers shall enforce the use of text books and the rules and regulations prescribed for schools. Any pupil who cuts, defaces, or otherwise injures any school property is liable to suspension from school, and upon complaint of the teacher or any trustee, the parent or guardian of such pupil shall be liable for all damages.

To enforce use of text books: damage for injuring school property.

1848. Doctrines not to be taught. Moral instruction required. No sectarian control. Sec. 11. No atheistic, infidel, sectarian, religious, or denominational doctrine shall be taught in any of the district schools of this State. Moral instruction tending to impress upon the minds of the pupils the importance of good manners, truthfulness, temperance, purity, patriotism, and industry, shall be given in every district school, and all such schools shall be free from sectarian control.
1849. Text books for indigent pupils. Sec. 12. Necessary text books and supplies shall be furnished by the school board, free of charge to indigent pupils. Such books and supplies shall be used under the direction of the teacher.
1850. English language used. Sec. 13. All district schools in this State shall be taught in the English language.
1851. Children of school age admitted free. Pupils over 18 years. Sec. 14. Every district school shall be open for the admission, free of charge, of all children living in the district over six and under eighteen years of age, and of children within the required age, whose father, mother or guardian is a taxpayer within said district. Any person over eighteen years of age may be admitted to any district school, in the discretion of the board of trustees, at such rate of tuition as the trustees may prescribe; *Provided*, that beginners shall not be received into the schools except during the first four weeks after the opening of the first and third terms.
1852. Child from household with contagious disease not admitted. Sec. 15. The teacher or board shall not allow any pupil to attend the district schools while any member of the household to which such pupil belongs is sick with an infectious or contagious disease, nor during the period of two weeks after the death, recovery, or removal of such sick person, and then only upon a certificate of a competent physician or written permit of the district school board.
1853. Compensation of female teachers same as male. Sec. 16. Females employed as teachers in the public schools of this State shall in all cases receive the same compensation as is allowed to male teachers, for like services, when holding the same grade certificates.

CHAPTER 9.—TEXT BOOKS.

1854. Deciding upon text books. SECTION 1. The State Superintendent, county superintendents and the principal of the State normal school, or a majority of them, shall decide what text books shall be adopted in the district schools, except in cities of the first and of the second class; and their use shall be mandatory in all district



schools of the State except in cities of the first and of the second class.

1855. Sec. 2. The State Superintendent shall call a convention at least thirty days prior to the expiration of any contract regulating the supply and use of text books in the district schools throughout the State, and shall give at least sixty days' notice of the time of holding such convention, by publication in a newspaper having general circulation in the State. Said notice shall state the subjects upon which text books will be adopted, and that sealed proposals will be received by the State Superintendent of schools for furnishing such books, the place where and the day and the hour when all proposals will be opened, and that the convention reserves the right to reject any and all proposals. Said convention shall be called for the adoption of text books every five years from and after the first adoption, as herein provided; and any text book so adopted shall not be changed within a period of five years after its adoption, except for a sufficient cause to be decided at a special convention called for that purpose.

Convention to be called, when.

Business of convention.

Convention every five years.

No change of text books within five years.

1856. Sec. 3. At the time and place specified in said notice, the convention shall meet and publicly open and read all the proposals which have been received, and shall make their awards therein within thirty days thereafter.

Proposals for text books to be opened publicly.

1857. Sec. 4. Sealed proposals must be accompanied by sample copies of the books proposed to be furnished, together with a statement of the introductory or exchange price, and of the wholesale and retail prices at which the publishers agree to furnish each book within the State during the full time for which said books may be adopted.

Samples to accompany proposal.

1858. Sec. 5. If no satisfactory proposals are received, the books already in use shall continue in use until changed as herein provided.

Unsatisfactory proposals, books in use to be retained.

1859. Sec. 6. The publisher or publishers whose proposals shall be accepted must enter into a written contract with the State Superintendent of schools, and shall give a bond with two sufficient sureties in a reasonable sum, to be fixed by the convention, for the faithful performance of such contract.

Publishers furnishing books to enter into contract.

1860. Sec. 7. No school officer or teacher in any district school in this State shall act as agent for any author, publisher, bookseller, or other person to introduce any book, apparatus, furniture, or any article whatever in any district in which such school officer or teacher is officially engaged.

School officer or teacher not to act as agent.

1861.
Receiving
bonus from
publisher;
penalty.

Sec. 8. If the State Superintendent, or any county or city superintendent, or other school officer shall receive from the publisher of any school books, or from any other person interested in the sale or introduction of any books, maps, charts or other school supplies into the public schools in the State, any money or bonus in any manner as an inducement for the recommendation or introduction of any such book in the schools of the State, such person shall be guilty of a misdemeanor.

1862.
Failure to en-
force use of
text books;
penalty.

Sec. 9. If the trustees of any district shall refuse or neglect to enforce the use of text books adopted by the convention, such refusal or neglect shall be a misdemeanor on the part of any trustee so refusing or neglecting, and shall be punishable by a fine not exceeding one hundred dollars and by removal from office.

CHAPTER 10.—STATE AND COUNTY TAX.

1863.
State Treas-
urer to re-
ceive and pay
over school
fund to
counties.

SECTION 1. The State Treasurer shall receive and hold as a special fund all public school moneys paid into the State treasury, and pay them over on the warrant of the State Auditor, issued upon the order of the State Superintendent of Public Instruction in favor of the county treasurer of each county for the amount due said county, and in favor of the treasurer of each board of education for the amount due such board.

1864.
Estimate of
funds needed
in county.

Sec. 2. The county superintendent shall, on or before the first Monday in May of each year, furnish the board of county commissioners an estimate in writing of the amount of school funds needed for the ensuing year.

1865.
County school
tax; levy of.

Sec. 3. The board of county commissioners of the county, at the time of making the annual levy of other county taxes, must levy a county school tax upon all taxable property of the county, except such as is within any city of the first or of the second class; *Provided*, that said tax shall not exceed four mills on the dollar of valuation of the property taxed. Said tax shall be collected by the officer charged with the collection of general taxes, at the same time and upon the same valuations of the property taxed as other county taxes, and shall be paid into the county treasury of the county to the credit of the county school fund.

Rate of tax.

1866.

Sec. 4. The county treasurer shall receive and hold, as a special school fund, subject to the orders of the county superintendent, all public school moneys from whatever source received, and keep a separate account thereof; and when the same is apportioned to the school districts, he shall pay it to the district treasurers upon the warrants of the county superintendent. He shall, on or before the first day of August in each year, make a report to the board of county commissioners, who shall audit the same, and to the State Superintendent in such form as he shall direct, showing:

Held as special school fund of county.

Report by county treasurer.

1st. The amount of moneys on hand at the commencement of the school year.

2nd. The amount of moneys received from the State school fund.

3rd. The amount received from the county school tax.

4th. The amount received from other sources.

5th. The total expenditures for school purposes.

6th. The balance on hand at the end of the school year.

CHAPTER 11.--SCHOOL FUND.

1867.

SECTION 1. The county superintendent of each county shall immediately, upon receiving the apportionment from the State Superintendent, proceed to apportion the State school funds to the several school districts of his county according to the number of school children residing in each district over six and under eighteen years of age, as shall appear from the last enumeration reported to his office. The county superintendent shall apportion the county school fund in like manner, and as soon as practicable, after the receipts of the same or any portion thereof; *Provided*, that before making such apportionments he shall set aside so much of said county fund as the board of county commissioners shall order for the payment of the compensation of the county superintendent, members of the board of examiners, and the expenses of the county institute, and contingent expenses of the county superintendent's office; and *Provided, further*, that no part of either of said funds shall be used otherwise than for payment of teachers, except as otherwise provided in this section. The county superintendent shall file a duplicate of such apportionment with the county auditor.

Apportionment of county school fund.

Duplicate apportionment list to be filed with county auditor.

1868.

Sec. 2. No school district shall receive any apportionment of school moneys unless such district shall have maintained a

School to be maintained twenty weeks to get apportionment.

school therein for at least twenty weeks during the next preceding school year, and the number of children of school age in any district not maintaining school for twenty weeks during the year next preceding shall be subtracted from the total school population of the county before the apportionment is made, but any new district formed by the division of an old one is entitled to its apportionment when school has been maintained in the old district before division, or in the new district after division, or in both, at least twenty weeks in all; *Provided*, that when by reason of fire, flood, or other like uncontrollable causes, school has not been maintained the length of time required by this section, the district may still draw its apportionment.

1869.

New district to receive its proportion.

Sec. 3. Any newly organized school district shall be entitled to its proportion of the State and county fund which shall have been apportioned to the district or districts from which it was created.

1870.

When school may be closed.

Sec. 4. When the average attendance in any school district for twenty consecutive weeks in any school year falls below eight pupils, except for reasons mentioned in the second section of this chapter, the county superintendent is hereby authorized to close said school.

CHAPTER 12.—SPECIAL SCHOOL TAX.

1871.

Tax for buildings, sites, bonds, etc.

SECTION 1. When it is necessary to raise funds to purchase a school site or improve the same, or to purchase, build, rent, repair, or furnish schoolhouses or redeem outstanding bonds, or for payment of teachers' salaries or for current expenses, a tax may be voted, in any sum not to exceed two per cent of all taxable property in the district, at a meeting called for that purpose in the manner provided in chapter five of this act. When a tax shall have been voted for school purposes at any meeting provided for in this act, the trustees shall file with the county superintendent and the county clerk, within ten days after such meeting, a copy of the notice calling such meeting and a copy of the minutes thereof, which shall be kept on file by the said superintendent and clerk, subject to inspection by any person.

1872.

Computing school tax.

Sec. 2. All school taxes voted by the trustees or by a special meeting called for that purpose, shall be computed from the valuations of the next succeeding county assessment roll, and shall be voted on or before the first day of May of any year,

and within twenty days thereafter the board shall make certified returns of the per cent of the taxes so voted to the county auditor and the county assessor, who shall acknowledge receipt of the same. The county assessor shall assess for such special tax, at the time and in the manner provided by law for assessing State and county taxes, and shall give to the district school taxpayers similar notices to those which are required by law to be given to taxpayers of State and county taxes. The officer charged with the collection of special school taxes shall pay over the same to the treasurer of the school district in which the same are collected, making payments of the sums collected, at the end of each calendar month. On the thirty-first day of December, after receiving the tax roll, he shall complete the payment of all the school district taxes borne upon such roll.

1873. Sec. 3. At the time of computing the county and State tax, the county auditor shall compute the district school taxes that have been voted. The board of county commissioners shall sit as a board of equalization of district school taxes, and shall equalize the same at the time and in the manner provided by law for equalizing State and county taxes. On completion of the tax roll, the county auditor shall certify to the board of trustees of each school district the amount of the district school taxes assessed on the property thereof. Equalizing school tax.

1874. Sec. 4. All school taxes levied and assessed under the provisions of this act, shall become due and delinquent at the same time, and be assessed and collected by the same officers and in the same manner and shall attach to and become a lien on the real and personal property assessed at the same time as State and county taxes. Delinquent school tax.

CHAPTER 13.—CREATING INDEBTEDNESS.

1875. SECTION 1. Any school district or any board of education of a city of the first or of the second class may create indebtedness for the maintenance of the schools within such district or city not in excess of the taxes for the current school year; and any such school district or board of education may create indebtedness for the purpose of purchasing school sites and erecting school buildings not in excess of any tax that may have been lawfully imposed for such purpose, and prior to the collection thereof; but no debt in excess of the school taxes for the current year shall be created by any school district in any Limit of indebtedness.
Debt not to exceed current taxes without vote of people.

county, or by the board of education of any city of the first or of the second class in this State, unless the proposition to create such debt shall have been submitted to a vote of such qualified electors as shall have paid a property tax therein during the twelve calendar months next preceding such election, and a majority of those voting thereon shall have voted in favor of incurring such debt. The election provided for in this section shall be held, conducted, and returns made, as provided in section fifty of chapter fifteen of this act.

1876.

Additional
indebtedness
to maintain
schools, how
authorized.

Sec. 2. Whenever debts equal to the school taxes for the current year shall have been created by any school district in this State, or by the board of education of any city of the first or of the second class in this State, thereby rendering it necessary to create and incur additional indebtedness in order to maintain and support the schools of any such school district, or the schools controlled by any such board of education, for the current year or any part thereof, then the trustees of any such school district, or any such board of education, as the case may be, may cause the proposition to incur and create such additional indebtedness to be submitted to a vote of such qualified electors as shall have paid a property tax in any such school district or city in the year preceding such election.

1877.

Election in
city, how
called.
Notice.
Judges.

Sec. 3. The election provided for in the preceding section, when held in a city of the first or of the second class, shall be called by publishing a notice, signed by the president and clerk of the board of education, in a newspaper published in the city, for not less than ten days, and by posting said notice at the polling places in each municipal ward of the city for the same length of time next preceding said election. The board of education, before any notice is published or posted, shall appoint three electors in each municipal ward to conduct the elections herein provided for, who shall take and subscribe an oath of office, and who shall make returns thereof, to the board, as herein provided. Such notice shall specify:

1. The time and place of holding such election.
2. The names of the judges at each polling place to conduct such election.
3. The hours during which the polls shall remain open.
4. The amount of indebtedness which the board proposes to incur or create, and for what purposes.

1878.

Sec. 4. The election provided for in section two of this chapter when held in any school district other than a city of the first

or second class, shall be called by publishing a notice, signed by the chairman and clerk of the board of trustees of such district, in a newspaper published in the county in which such district is situated, for not less than ten days and by posting said notice in three conspicuous places in the district for the same length of time preceding said election. If no newspaper be published in said county, then, by such posting of notices only. The board of trustees of such district, before any notice is published or posted, shall appoint three electors to conduct the elections herein provided for, who shall take and subscribe an oath of office, and who shall make returns thereof to the board as herein provided. Such notice shall specify:

Election in other districts, how called.
Notice.
Judges.

1. The time and place of holding such election.
2. The names of the judges of election to conduct such election.
3. The hours during which the polls shall remain open.
4. The amount of indebtedness which the board proposes to incur or create, and for what purposes.

1879. Sec. 5. The ballot used at such election shall be furnished by the board of education or by the trustees, as the case may be, and shall express upon its face the propositions which the board, or the trustees, desire to submit to the taxpayers.

Ballot.

1880. Sec. 6. Every registered voter residing in any ward of any such city, or residing in any school district, in which an election is held for the purpose of determining the question of creating and incurring additional indebtedness in such district or city, and which voter shall have paid a property tax in such district or city in the year preceding such election, shall be entitled to vote at any such election. Challenges for cause by any qualified voter shall be allowed on such election, and promptly decided by the judges conducting the same.

Who entitled to vote at such election.
Challenges.

1881. Sec. 7. Immediately after the closing of the polls, the persons appointed to conduct the election shall proceed to count and canvass the ballots at such election and make returns thereof to the board of education or the board of trustees, as the case may be, and said board of education, or said trustees, as the case may be, shall, within five days after said election, meet and canvass said returns, and if a majority of the ballots cast at said election are in favor of incurring and creating such additional indebtedness, then the board of education or the trustees, as the case may be, shall cause an entry of that fact to be entered upon the minutes of said board or of said trus-

Canvass of vote.
Result.

tees; and thereupon said board of education or said trustees, as the case may be, shall be authorized and directed to incur and create such additional indebtedness as shall be necessary to support and maintain the schools of any such school district or the schools controlled by any such board of education, for the current year, or any part thereof, not exceeding the amount mentioned in the notice calling such election.

CHAPTER 14.—DISTRICT SCHOOL BONDS.

1882.
Issue of
bonds.

SECTION 1. Whenever a duly organized school district in any county in this State, at any regular or special meeting called and held for the purpose, shall determine by a majority vote to issue school district bonds for the purpose of building and furnishing schoolhouses, purchasing grounds on which to locate the same, or to fund or refund any outside indebtedness, the trustees may issue such bonds in accordance with the provisions hereof.

1883.
Election on
bonds.

Sec. 2. Before the question of issuing bonds shall be submitted to vote in any school district, the trustees shall call a meeting of the voters of such district, qualified under chapter five of this act, by notices, to be posted in at least five public and conspicuous places in said district, not less than twenty days before such meeting. Said notices shall state the time and place of meeting, the amount of bonds proposed to be issued and for what purpose, and the time in which they shall be made payable. The voting at such meeting shall be by ballot. All ballots deposited in favor of issuing bonds shall have thereon the words "Bonds, yes," and those opposed thereto shall have thereon the words "Bonds, no." If a majority of the votes cast shall be in favor of issuing bonds, the trustees shall forthwith proceed to issue bonds in accordance with the vote; but if less than a majority of the votes cast are in favor of issuing bonds, there shall be no further action on the question for one year thereafter.

1884.
Denomina-
tion of bonds.

Sec. 3. The denomination of the bonds which may be issued under the provisions of this chapter, shall be fifty dollars or some multiple of fifty, not exceeding one thousand dollars, and shall bear interest at the rate of not exceeding six per cent per annum, payable semi-annually in accordance with interest coupons which shall be attached to said bonds. No greater amount than three thousand dollars can be issued for

one schoolhouse, except in districts of more than five hundred inhabitants, and in such districts the amount shall not exceed two per cent of its assessed valuation, and such bonds shall be made payable not more than twenty years from their date. The trustees may reserve the right to redeem such bonds or any of them at any time after five years from their issue.

Limitation.

Redemption.

1885.

Sec. 4. Whenever any school district has voted to issue bonds, the trustees of such district shall immediately file with the county auditor in which the school district is situated a certified copy of the order of the trustees authorizing such meeting to be called and held, and also certified copies of the notices posted calling such meeting, together with an affidavit showing when and where said notices were posted and that they were posted as required by law and the order of the trustees. The trustees shall also file with said auditor a statement showing the number of inhabitants and value of taxable property in the district, and that the amount of bonds proposed to be issued does not exceed the proper per cent of the value of taxable property in the district, which statement shall be subscribed and sworn to by the trustees. The statement shall also bear the indorsement of the county superintendent of district schools, that the meeting was lawfully called and held, and the voting of the qualified taxpayers, the canvass of votes cast, and all matters in relation to the proposed issue of bonds in said school district were lawfully conducted, and that such bonds may be lawfully issued. Whenever any bonds are issued under the provisions of this chapter, they shall be lithographed or printed on bond paper, and shall state upon their face the date of their issue, the amount of the bond, to whom and for what purpose issued, the time and place of payment, and the rate of interest to be paid. They shall have printed upon the margin the words "Authorized by act of the Legislature of the State of Utah, A. D. 1897," and upon the back of the bonds shall be printed a certificate signed by the county auditor in substantially the following form: "I certify that the within bond is issued in accordance with law, and is within the debt limit permitted by the statutes of the State of Utah, and in accordance with a vote of the qualified taxpayers of——school district of——county, State of Utah, at a regular (or special) meeting held on the——day of——A. D.——, to issue bonds to the amount of——dollars." They shall be signed by the chairman and the clerk of the board of trustees of the

When district votes to issue bonds, papers to be filed with county clerk.

Endorsement of county superintendent.

Bonds, what they shall state.

Certificate on bonds.

Signatures.

school district and shall be registered and numbered in a book to be kept by the clerk for that purpose, in which shall be entered the number, date, denomination, name of the person to whom issued, and the date when the same shall become due.

1886.
Tax levy for
interest on
bonds.

Sec. 5. In addition to the amount elsewhere authorized to be levied under the provisions of this act, there shall be levied by the trustees and certified to the county treasurer annually prior to July first, on the taxable property of the school district so issuing bonds, and assessed and collected as other taxes are assessed and collected, a sum not exceeding two and a half mills on the dollar of the assessed valuation of said district, sufficient to pay the interest on such bonded indebtedness, and after five years, in like manner, a further annual tax not to exceed two mills on the dollar, for a sinking fund, to be used in payment of such bonds when they become due, and for no other purpose. Whenever there may be sufficient funds on hand, the trustees may, however, purchase any of its outstanding bonds at the lowest market price, and pay for the same out of the sinking fund, or out of any fund created by special tax for such purpose.

Tax for pay-
ment of
bonds; sink-
ing fund.

1887.
Sale of bonds.

Sec. 6. Whenever any bonds are issued under the provisions of this chapter, the trustees shall have authority to negotiate and sell bonds for not less than their par value unless the State Superintendent, upon satisfactory evidence that the bonds cannot be sold for par, shall consent in writing to a sale below par. The proceeds shall be used exclusively for the purposes for which the said bonds were issued.

1888.
Bonds a lien
on taxable
property.

Sec. 7. Bonds issued under the provisions of this chapter shall be a lien upon the taxable property in the school district issuing them, and when any trustees neglect or refuse to levy a tax in accordance with law to meet outstanding bonds or the interest thereon, the board of county commissioners shall levy such tax, and when collected, apply it to the payment of such bonds and the interest due thereon.

Levy of tax
by county
commission-
ers.

1889.
Cancellation
of redeemed
bonds.

Sec. 8. Whenever any of the bonds of a school district shall have been redeemed or purchased by the trustees, they shall be canceled by writing or printing in red ink across each bond and coupon, the words "Paid and Canceled," and the date of payment and amount paid shall be entered in the clerk's register against the number of the bond, and thereafter no interest shall be paid on account of the bond so canceled, and the bonds and coupons so canceled shall be filed in the office of the clerk of

No interest to
be paid on
canceled
bonds.

the district board and preserved in a book to be kept for that purpose.

1890. Sec. 9. Whenever any schoolhouse is to be built, the trustees shall advertise for at least thirty days in some newspaper printed in the county, or if no newspaper is printed in the county, by posting notices for the same length of time in five conspicuous places in the county, for sealed proposals for building such schoolhouse, in whole or in part, in accordance with plans and specifications, which shall be furnished by the trustees, stating in such advertisement or notice the place where, and the day and hour when, all proposals will be opened, and reserving the right to reject any and all proposals. At the time and place specified in said notice, the trustees shall meet and publicly open and read all proposals which have been received, and shall award the contract to the lowest responsible bidder. They shall require of such contractor a bond in double the amount of the contract, conditioned that he will properly perform the conditions of the contract in a faithful manner and in accordance with its provisions. In case none of the proposals are satisfactory, all shall be rejected, and said trustees shall advertise anew in the same manner as before, until a satisfactory proposal shall be submitted; *Provided*, that the construction of school buildings by school districts may, in the judgment of the trustees, be done by days' labor or by contract.

Proposals for building.

Bids to be opened publicly; award of contract; bond of contractor.

Re-advertising in case of rejecting all bids.

Buildings may be done by day labor.

1891. Sec. 10. The provisions of this chapter shall be applicable to and shall authorize the issue of bonds by such school districts as have already built schoolhouses, and the qualified taxpayers thereof may vote to bond the indebtedness incurred by reason of building and furnishing schoolhouses or purchasing sites for the same, and bonds therefor may be issued in the same manner as herein provided for building and furnishing schoolhouses.

Bonding indebtedness by vote.

CHAPTER 15.—SCHOOLS IN CITIES.

BOARD OF EDUCATION.

1892. SECTION 1. All cities of the first and of the second class shall be governed by the provisions of this chapter. The public school system therein shall be controlled by the board of education of such cities, separate and apart from the counties in which the cities are located.
- Cities of first and second class controlled by boards of education.
1893. Sec. 2. Each city subject to the provisions of this chapter, and all territory which shall hereafter be added thereto, shall constitute one school district, and public schools therein shall be free to all residents thereof between the ages of six and eighteen years of age and of children within the required age whose father, mother or guardian is a taxpayer within said district. All public schools and property therein shall be under the direction and control of the board of education.
- City a district.
- Control of city schools.
1894. Sec. 3. The board of education of cities of the first class shall consist of ten members, two to be elected from and by each municipal ward; and, of cities of the second class, shall consist of five members, one to be elected from and by each municipal ward.
- Membership of board of education.
1895. Sec. 4. There shall be elected in cities of the first class, on the first Wednesday of December, eighteen hundred and ninety-seven, two members of the board from each municipal ward, one for the term of one year and one for the term of three years; and in eighteen hundred and ninety-eight, and biennially thereafter, on the first Wednesday of December, one member from each municipal ward for the term of four years.
- Election of board in cities of first class.
1896. Sec. 5. There shall be elected in cities of the second class, on the first Wednesday of December, eighteen hundred and ninety-seven, one member of the board from each municipal ward for a term of three years; and in nineteen hundred, and every four years thereafter, on the first Wednesday of December, one member from each municipal ward for the term of four years.
- Election in cities of second class.
1897. Sec. 6. Members of the board of education shall qualify previous to, and take their seats at, the first regular meeting in January next after their election, and shall serve until their successors are duly elected and qualified.
- When shall begin term.
1898. Sec. 7. Elections for members of the board shall be called and conducted, and the canvass of returns shall be made, and the qualification of electors shall be as provided in the general
- Conduct of elections for members of board of education.

registration and election laws, except as in this section hereinafter provided. There must be at least one voting place in each municipal ward. It shall not be necessary to file certificates of nomination of candidates, nor to publish a list of nominations. Appointments of judges of election shall be made by the board of education at any convenient time prior to the day of election. The board of education shall furnish the judges of election at every polling place with a sufficient number of plain envelopes for election purposes and shall pay all other lawful and necessary expenses of the election. Such envelopes shall be uniform in size and quality, without any marks, writing, printing, or device upon them; and no other kind shall be used at any election. Every voter shall designate on a single ballot, written or printed, the name of the person or persons voted for with a pertinent designation of the office to be filled. The ballot shall be folded and placed in one of the envelopes hereinbefore provided for, and shall be delivered to the presiding judge of election, who shall in the presence of the voter, on the name of the proposed voter being found on the registry list, and on all challenges to such vote being decided in favor of such voter, deposit it in the ballot box, without any mark whatever being placed on such envelope; otherwise the ballot shall be rejected. The board of education shall exercise all such power relative to school elections in their respective cities as are conferred upon the board of county commissioners in other elections, so far as conformable with this act.

1899 Sec. 8. Every member of the board of education in cities of the first and of the second class shall be and remain a resident, qualified, registered voter in the municipal ward from which he is elected, and the board of education is hereby required to fill any vacancy that may occur through non-residence or any other cause, until the next election of members of the board; *Provided*, that any vacancy occurring previous to the annual election having an unexpired term, shall be filled for such unexpired term at the first school election thereafter, and the ballots shall be as follows: "To fill the unexpired term——."

Qualification
of members.

Vacancy.

ORGANIZATION OF THE BOARD.

1900.

Sec. 9. The members elected as herein provided shall, before entering upon the discharge of their duties, take and

Organization.

President and
vice-presi-
dent.

subscribe the oath of office. They shall organize by electing from their number a president and a vice-president, whose term of office shall be for two years and until their successors are elected and qualified. They shall also elect a clerk and a treasurer, who shall be registered voters in the school district, and whose respective terms of office shall be two years and until their successors are elected and qualified.

Clerk and
treasurer.

1901.

Removals.

Sec. 10. Any officer appointed or elected by the board of education for a specified term may be removed from his office for cause by the vote of two-thirds of the board.

1902.

Other officers.

Sec. 11. The board of education shall have power to appoint all other officers that in its judgment may be necessary fully to carry out the provisions of this chapter, for the protection and improvement of school property, and for the promotion of the interests of the schools, and remove the same at pleasure, and may require any such officer to give bonds to the board in such sum as it may prescribe. The oath of office and bond of the clerk shall be filed with the treasurer, and all others shall be filed with the clerk.

1903.

Superinten-
dent.

Sec. 12. At the first meeting of the board in June eight-hundred and ninety-eight and biennially thereafter, a superintendent of schools shall be elected, who shall subscribe an oath of office, and shall enter upon his duties on the first day of July thereafter. His term of office shall be two years, and until his successor shall be elected and qualified.

1904.

School year.
Reports.

Sec. 13. The school year shall commence on the first day of July annually, and close on the last day of June following. The annual reports of the president, the superintendent, and the several committees shall be presented to the board at or before the first regular meeting in August of each year.

1905.

Compensa-
tion.

Sec. 14. The members of the board of education shall fix the compensation to be received for their services, at a sum not to exceed one hundred dollars per annum.

1906.

School
census.

Sec. 15. The board of education shall appoint suitable persons for each ward, who shall act as enumerators for school population for said ward, and visit every house therein between the fifteenth and thirty-first days of July of each year, and ascertain and enter upon the lists the name of every person between the ages of six and eighteen years residing in such ward, and also the name, age, postoffice address, and name of the parent or guardian, of every deaf or dumb person over the age

of five and under the age of thirty years too deaf, or dumb, to receive an education in the public schools. Such enumeration lists shall contain all information required by law and such other information as the State Superintendent and the board of education may require.

1907. Sec. 16. The enumeration lists shall be filed with the clerk of the board as soon as completed, and not later than the tenth day of August. Immediately thereafter, the clerk of the board shall make out and forward to the State Superintendent a statement showing the number of children of school age residing in the district, together with all information obtained under the provisions of the last preceding section and financial and statistical reports for the past school year, containing such items as shall be required by law or by the State Superintendent; and thereupon the State Superintendent shall allot to such city or school district a proper pro rata of school funds subject to allotment, and shall apportion the amount due and certify the same to the board of education of said city.
- Filing of enumeration lists.
Report to State Superintendent.
Allotment of school funds.

DUTIES OF PRESIDENT.

1908. Sec. 17. It shall be the duty of the president to preside at all meetings of the board, to appoint all committees, and to sign all warrants ordered by the board of education to be drawn upon the treasurer for school moneys. In case of the absence or disability of the president, his duties shall be performed by the vice-president.
- Duties of president.
Vice-president.

DUTIES OF CLERK.

1909. Sec. 18. Before entering upon the discharge of his duties, the clerk shall give a bond to the board of education of such city in such sum as said board may prescribe, with good and sufficient sureties, to be approved by the board, conditioned for the faithful performance of his duties, and shall qualify according to law.
- Bond of clerk.
1910. Sec. 19. It shall be the duty of the clerk to attend all meetings of the board; to keep an accurate journal of its proceedings, and have the care and custody of the seal, records, and papers not otherwise provided for; to countersign all warrants drawn upon the treasurer by order of the board; to keep an accurate account of all moneys paid to the treasurer on account of said board and from what source received, and all moneys paid on orders drawn on the treasurer by order of said
- Duties of clerk.

board; and to prepare and submit to the board an annual statement, under oath, of the receipts and disbursements during the year ending June thirtieth, which statement the board shall cause to be published in a newspaper having general circulation in said city, showing:

Published
annual state-
ment, con-
tents.

1st. The amount on hand at the date of the last report.

2nd. The amount of sinking fund and how invested.

3rd. The moneys paid out, to whom and for what paid.

4th. The balance of school moneys on hand.

5th. The number, date, and amount on every bond issued and redeemed under the authority herein given, and the amount received and paid therefor. The clerk shall perform such other duties as the board and its committees may require. He shall receive for his services such compensation as the board may determine.

Compensa-
tion of clerk.

DUTIES OF THE TREASURER.

1911.
Treasurer.

Sec. 20. The treasurer of the board of education shall subscribe to the oath of office and give a bond to the board with sufficient sureties and in such sum as the board may require; said oath and bond to be approved by the board and filed with its clerk. He shall be the custodian of all moneys belonging to the corporation and responsible upon his bond for all moneys received by him as treasurer. He shall prepare and submit in writing a monthly report of the receipts and disbursements of his office, and pay out school moneys only upon a warrant signed by the president, or, in his absence or disability, by the vice-president, countersigned by the clerk, and shall perform such other duties as the board may require. The treasurer shall receive for his services such amount as the board of education may fix and determine. The board may require the treasurer to keep his office and records in the office of the board.

Compensa-
tion of
treasurer.

POWERS OF THE BOARD.

1912.
Board of
education a
body cor-
porate.

Sec. 21. The board of education of any such city shall be a body corporate under the name of "The Board of Education of ——— City," (inserting the proper name), and shall have an official seal conformable to such name, which shall be used by the clerk in the authentication of all matters requiring it. And said board, in the name aforesaid, may sue and be sued; may take, hold, lease, sell, and convey real and personal property, as the interests of the school may require. The members of the

Powers and
duties of
board.

board and the clerk thereof shall have the power and authority to administer oaths in proof of claims and accounts against said corporation, and no claim or account, except salaries of teachers and janitors, shall be audited or allowed by the board of education unless the correctness of the same shall be proved under oath.

1913. Sec. 22. The board of education shall have power and Same.

authority to purchase or sell schoolhouse sites and improvements thereon; to construct and erect school buildings and furnish the same, to establish, locate, and maintain kindergarten schools, common schools consisting of primary and grammar grades, high schools, and industrial or manual training schools; to establish and support school libraries; to purchase, exchange, repair, and improve the high school apparatus, books, furniture, fixtures and all other school supplies, in said schools; to supply and loan to pupils in the several grades and departments of said schools, free of charge, all text books and supplies used by the pupils of said schools; to sell to pupils in the several grades and departments of said schools, at cost, all text books and supplies used by the pupils of said schools; to collect all books and apparatus loaned to pupils of the public schools of any such city or damages for the loss, injury or destruction of the same; to assign to the State normal school, for the purpose of illustrating instruction in the practice school connected therewith, a sufficient number of pupils of appropriate grades, and reimburse the State university or State normal school for the instruction of such pupils at rates per pupil not exceeding the average cost of instruction per pupil in the public schools of the city as ascertained for each year; to do all things needful for the maintenance, prosperity and success of the schools, and the promotion of education, to adopt by-laws and rules for the procedure of the board of education, and make and enforce all needful rules and regulations for the control and management of the public schools of the city.

1914. Sec. 23. No school sites or buildings shall be sold or conveyed by the board of education, except on resolution of the board, duly adopted at a regular or duly called meeting, and not then without the affirmative vote of at least two-thirds of all the members of the board. Sale of sites and buildings.

1915. Sec. 24. Upon the election and qualification of a board of education for any city, the trustees of all school districts existing in said city shall convey and deliver the school property in School property in city to be conveyed to board.

said districts to the board of education of said city; and the title of all such property, and all property hereafter acquired for school purposes in said city, shall be conveyed to and vested in said board of education, for the use of the district schools of said city; and all rights, claims, and causes of action to or for said property, or the use or income thereof, or for any conversion, disposition, or withholding thereof, or for any damage or injury thereto, shall at once vest in the board of education of said city, in trust for the use of the district schools of the city, and said board, in the name aforesaid, may bring and maintain actions to recover, protect, and preserve the property and rights of the district schools, and to enforce and contract relating thereto, and in its said name may sue and be sued in any court of law or equity. And all outstanding debts and obligations of any such school district shall be paid by such board of education.

Board may maintain actions and enforce contracts.

BOARD OF EXAMINERS.

1916. Sec. 25. In each city of the first and of the second class
Examiners. there shall be a board of examiners, consisting of the city superintendent of public schools or the superintendent-elect, and two or more other members having practical experience as teachers, residents of said city, to be designated associate examiners. The associate examiners shall be elected by the board of education at their first meeting in June annually, and shall hold office for one year; but no candidate for examination as a preliminary to teaching in the public schools shall be an associate examiner.

Associate examiners.

1917. Sec. 26. The city superintendent of public schools, or superintendent-elect, shall be chairman of the board of examiners.

Chairman of examiners.

1918. Sec. 27. The associate examiners shall receive such a stated compensation per diem for services actually rendered as may be allowed them by the board of education. The chairman of the board of examiners shall certify to the correctness of claims for services rendered by the associate examiners.

Compensation of associate examiners.

1919. Sec. 28. The board of examiners shall meet and hold examinations for the granting of teachers' certificates on such occasions only as may be authorized by the board of education. Special meetings, not for the purpose of conducting examinations, may be called by the chairman, when, in his judgment, the same are necessary. A record of the proceedings of the board of examiners shall be kept in the office of its chairman, and at all times be open for the inspection of the board of

Teachers' examinations.

Special meetings.

Record.



education; and such portions of it as may concern any candidate for a certificate, shall be open for the inspection of such candidate or his authorized representative.

1920. Sec. 29. The board of examiners shall have power:

1st. To adopt rules and regulations, not inconsistent with the laws of the State or the rules of the board of education, for its own government and for the examination of teachers, and to fix standards of proficiency for the granting and renewing of certificates, either heretofore or hereafter issued, subject to the approval of the board of education. Rules for examiners.

2nd. To prepare questions on the various subjects prescribed by law, and examine by written or oral examination all candidates for any of the following certificates: Questions.

First. A city high school certificate, valid for one year only, unless renewed, and authorizing the holder to teach or serve as principal in any primary, grammar, or high school in such city. On high school certificate.

Second. A city grammar certificate, valid for one year only, unless renewed, and authorizing the holder to teach in any primary or grammar school, or serve as principal in any primary school, in such city. On grammar certificate.

Third. A city primary certificate, valid for one year only, unless renewed, and authorizing the holder to teach in any primary school in the city. On primary certificate.

The board of examiners shall report the result of all examinations to the board of education, who, through the president and clerk thereof, shall issue to the successful candidates the certificates to which they are entitled. Report to school board; issue of certificates.

3rd. To recommend to the board of education the renewal of the various renewable certificates, in accordance with such regulations as they may adopt, or as may be prescribed by the board of education, whereupon said board of education, through its president and clerk, may renew such certificates from year to year. Renewal of certificate.

* 4th. For immoral and unprofessional conduct, profanity, intemperance, or evident unfitness for teaching, to recommend to the board of education the revocation of any certificate previously granted by said board of education. Revoking certificate.

5th. In case of necessity, to grant, by the chairman of the board of examiners, temporary certificates to teachers of experience of whose ability to pass the regular examination, there is no doubt; *Provided*, that such temporary certificate Temporary certificate.

shall be valid only until the next regular examination, and under no circumstances shall be issued more than once to the same person.

CERTIFICATES.

1921. Sec. 30. No certificate of permission to teach shall be issued to any person not eighteen years of age. No certificate shall be granted to any person whose moral character or habits are known by the board of examination, or by the board of education, to be bad.
- Limitations in issuing certificates.
1922. Sec. 31. No certificate shall be granted by the board of education or upon its authority, except to successful candidates in a regular or special examination conducted by the board of examiners in accordance with the provisions of law.
- Same.
1923. Sec. 32. City primary and city grammar certificates shall be granted only to applicants who are found, upon examination, to have a practical knowledge of pedagogics and school management, and to be proficient in and qualified to teach the following branches, namely: reading, writing, spelling, English grammar, geography, arithmetic, physiology and hygiene, United States history, and such other English branches as the board of education may prescribe; *Provided*, that the examination of applicants for such certificates shall be specially adapted to discover their fitness to teach all the branches named to pupils of primary or grammar grades respectively.
- Grammar and primary certificate.
1924. Sec. 33. City high school certificates shall be granted only to applicants who pass satisfactorily the examination required for grammar certificates, and, in addition thereto, sustain a satisfactory examination in civil government, physical geography, elementary physics, elementary algebra, botany, and such other branches as the board of education may prescribe.
- High school certificate.
1925. Sec. 34. Holders of normal diplomas and certificates issued after March first, eighteen hundred and ninety-two, by the University of Utah, and holders of State diplomas or State certificates, shall be exempt from all further examinations during the term of validity of such certificates as provided by law. Teachers engaged in the exclusive teaching of music, foreign languages, drawing, penmanship, kindergarten, and physical culture shall be exempt from all examinations except such as pertain to the special departments over which they may preside.
- Teachers exempt from examination.
1926. Sec. 35. Special certificates shall be granted only to applicants who pass satisfactorily an examination in a special or
- Special certificates.

departmental subject (such as music, foreign language, drawing, penmanship, kindergarten, physical culture, etc.,) and such other subjects as are calculated to discover applicants' fitness to teach in public schools.

TEXT BOOKS.

1927. Sec. 36. In each city of the first and of the second class the board of education shall decide what text books shall be adopted in all public schools of the city, and their use shall be mandatory therein, for the period of five years thereafter. Text books.
1928. Sec. 37. The board of education shall give notice at least sixty days prior to the expiration of any contract regulating the supply and use of text books in such city, by publication in a newspaper having a general circulation in this State, of its intention to adopt text books for the public schools of the city, calling for bids and terms from publishers of text books for schools, stating approximately the number and kind of books required; that separate and sealed proposals will be received by the board of education for furnishing each kind of book, the place where, and the day and hour when, all proposals will be opened, and that the board reserves the right to reject any and all proposals or any part thereof. Notice of adoption of text books.
1929. Sec. 38. At the time and place specified in said notice the board shall meet and publicly open and read all the proposals which shall have been received, and shall make their decision within thirty days thereafter. Opening bids.
1930. Sec. 39. Sealed proposals must be accompanied with sample copies of the books proposed to be furnished, together with a statement of the introductory or exchange price and of a wholesale, and a retail price, at which the publisher agrees to furnish each book within the city during the full time that may be required by the board of education. Samples and prices on books.
1931. Sec. 40. If no satisfactory proposals are received, the board, in its discretion, may advertise anew, and the books in use shall be continued in use until satisfactory proposals shall have been received and accepted. Unsatisfactory proposals.
1932. Sec. 41. The publisher or publishers whose proposals shall be accepted, must enter into a written contract with the board of education, and shall give a bond with two sufficient sureties in a reasonable sum, to be fixed by the board, for the faithful performance of such contract. Contract with successful bidders.

CITY SCHOOL TAX.

1933. Sec. 42. All property, real and personal, held by the board of education shall be exempt from general and special taxation; and from all local assessments for any purpose, and shall not be taken in any manner for debt.

1934. City one tax district. Sec. 43. For purposes of taxation the whole city shall constitute one school district.

1935. Pro rata of State taxes city to receive. Sec. 44. All cities organized under the provisions of this chapter shall receive their pro rata share of any State taxes levied for the support of district schools or any funds that may be realized from any source which under the operation of law are required to be divided pro rata for the benefit of children of school age residing in the State.

1936. Estimate of expenses. Sec. 45. The board of education shall, on or before the first day of May of each year, prepare a statement and estimate of the amount necessary for the support and maintenance of the schools under its charge for the school year commencing on the first day of July next thereafter, also the amount necessary to pay the interest accruing during such year, and not included in any prior estimate, on bonds issued by said board, also the amount of sinking fund necessary to be collected during such year for the payment and redemption of said bonds; and shall forthwith cause the same to be certified by the president and clerk of said board to the officers charged with the assessment and collection of taxes for general county purposes in the county in which the city is situated, and such officers, after having extended the valuation of property on the assessment rolls, shall levy such per cent as shall, as nearly as may be, raise the amount required by the board, which levy shall be uniform on all property within the said city as returned on the assessment roll, and the said county officers are hereby authorized and required to place the same on the tax roll. Said taxes shall be collected by the county treasurer as other taxes are collected, but without additional compensation for assessing and collecting, and he shall pay to the treasurer of said board, promptly as collected, who shall hold the same subject to the order of the board of education; *Provided*, that the tax for the support and maintenance of such schools shall not exceed in any one year five and one-half mills on the dollar upon all taxable property of said city, and shall not exceed one mill additional on the dollar in one year, to be used exclusively for the purchase of school sites and the erection of school buildings.

Tax levy and collection.

Tax limit.

1937. Sec. 46. The respective boards of county commissioners shall pay over to the boards of education as fast as collected or realized their proportionate amount of delinquent taxes, interest, percentage, and costs on all tax sales heretofore or hereafter made. Proportion of delinquent taxes to be paid to board.
1938. Sec. 47. The board of education may, at the annual school election or at a special election, in its discretion, submit to the voters of the district the question of levying a special tax, for one or more years, to buy sites, build, and furnish schoolhouses, or improve the school property under its control. If the voters declare in favor of such tax, it shall be levied and collected as other school taxes, and the board of education may apply any money available, raised from taxation, to the building on or the improving of the school property under its charge. Special election for tax for sites, etc.
1939. Sec. 48. The board of education shall give such reasonable notice of such submission as it may deem proper; and if submitted at a special election, may follow the procedure, so far as applicable for the issuance of bonds. Submitting tax question to voters.

CITY SCHOOL BONDS.

1940. Sec. 49. The board of education may, when in its judgment it is advisable, or shall, when petitioned by a majority of the resident taxpayers of the school district, as appears by the county assessment roll of the last preceding year, call an election in each municipal ward of the city and submit to the taxpayers of the district whether bonds of such district shall be issued and sold for the purpose of raising money for purchasing school sites, for building or purchasing one or more schoolhouses and supplying the same with furniture and necessary apparatus, for improving the grounds, and for the refunding and redemption of all or any portion of any bonds outstanding in any such district. Bond election.
1941. Sec. 50. The election provided for in the preceding section shall be called by publishing, for not less than ten days, a notice signed by the president and clerk of the board of education, in a newspaper published in the city, and by posting said notice at the polling places in each municipal ward of the city for the same length of time next preceding said meeting. The board of education, before any notice is published or posted, shall appoint three electors in each municipal ward to conduct the elections herein provided for, who shall take and subscribe an oath of office, and who shall make returns thereof to the board as herein provided. Such notice shall contain: Notice and conduct of bond election.

1st. The time and place of holding the same.

2nd. The names of the judges at each polling place to conduct the same.

3rd. The time during which the polls will remain open.

4th. The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding twenty, the whole or any part of said bonds are to run.

1942.
Ballot.

Sec. 51. The ballot used at such election shall be furnished by the board of education, and shall express upon its face the questions the board desires to submit to the taxpayers. No informalities in conducting such election shall invalidate the same, if it shall have been otherwise legally conducted.

Informality
not to affect
validity.

1943.
Voters' quali-
fications.

Sec. 52. Every registered voter residing in any ward in which any election is held for the purpose of determining the question of issuing bonds for such school district, and who shall have paid a property tax therein in the year preceding such election, shall be entitled to vote at any such election. Challenges for cause by any qualified voter shall be allowed at such election, and promptly decided by the judges conducting the same.

Challenges.

1944.
Canvass of
ballots and
making of re-
turns.

Sec. 53. Immediately after the closing of the polls, the persons appointed to conduct the same shall proceed to count and canvass the ballots cast at such election, and make returns thereof to the board of education; and said board shall, [within five days after said election, meet and canvass said returns, and if a majority of the ballots cast at said election are in favor of issuing such bonds, then the board shall cause an entry of that fact to be made upon its minutes, and shall immediately file with the clerk of the county in which such school district is situated, a certified copy of the order of the board of education, and certified copies of the notices published or posted, calling such election, with an affidavit showing when and where said notices were published or posted, and that they were published or posted as required by law and the order of the board of education. The board shall also file with said clerk a statement showing the number of inhabitants and the value of taxable property in the district; that the amount of bonds proposed to be issued including existing indebtedness, does not exceed two per cent of the value of taxable property in the district; that the election at which the question of issuing bonds was submitted was lawfully called and held; that all proceedings in relation to the proposed issue of bonds in said district were lawfully conducted,

Fillings with
county clerk.

and that such bonds may be lawfully issued; and thereupon said board of education shall be and it is hereby authorized and directed to issue the bonds of such district to the number and amount voted for at such election. The money for the redemption of said bonds, and the payment of the interest thereon as it shall become due, shall be raised by taxation upon the taxable property of said district; *Provided*, that the total amount of bonds so issued, including existing indebtedness, shall not exceed two per cent of the taxable property of the district as shown by the last equalized assessment roll for city purposes.

Issue of bonds.

Payment of bonds.

Limitation.

1945.

Sec. 54. The denomination of the bonds which may be issued under the provisions of this chapter shall be fifty dollars or some multiple of fifty, not exceeding one thousand dollars, and shall bear interest of not exceeding the rate of five per cent per annum, payable semi-annually, or annually, in accordance with interest coupons which shall be attached to said bonds, and shall be made payable not more than twenty years from their date. The board of education may reserve the right to redeem such bonds, or any of them, at any time after five years from their issue. Any bonds heretofore authorized by vote of any school district, remaining unsold, may, in the discretion of the board, be hereafter issued to bear any rate of interest not exceeding five per cent per annum payable annually or semi-annually

Denomination of bonds.

Interest.

Payment and redemption.

Previously unsold bonds.

1946.

Sec. 55. Whenever any bonds are issued under the provisions of this chapter they shall be engraved, lithographed, or printed on bond paper, and shall state upon their face the date of their issue, the amount of bond, for what purpose issued, also the time and place of payment and the rate of interest to be paid. They shall have printed upon the margin, the words "Authorized by act of the Legislature of the State of Utah, A. D. 1897," and upon the back of each bond shall be printed a certificate, signed by the county clerk, in substantially the following form:

Printing of bonds.

Authorization.

I certify that the within bond is issued in accordance with law, and is within the debt limit permitted by the Constitution and laws of the State of Utah, and in accordance with a vote of the taxpayers of _____ school district of _____ county, State of Utah, at an election held on the _____ day of _____, 1____, authorizing bonds to the amount of _____ dollars.

Certificate of county clerk.

They shall be signed by the president and clerk of the board of education and countersigned by the treasurer thereof,

Signature and entry.

and there shall be entered in a book to be kept by the clerk for that purpose, the number, date, and denomination of the bonds sold and the date when the same shall become due.

1947. Sec. 56. Whenever any bonds are issued under the provisions of this chapter the board of education shall have authority to negotiate and sell such bonds to the highest bidder. No contingent bid shall be received, and every bid shall be accompanied by a certified check of five per cent as a forfeit payable to the order of the board of education. The board may reject any or all bids. The proceeds shall be used exclusively for the purpose for which they are issued.

1948. Sec. 57. Whenever any of the bonds of a school district shall have been redeemed or purchased by the board of education, they shall be canceled by writing or printing in red ink across each bond and coupon the words, "Paid and canceled;" and the date of payment and amount paid shall be entered in the clerk's register against the number of the bond, and the bond and coupons so canceled shall be filed in the office of the clerk of the board and preserved in a book to be kept for that purpose. Any bond or bonds heretofore or hereafter issued by any board of education or school district may be refunded at any time by such board or school district when a lower rate of interest or better terms can be obtained, and the provisions hereof as to elections shall not apply.

1949. Sec. 58. The board of education, in its annual estimate and levy provided for in this article, shall include an amount sufficient to pay the interest as the same accrues on all outstanding bonds issued by the board, and also to create a sinking fund of two per cent of the par value of outstanding bonds for the redemption of said bonds, and shall cause a tax to be levied and collected as provided for in this chapter, and such money shall remain a specific fund, and shall not be appropriated or used for any other purpose than is hereinafter provided.

1950. Sec. 59. The moneys levied and collected for creating a sinking fund for the redemption of the bonds issued by the board of education shall be as follows: After retaining an amount sufficient to pay the principal of the bonds maturing during the year, the board shall, with the surplus of the sinking fund, invest the same in bonds of the State of Utah, or of any school district, town, city, or county thereof, or of the United States, on the best terms to be obtained until such time as



it may be needed to purchase any outstanding bonds that may be offered, or until the maturity of any such bonds.

1951. Sec. 60. Bonds issued under the provisions of this act shall be a lien upon the taxable property of the school district issuing them, and when the board of education neglects or refuses to levy a tax in accordance with law to meet the outstanding bonds or the interest thereon, the board of county commissioners of the county within which such district is situated, shall levy such tax and apply the money thus collected to the payment of such bonds and the interest due thereon.

Bonds a lien on taxable property.

1952. Sec. 61. Whenever any schoolhouse is to be built the board of education shall advertise for at least ten days in some newspaper published in the city for sealed proposals for building such schoolhouse in accordance with the plans and specifications which shall be furnished by the board of education at its office or at the office of the architect, stating in such advertisement or notice the place where and the day and hour when all proposals will be opened, and reserving the right to reject any and all proposals, and shall require a certified check of not less than five per cent of the amount of the bid to accompany the same, which check shall be made payable to the order of the board of education, and the check of the successful bidder shall be forfeited in case he fails or refuses to enter into the contract and furnish the bond required. At the time and place specified in said notice, the board shall meet and publicly open and read all the proposals which have been received, and if satisfactory bids have been received, shall award the contract to the lowest responsible bidder, and shall require of such bidder or contractor a bond in one-half the amount of the contract, conditioned that he will properly perform its conditions in a faithful manner and in accordance with its provisions. In case none of the proposals are satisfactory, all shall be rejected and said board shall advertise anew in the same manner as before, and may require in the contract to be executed that at least twenty per cent of the contract price may be withheld until the building is completed and accepted by the board. But if after twice advertising, as provided herein, no satisfactory bid is received, the board may proceed under its own directions to erect the building required, or in case of a building not exceeding five thousand dollars in cost, if no satisfactory bid is received at the first notice, the board may proceed with the construction as it may determine.

Advertisement for construction of school buildings.

Opening bids.

Advertising anew.

Withholding twenty per cent of contract price.

Board may erect buildings.

PARENTAL SCHOOLS.

1953. Board of education may establish parental schools. SECTION 62. The board of education of any city of the first or of the second class, or the boards of education of any two or more such cities, under a contract to be approved by each of such boards, may provide for the establishment and maintenance of "parental schools" and for the support and education of the inmates thereof, conformably with the provisions of this chapter.
1954. Truants to be committed. Sec. 63. Any child between the ages of eight and fourteen years residing within the city or cities maintaining such a school, adjudged guilty of being a habitual truant, or of wandering about in the streets and public places of said city or cities without lawful employment or business, shall be committed to the parental school provided for the purpose, for a term not extending beyond the age of fourteen years.
1955. Release from. Sec. 64. Any child committed as provided in the next preceding section may be released from confinement at such school either conditionally or absolutely, before the expiration of the term of commitment, in accordance with the by-laws established by the board or boards of education, maintaining the same.
1956. Committing children without parental control. Sec. 65. Children under sixteen years of age who by reason of neglect, crime, drunkenness, or other vices of parents, or by reason of orphanage, are suffered to grow up without salutary parental control and education, or in circumstances encouraging them to lead idle and dissolute lives, may be committed to the proper "parental school" for a term not extending beyond the age of sixteen years.
1957. Discharge of. Sec. 66. When the parents of a child committed under the next preceding section have reformed and are leading orderly and industrious lives, and are in a condition to exercise salutary control over such child, and to provide him with proper education and employment; or when, said parents being dead, any person offers to make such suitable provision for the care, nurture, and education of such child as will conduce to the public welfare, the board of education may discharge him to the parents or other such person.
1958. Courts to enforce. Sec. 67. The district courts of the several counties shall have jurisdiction within their respective counties to enforce the provisions of this chapter, upon such notice to the parents or guardians of the children whom it is proposed to commit to parental schools as the court may deem just and proper.

1959. Sec. 68. Any board or boards of education maintaining a parental school in accordance with section 1 of this act shall estimate and determine as near as may be the average actual expense per month of keeping and taking care of the boys and girls who may be committed to the parental school, and the average cost of keeping such boys and girls shall be wholly paid by the parent or guardian of each boy or girl committed to the school unless for good cause said board or boards of education shall otherwise order and direct. The board of education of the city in which the parent or guardian of any such committed boy or girl resides may bring suit to enforce this provision.
- Expense of parental schools, how paid.
1960. Sec. 69. On the tender of a payment which will meet all costs of support at the parental school, the board or boards of education maintaining such school may receive into it on equal terms boys or girls whose residence is in the State outside of the city or cities to which the school belongs.
- Admission of pupils from outside of city.
1961. Sec. 70. The board of education of each such city may appoint and fix the compensation of a truant officer, whose duty it shall be to make complaints and arrests in cases contemplated by this chapter, and to serve legal process issued by courts in pursuance hereof. The police authorities of the city shall make such truant officer a special policeman.
- Truant officer; compensation.

CHAPTER 16.—GENERAL PROVISIONS.

COMPULSORY ATTENDANCE.

1962.

Compulsory attendance of children between eight and fourteen years.

SECTION 1. Every parent, guardian, or other person having control of any child between eight and fourteen years of age, shall be required to send such child to a public, district, or private school in the district in which he resides, at least twenty weeks in each school year, ten weeks of which shall be consecutive; *Provided*, that in each year such parent, guardian, or other person having control of any child shall be excused from such duty by the school board of the district or the board of education of the city, as the case may be, whenever it shall be shown to their satisfaction that one of the following reasons exists:

Excuses for non-attendance.

1st. That such child is taught at home in the branches prescribed by law for the same length of time as children are required by law to be taught in the district schools.

2nd. That such child has already acquired the branches of learning taught in the district schools.

3rd. That such child is in such physical or mental condition (which may be certified by a competent physician if required by the board) as to render such attendance inexpedient or impracticable. If no such school is taught the requisite length of time within two and one-half miles of the residence of such child by the nearest road, such attendance shall not be enforced.

4th. That such child is attending some public, district, or private school.

5th. That the services of such child are necessary to the support of a mother or an invalid father.

Evidence of reasonable excuse.

The evidence of the existence of any of these reasons for non-attendance must be in each case sufficient to satisfy the superintendent of the county or city in which the child resides, and the superintendent, upon the presentation of such evidence, shall issue a certificate stating that the holder is exempted from attendance during the time therein specified.

1963.

Failure to send children to school.

Sec. 2. Any such parent, guardian, or other person having control of any child between eight and fourteen years of age who wilfully fails to comply with the requirements of the last preceding section, shall be guilty of a misdemeanor.

1964.

Inquiry into violations of school law.

Sec. 3. It shall be the duty of the president of the board of education of any city, and the chairman of the school trustees of any district, within their respective jurisdictions, to

inquire into all cases of misdemeanor defined in this act and to report the same and the offenders concerned, when known, to the city or county attorney of the city or county within which the offenses shall have been committed, and it is hereby made the duty of either of said officers to proceed immediately to prosecute such offenders.

1965.

Sec. 4. All children in the district between the ages of eight and sixteen years, who, in defiance of earnest and persistent efforts on the part of their parents or teachers, are habitual truants from school, or while in attendance at school are vicious, immoral, or ungovernable in conduct, shall be deemed incorrigible, and it is the duty of the president of the board of education or the chairman of the board of trustees of each school district to inquire into all such cases within his district and report them to the county attorney acting for such district, whose duty it shall be to prosecute such cases as incorrigible and fit candidates for the State reform school.

Incorrigible children of school age.

CHAPTER 17.—KINDERGARTEN.

1966.

SECTION 1. School boards may establish and maintain kindergartens in their several districts, open to children resident therein between the ages of four and six years. The cost thereof may be paid in whole or in part out of the school funds of the district. Kindergartens established under the provisions of this section shall be subject to the control of the school boards of the respective districts in which they are maintained. Teachers for said schools, unless holding a certificate of efficiency in kindergarten work granted by the State normal school, shall be required to sustain a special examination relating to the principles and practice of the kindergarten, such examination to be conducted under the direction of the State board of education.

Maintenance and admission to kindergartens.

Teachers.

Sec. 2. An act of the Legislature of the State of Utah, entitled "An Act creating a State Board of Education, defining its duties and providing a uniform system of free schools throughout the State," approved April 5th, 1896, and all acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 3. This act shall take effect upon approval.

Approved March 11th, 1897.



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