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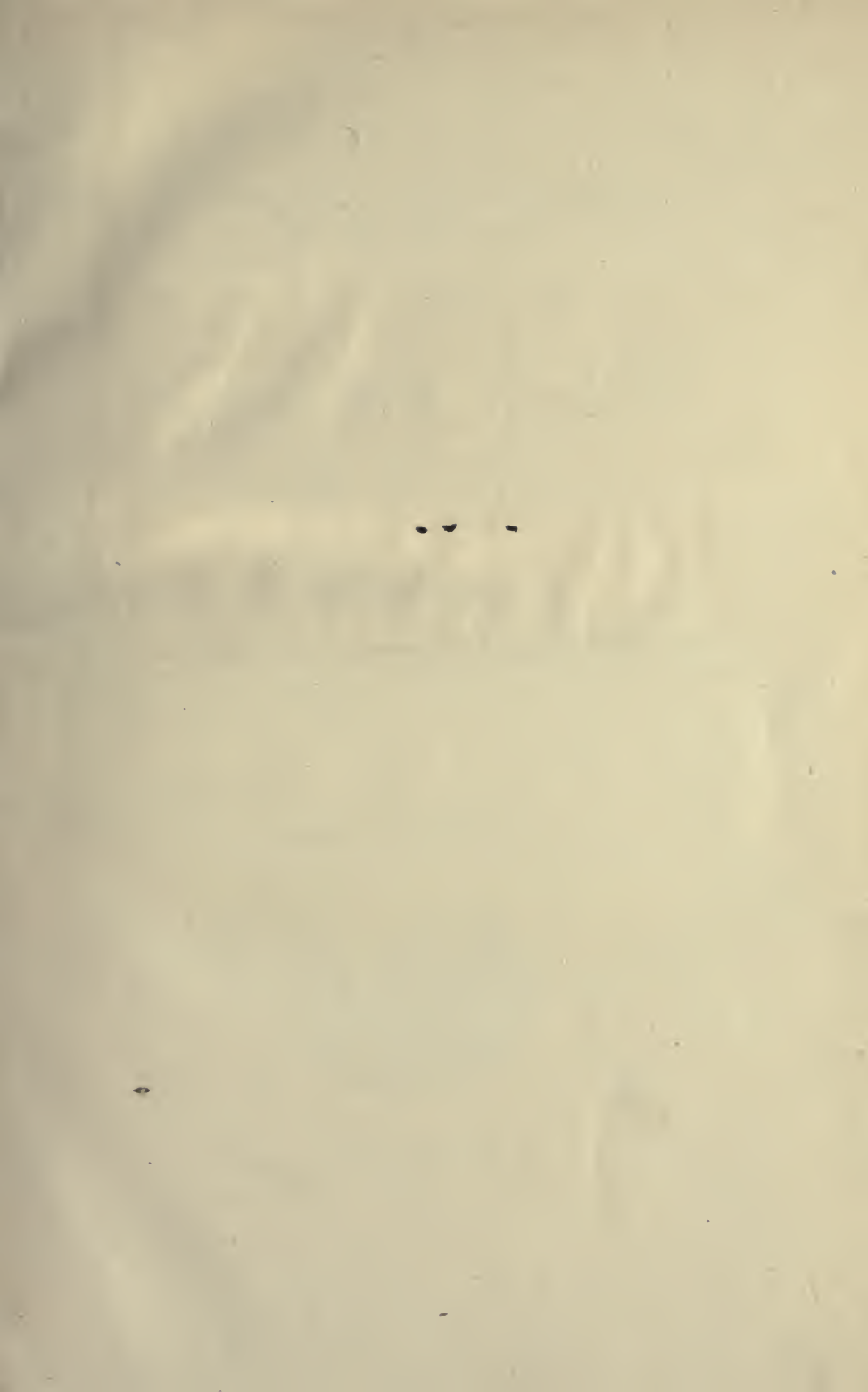
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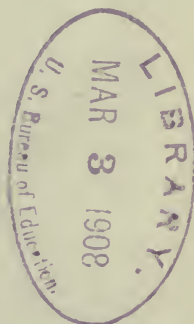
SCHOOL LAW OF UTAH

ARTICLE X OF THE STATE CONSTITUTION RELATING
TO EDUCATION. EXTRACTS FROM THE
REVISED STATUTES OF 1898.

Published by Authority
For the use of the Public Schools.



THE DESERET NEWS
Salt Lake City
1907



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U83

1907

W. J. JOHNSON

NO. 111



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SCHOOL LAW

OF THE

STATE OF UTAH.

Passed March 11, 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:

CHAPTER I.

STATE BOARD OF EDUCATION.

***1763. Membership.** Vested with general control of the public schools. 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.

1764. Power to grant diplomas and certificates. The State Board of Education is hereby authorized and empowered to issue diplomas of two grades: namely, State High School and

*Sections of the Revised Statutes of 1898.

State Grammar, and certificates of one grade: namely, State Grammar. It shall also have power to issue temporary certificates of High School grade, good for one year.

1765. Id. Granted to whom. 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 freedom from serious infectious or hereditary disease, and upon critical examination are found to possess the requisite scholarship and culture.

1766. Id. Validity of diplomas. 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. Id. Examinations required. Normal certificates. Life diplomas of other states. Ceasing to teach. 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 certificates and diplomas.

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 10, 1892, and all normal certificates and normal diplomas issued hereafter by the University 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 of such certificates.

Life Diplomas.

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.

When not in force.

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.

1768. Board may appoint assistant examiners. 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.

1769. Board may revoke diplomas for cause. 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.

1770. Compensation and expenses of members of board. Clerical assistance. 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.

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 of board. Record. The State Superintendent of Public Instruction shall be the 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. Concurrence of majority necessary. A concurrence of a majority of all the members shall be necessary to the validity of an act of the board.

1773. Meeting of board. 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 of State Superintendent. Qualifications. Term. Oath and bond. Deputy. 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 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, recorded and filed as provided by law. The State Superintendent shall have power to appoint a deputy who may represent him at Teachers Institutes when other business prevents his being in attendance. The actual and necessary traveling expenses of such deputy shall be paid out of the school fund upon proper vouchers for the same being filed with the State Board of Examiners.

1775. State Superintendent charged with administration of school system. Apportionment of money. 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 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 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, to each treasurer of the Board of Education in cities of the first and second classes, and to the county superintendents, an abstract of such apportionments. 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:

No apportionment until reports are forthcoming.

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.

Failure to maintain school reduces apportionment.

2nd. If any district or districts in any county have failed to maintain school for twenty weeks during the year next pre-

ceding 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.

1776. Seal of State Superintendent. Register and forms and regulations for reports. Opinions. Visiting schools, etc. 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.

To prepare and transmit forms and regulations for reports.

He shall prepare and transmit to the proper officers suitable forms and regulations for making all reports, with the necessary 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 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.

To visit each county at least once a year.

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.

1777. State Superintendent to advise with school officers. Effect of his decisions. 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.

1778. Biennial report. 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 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:

Contents of report.

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 two 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. **Id.** 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.

Information to National Commissioner.

He shall furnish the United States commissioner of education at Washington such information as that officer may require.

*1780. **Monthly expense account of State Superintendent. Allowance. Books, etc., to successor.** At the end of each month 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 at the end

of each quarter year 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.

1781. May call convention of school superintendents. Traveling expenses. The State Superintendent shall have power to call annually 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.

County and City Superintendents to attend.

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 superintendent.

CHAPTER 71.*

EXAMINATION OF COUNTY SCHOOL TEACHERS.

Section 1. Teachers' examinations. Certificates. The State Board of Education shall appoint and authorize the County Superintendent of Schools of each County in the State to conduct teachers' examinations at such times and places and

*Session Laws 1905.

under such rules and regulations as it may direct; provided, that such examinations shall be held in each county. The Board shall prepare lists of questions to be used in such examinations and shall grade the papers of all applicants for teachers' certificates. The County Superintendent shall within three days after the close of said examinations forward to the State Superintendent of Public Instruction, all papers written at such examination and relating thereto, including a complete list of all applicants, with their postoffice addresses and such other information as may be desired. If from the percentage of correct answers required by the rules and other evidences disclosed by the examination, including particularly the County 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 free from serious infectious or hereditary disease, 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 Education shall grant such applicant a certificate of qualification.

Section 2. Certificate of two grades valid one year. The County certificates issued by the State Board of Education 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. No certificate shall be granted unless the applicant be of good moral character and 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 State Board of Education.

Section 3. Temporary certificates. In addition to the regular grades of certificates, the State Board of Education may

grant a temporary certificate, valid until the next regular examination, 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 State Board of Education to teachers of special branches; provided, however, that nothing herein contained shall prohibit any County Superintendent or any District Board of Trustees, from employing a teacher temporarily, provided that such teacher shall have made application to the State Board of Education for a certificate and pending action by said Board on such application; provided, further, that the Board may, without requiring the regular written examination, grant to graduates of Normal Training Schools of high standard a certificate valid for two years.

Section 4. County certificate, where valid. No County certificate to teach shall be granted to any person under eighteen years of age. The certificates issued by the State Board of Education shall be valid in any County of the State.

Section 5. Teachers must hold certificate. Revocation. No person shall be employed or be permitted to teach in any of the District Schools of the State who is not a holder of a lawful certificate of qualification. Any contract made in violation of this Section shall be void.

The State Board of Education is authorized and required to revoke for immoral or unprofessional conduct, or in case of unmistakable evidence of serious infectious or hereditary disease, or evident unfitness for teaching, any certificate granted by it, after the holder thereof shall have been given an opportunity of being heard.

Section 6. Penalty for disclosing prepared questions. Any person having charge of the examination or any employe of the Board of Education who shall, directly or indirectly, disclose any question prepared for the examination, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than one hundred nor more than five hundred dollars.

Section 7. Board may employ assistants. Compensation. The State Board of Education may call to its aid, in the preparation of questions for County teachers, examinations and in grading the papers of the applicants for certificates such assistance as it may deem proper. Persons employed by the Board to assist in preparing questions and grading papers shall be entitled to necessary traveling expenses and shall receive four dollars per day for time actually and necessarily spent in the performance of their duties; provided; that no such employe of the Board receiving a salary from the State or any subdivision thereof shall receive any such *per diem*.

The expense incurred in the County teachers' examinations shall be paid from the State School Fund.

Section 8. Sections 1794, 1795, 1796, 1797 and 1798, Revised Statutes of Utah, 1898, and all acts amendatory thereto and all acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 3.

COUNTY SUPERINTENDENTS.

1782. Election of county superintendents. Term. Oath and bond. That at the general election in the year 1904, 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 12 o'clock m., the first Monday in January next following the date of 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 commissioners, which oath and bond shall be filed with the county clerk; Provided, that vot-

ers residing within the limits of cities of the first and second class shall not be permitted to vote for the election of county superintendent.

1783. To superintend county schools. 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. Boundaries of school districts to be fixed. 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 such boundaries so as to make them harmonize.

1785. County superintendent to visit school. Record. 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. 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 filed with the State Board of Education and shall be used for or against teachers at the time of their examination for certificates.

1786. To keep records. Delivery to successor. 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.

1787. May meet with school officers. Notice. 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.

1788. Decide controversies. 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.

1789. May administer oaths. 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.

1790. To see that required instruction is given. 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 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. To report to State Superintendent. 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.

1792. May appoint a deputy. 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 to be held. Expense.
Union institutes. The county superintendent shall annually hold a teachers' 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.

Expense.

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.

Union Institutes.

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.

CHAPTER 4.

SCHOOL DISTRICTS.

1799. **Each school district a corporation. Powers.** 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.** Each county and each city, unless divided by proper authority, shall form a school district.

1801. **County commissioners may create or modify districts. Special taxes.** 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.

May divide or consolidate school districts,

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, demand.

Levy special taxes.

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.

1802. Division of new county into school districts. 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.

1803. Trustees for new district. 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.

CHAPTER 5.

ELECTION OF TRUSTEES.

1804. Election of trustees and term of office. Oaths and bond. 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.

Ballot to state term.

The ballots used at such election shall state the names of the persons and the office, and the length of the term voted for.

1805. Organization of school board. The trustees, or any two of them whose official bonds have been approved, shall constitute a quorum for the 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. School elections, how called. Meetings for the election of trustees 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.

Business confined to object stated in notice.

All business transacted at such meeting other than specified in said notice shall be void. The voting at such meeting shall be by secret ballot.

1807. Id. County clerk to furnish registration list. Judges. Polls. 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.

Judges and clerk of election.

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 opening the polls shall choose a person to fill such vacancy.

1808. Conduct of elections and qualification of electors. Voting. Ballots. 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 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 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.

Excess and defective ballots.

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.

1809. Id. Canvass of votes. Ties. 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. All ties shall be decided by lot.

1810. Id. Certificate of election. 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.

1811. Who qualified to vote for tax, bonds, etc. 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 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.

Vacancies.

1812. Filling vacancy in school board. Should a vacancy occur in the office of trustee of 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. Id. 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. Resignations. Removals from district, etc. 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. School board to have control. Fund. 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 the law. It may annually order to be raised on the taxable property of the district, not to exceed one per cent for the support of schools, to defray current expenses, and to purchase text books; provided, that one-half of one mill of the herein authorized levy of one per cent shall be set aside annually for the purpose of purchasing and maintaining a Public School Library; Provided further, that this fund shall be expended under the direction of the State Board of Education for books for school library purposes, under such rules and regulations as it may prescribe.

Additional sums may be raised for such purposes by vote of the qualified voters as provided by law.

1816. To maintain, locate, or discontinue schools. 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. To make repairs, furnish supplies, etc. It shall make all necessary repairs to the schoolhouses, outbuildings, and appurtenances, and furnish fuel and necessary supplies for the schools.

1818. To furnish text books, furniture, etc. The school board 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. It shall supply and lend to pupils in the several grades and departments of said schools, free of charge, except high schools, all school text books and supplies used by the pupils of said schools. It shall 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 caused by carelessness or improper conduct.

Blanks to be furnished by State.

The school register and all school blanks, except those used solely for district and county purposes, shall be those fur-

nished by the State Superintendent. Provided, that said school board shall purchase all school text books now remaining in the hands of the merchants and pupils of their respective districts at the introductory or exchange price.

1819. To employ teachers. Dismissal. 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.

Teachers' visiting day.

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.

1820. To admit pupils from other districts, make rules, etc. 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.

Distribution and transfer of pupils.

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.

1821. To assist in governing schools. Suspensions and expulsions. 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.

Expulsion or suspension of pupils.

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.

1822. To permit use of schoolhouse for other purposes. 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 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 to provide school site or building, etc. 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 eighteen hundred and eleven, 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. 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. Organizing new school. 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. Length of time for holding school. 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.

1826. Annual school census. 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:

1. The name, age, sex and color of each person.
2. The number attending district schools.

3. The number attending private schools.
4. 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. Setting out shade trees. 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 complied with.

1828. Records and reports of board. Compensation. 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 title, 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 district during the preceding year.

File report with county superintendent.

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.

Vouchers. Compensation of trustees.

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.

1829. Physiology and hygiene. 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. Pupils. The trustees of any school district having a population of over one thousand, 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 to maintain high school. Election. Taxation. 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 resid-

ing 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 eighteen hundred and eight, 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 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; provided further, that a county district of the first class shall constitute a high school district, and its Board of Education shall be endowed with all powers and duties as provided in Section 1833, Revised Statutes of Utah, 1898.

1832. Organization and term of high school board. Vacancy. 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.

1833. Powers and duties of high school trustees. Taxes.

The provisions of this title 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.

Taxes.

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 title.

1834. Bonds of high school district. 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 trustees may issue such bonds in accordance with the provisions of chapter fourteen of this title.

1835. Majority vote necessary to elect, etc. 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. Judges of election. 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. Term of high school. Admission of pupils. 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. Notice of opening and closing school. 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. No compensation to teacher who has no certificate. 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 may be paid, though they hold no certificates.

1840. Teacher's certificate to be recorded. 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. School register and report. 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.

Salary withheld till report is filed.

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.

1842. School year, term, month, etc., defined. Holidays. 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 on holiday.

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.

1843. Teacher to follow course prescribed. Every teacher in the district schools shall teach pupils the course of study prescribed.

1844. Teachers to attend teachers' institute. Each teacher who is engaged in teaching during a period which includes the time of holding a teachers' 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 State Board of Education,

when upon due examination and inquiry and after the holder thereof shall have been given an opportunity of being heard, it appears that he is guilty of inexcusable neglect or refusal to attend a teachers' institute held for such county.

1845. Suspension of pupils by teacher. 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 pupils, and also to some member of the district school board.

1846. Teacher to grade pupils. 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.

1847. Use of text books. Damage to school property. Teachers shall enforce the use of text books and the rules and regulations prescribed for schools.

Damages for injuring school property.

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.

1848. Prohibited doctrines. Moral instruction. No sectarian control. No atheistic, infidel, sectarian, religious, or denominational doctrine shall be taught in any of the district schools of this State.

Moral instruction required.

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.

1850. English language used. All district schools in this State shall be taught in the English language.

1851. Admission of pupils. 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. Protecting against contagious diseases. The teacher or board shall not allow any pupil to attend the district school while any member of the household to which such pupil belongs is sick with any 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. Uniform compensation for like services. Females employed as teachers in the public school 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. Text books, selected by whom. 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 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. Convention to be called, when. Changing text books. The State Superintendent shall call a convention, to consist of the State Superintendent, county superintendents and the principal of the State normal school, 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.

Business of Convention.

Said notice shall state the subjects upon which text books shall 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 hour when all proposals will be opened, and that the convention reserves the right to reject any and all proposals.

Convention every five years.

Said convention shall be called for the adoption of text books, every five years, 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; Provided, that the contracts entered into in 1902 shall extend until July 1, 1908.

1856. Proposals for text books and awards. 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.

1857. Samples and prices. 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

1858. When proposals are unsatisfactory. If no satisfactory proposals are received, the State Superintendent of Public Instruction may advertise anew, and the books in use shall continue in use until changed as herein provided.

1859. Publishers to enter into contract. 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.

1860. School officer not to act as agent. 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.

1861. Receiving bonus from publisher. Penalty. 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 enforce use of text books adopted. Penalty. 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 57.*

CREATING A STATE SCHOOL COMMITTEE TO FORMULATE STATE COURSE OF STUDY.

Section 1. **Committee created. Powers and duties.** Within thirty days after the adoption of text-books the State Superintendent of Public Instruction, the Principal of the State Normal School, the Principal of the State Normal Training School and two County School Superintendents to be appointed by the State Board of Education, shall meet and prescribe a Course of Study for the Schools of the State not included in county school districts of the first class and in cities of the first and the second class, and shall furnish at actual cost to each county the number of courses of study ordered by the county superintendent of schools.

Sec. 2. **Committee shall serve without compensation. Expenses.** The committee shall serve without compensation; Provided, that the actual and necessary expenses of the county superintendents while attending meetings of the committee shall be paid out of the county superintendent's contingent fund.

CHAPTER 10.

STATE AND COUNTY TAX.

1863. **State treasurer to receive and pay over school funds.** 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.

*Session Laws 1907.

1864. County superintendent to make estimate of funds needed. 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. Rate. Collection. 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; 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.

1866. Duties of county treasurer concerning school funds. 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:

1. The amount of moneys on hand at the commencement of the school year.
2. The amount of moneys received from the State school fund.
3. The amount received from the county school tax.
4. The amount received from other sources.
5. The total expenditures for school purposes.
6. The balance on hand at the end of the school year.

CHAPTER II.

SCHOOL FUND.

1867. Apportionment and use of school funds. 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 receipt of the same or any portion thereof; Provided, that before making such apportionment, he shall apportion to cities of the first and second classes their proportion per capita while making his official visits; Provided further, that no part of either of said funds shall be used otherwise than for the payment of teachers, except as provided otherwise in this section. The county superintendent shall file a duplicate of such apportionment with the county auditor.

1868. School must be maintained for twenty weeks. No school district shall receive any apportionment of school moneys unless such district shall have maintained a 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 consecutive 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 of the county school fund, after which 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 the actual and necessary traveling expenses of the county superintendent

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. 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. Small school may be closed. 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 section eighteen hundred and sixty-eight, the county superintendent is hereby authorized to close said school.

CHAPTER 12.

SPECIAL SCHOOL TAX.

1871. Special tax to purchase site, erect buildings, etc. Notice. 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 title. When a tax shall have been voted for school purposes at any meeting provided for in this title, 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. **Id. Voting. Certification and Election.** 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 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. **Id. Equalization by county commissioners.** 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.

1874. **School taxes levied and collected as other taxes. Lien.** All school taxes levied and assessed under the provisions of this title, 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.

CHAPTER 13.

CREATING INDEBTEDNESS.

1875. Debt not to exceed current taxes without vote of people. 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 purposes, 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 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 nineteen hundred and forty-one.

1876. Additional indebtedness to maintain schools, how authorized. 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. Id. Election in city, how called. Notice. Judges.

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. 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. Id. In other districts. The election provided for in section eighteen hundred and seventy-six 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:

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. Ballot. 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.

1880. Who entitled to vote at such election. Challenges. 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.

Challenges for cause by any qualified voter shall be allowed on such election, and promptly decided by the judges conducting the same.

1881. Canvass of vote. Result. 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 trustees; 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. Trustees may issue bonds, when. 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 for bonds. Notice. Before the question of issuing bonds shall be submitted to vote in any school district, the trustees shall call an election of the voters of such district, qualified under chapter five of this title, by notices, to be posted in at least three public and conspicuous places in said district, not less than twenty days before such election. Said notices shall state the time and place of holding the election, 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 election 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 of the district in any amount not exceeding the amount authorized at such election; 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. No election shall be void because the amount of bonds authorized thereat exceeds the statutory limitation, but the bonds authorized may be issued within the limitation fixed by law.

1884. Denomination of bonds. Interest. Limitation of bonded indebtedness. 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 thous-

and 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. The amount of said bonds, including existing indebtedness, shall not exceed four per centum of the value of the taxable property in any school district, the value to be ascertained by the last assessment for State and county purposes previous to the incurring of such indebtedness, 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.

1885. Statement to county auditor. Form of bonds. Registration. 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.

Endorsement of county superintendent.

The statement shall also bear the endorsement 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.

Bonds, what they shall state.

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 all supplemental and amendatory acts," and upon the back of the bonds shall be printed a certificate signed by the county auditor in substantially the following from: "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."

Signatures.

They shall be signed by the chairman and the clerk of the board of trustees of the 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 and sinking fund. In addition to the amount elsewhere authorized to be levied under the provisions of this title, 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.

1887. Sale of bonds. Proceeds. 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. Refusal of trustees to levy tax. 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.

1889. Cancellation of redeemed bonds. Interest. 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 the district board and preserved in a book to be kept for that purpose.

1890. Buildings may be erected by contract or days' labor. Whenever any schoolhouse is to be built, the trustees shall advertise for at least twenty 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.

Bids to be opened publicly.

At the time and place specified in said notice, the trustees shall meet and publicly open and read all the proposals which have been received, and shall award the contract to the lowest responsible bidder.

Bond of contractor.

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.

Re-advertising in case of rejecting all bids.

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 satisfactory proposals shall be submitted; Provided, that the construction of school buildings, by school districts may, in the judgment of the trustees, be done wholly or in part by days' labor or by contract; Provided further, that no trustee shall be pecuniarily interested, directly or indirectly, in the construction of any such building or in any contract provided for in this section.

1891. **Bonding indebtedness heretofore existing.** 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 school houses or purchasing sites for the same, and bonds therefor may be issued in the same manner as herein provided for building and furnishing schoolhouses.

CHAPTER 123.**DISTRICT SCHOOL TAX TO REFUND TAXES UNLAWFULLY COLLECTED.**

Section 1. Trustees may levy tax to pay judgment obtained for taxes illegally collected. That when any judgment is obtained in a court of competent jurisdiction against a school district for taxes unlawfully collected for and received by such school district, or when there are no funds for the payment of warrants issued by the trustees of any school district to refund taxes unlawfully collected for and received by such school district, the trustees of any such school district shall, in addition to all other taxes which they are empowered to levy, order to be raised upon the taxable property in such school district a sufficient amount of revenue to pay such judgment and warrants.

Sec. 2. Such order may be made on or before the first day of May of any year after the rendition of such judgment or the issuance of such warrants.

CHAPTER 107.***COUNTY SCHOOL DISTRICTS OF THE FIRST CLASS.**

An Act providing for county school districts of the first class, placing these upon the same basis of administration as school districts in cities of the second class, and making necessary regulations therefor. And repealing all acts and parts of acts in conflict with the provisions of this chapter, so far as they relate to county school districts of the first class as therein described.

Section 1. **County school district of the first class.** In each county of this State, where a school district therein, outside of the limits of cities of the first and second class, shall comprise a school population of more than three thousand children over six and under eighteen years of age, as shall appear from the last enumeration reported to the office of the

County Superintendent of Schools, or of the State Superintendent, as the case may be, said district of more than three thousand school population shall be known as a county school district of the first class. Provided, where an entire county is constituted into one school district it shall be a county school district of the first class. Said county school district of the first class is hereby placed upon the same basis as school districts in cities of the second class under the laws of this State, except as herein otherwise provided, and the public school system therein shall be controlled by the Board of Education of such district. The name of such school district shall be as designated by resolution of the Board of County Commissioners in the county where such district is located.

Sec. 2. School therein to be free. In each district subject to the provisions of this chapter, the public schools therein shall be free to all children between the ages of six and eighteen years. All public schools and school property therein shall be under the direction and control of the Board of Education.

Sec. 3. Board, how constituted. The Board of Education of each county school district of the first class shall consist of five members, one to be elected from and by each of five representative precincts, within said school district. Where any such district is divided into a lesser or greater number than five precincts at the time of coming under the operation of this chapter, then the Board of County Commissioners in which such district is located shall forthwith divide the same into representative precincts for school purposes; but where any such school district that now exists or may be created hereafter is divided into five precincts for the election of Justices of the Peace and Constables, such precincts are hereby constituted school representative precincts, the boundaries thereof to remain such until changed according to the law providing for changing the boundaries of precincts in counties.

Sec. 4. Members of board. How elected. Must qualify. There shall be elected in the county school districts of the first

*Session Laws, 1905.

class, on the first Wednesday in December, 1908, one member of the Board from each odd numbered school representative precinct or district for a term of two years, and at the same time one member of the Board from each even numbered school representative precinct or district for a term of four years. On the first Wednesday in December, 1910, and every four years thereafter, there shall be elected one member of the Board from each odd numbered school representative precinct or district for a term of four years, and on the first Wednesday in December, 1912, and every four years thereafter, one member of the Board from each even numbered school representative precinct or district for a term of four years. Where any county school district of the first class exists or may be created, the Board of County Commissioners shall appoint the members of the Board of Education, to serve until the next election provided for in this section, and until their successors are duly elected and qualified; provided, that where there have been designated three trustees for the entire district, each one being from a school representative precinct, then these are constituted members of the Board of Education until the next election, and the Board of County Commissioners shall appoint two other members, one from each unrepresented representative precinct; but where two or more trustees are from one school representative precinct, the Board of County Commissioners shall designate the member of the Board of Education. Members of the Board of Education in a county school district of the first class shall qualify by taking and subscribing the constitutional oath of office, and giving bonds to the district in which they reside in such sum and with such sureties as the Board of County Commissioners may require and approve, conditioned for the faithful discharge of the duties of their office; the oath of office and bonds to be filed with the County Clerk.

Sec. 5. Must qualify. When. 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.

Sec. 6. Elections, how conducted. 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 registration and election laws, except as in this section hereinafter provided, there must be at least two voting places in each school representative precinct. 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 upon such envelope; otherwise the ballot shall be rejected. The Board of Education shall exercise all such powers relative to school elections in their respective districts as are conferred upon the Board of County Commissioners in other elections, so far as conformable with this chapter.

Sec. 7. Must reside in district. Vacancies. Every member of the Board of Education in county school districts of the first class shall be and remain a resident, qualified, registered voter in the school representative precinct from which he is elected or appointed; and the Board of County Commissioners 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....."

Sec. 8. Board must organize. The members appointed or elected as herein provided shall, before entering upon the discharge of their duties, take and subscribe the constitutional 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.

Sec. 9. Officer may be removed. Any officer appointed or elected by the Board of Education for a specified term, as provided in the next preceding section, may be removed from his office for cause by a vote of two-thirds of the board.

Sec. 10. Board may appoint other officers. 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 a bond 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.

Sec. 11. Superintendent of schools to be appointed. Term. At the first meeting of the board in June, nineteen hundred and seven, and biennially thereafter, a Superintendent of schools shall be elected by the board, who shall subscribe the constitutional 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; Provided, that until the date herein stated, the County Superintendent

shall, as such officer, perform the duties of Superintendent of Schools in county school districts of the first class situated in the county of which he is school superintendent. Said superintendents shall attend the convention of School Superintendents provided for in Section seventeen hundred and eighty-one, Revised Statutes of Utah, 1898.

Sec. 12. School year. Reports. 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.

Sec. 13. Compensation of board. The members of the Board of Education shall fix the compensation to be received for their services at a sum not to exceed three hundred dollars each per annum, and traveling expenses not to exceed one hundred dollars each per annum; Provided, that the compensation of members of the board appointed prior to any election of members as named herein shall be fixed by the Board of County Commissioners.

Sec. 14. School census. The Board of Education shall appoint suitable persons for each school representative precinct who shall act as enumerators for school population for said precinct, and visit every house therein between the 15th and 31st 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 precinct, 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.

Sec. 15. Apportionment of school moneys. 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 County Superintendent, if there be one, to the County Auditor, and 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 school district a proper pro rata of State school funds subject to allotment, and shall apportion the amount due and certify the same to the Board of Education of said district; the State Superintendent shall also make to county school districts of the first class the appointment required by Section seventeen hundred and seventy-five, Revised Statutes of Utah, 1898, and furnish to the County Treasurer, the County Auditor, and the County Superintendent, if there be one, in counties where any such county school district of the first class may be situated, an abstract of such apportionment, as in the case of cities of the second class. The County Auditor of counties divided into districts of the first class, shall apportion to the several school districts, in the 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 from his office, and shall notify the Board of Education of each district of the same. He shall also apportion to cities of the first and second class in his county their proportion per capita of the county school fund.

Sec. 16. Duties of president of board. 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.

Sec. 17. Clerk must qualify. Before entering upon the discharge of his duties, the clerk shall give a bond to the Board of Education of such school district 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.

Sec. 18. Duties of Clerk. 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, from what source received, and all moneys paid on orders drawn on the Treasurer by order of said 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 the county, showing:

1. The amount on hand at the date of last report.
2. The amount of sinking fund and how invested.
3. The moneys paid out, to whom, and for what paid.
4. The balance of school moneys on hand.
5. 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.

Sec. 19. Treasurer must qualify. Duties. The Treasurer of the Board of Education shall subscribe to the constitutional 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 Presi-

dent, 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.

Sec. 20. Board a body corporate. The Board of Education of any such county school district of the first class shall be a body corporate under the name of "The Board of Education of School District," (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. 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 board and the Clerk thereof shall have the power and authority to administer oaths in proof of claims and 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 verified under oath.

Sec. 21. Powers of board. The Board of Education shall have the power and authority to purchase and sell school house sites and improvements thereon; to construct and erect school buildings and to 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. It shall supply and loan pupils in the several grades and departments of said schools, except the high schools, free of charge, all text books and supplies used by the pupils of said schools; it shall have the power 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 the pupils of the public schools of any such school district of the

first class, 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 re-imburse 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 district 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 district.

Sec. 22. Restrictions on sale of school property. 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.

Sec. 23. Trustees of former districts to convey property to board of education. Upon the appointment or election and qualification of a Board of Education for any county school district of the first class, the trustees of all school districts formerly existing in said county school district of the first class, shall convey and deliver all the school property in said districts to the Board of Education of said county school district of the first class; and the title of all such property, and all property hereafter acquired for school purposes in said district, shall be conveyed to and vested in said Board of Education, for the use of the district schools of said district; 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 district in trust for the use of the district schools of the district, the 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 any 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.

Sec. 24. Teachers' examinations. Examination for teachers in school districts of the first class shall be conducted in like manner as examinations in other school districts; provided, that the district superintendent of schools, in counties where there is no county superintendent of schools shall perform the duties in relation to his district, that would otherwise devolve upon the county superintendent of schools.

Sec. 25. Board to select members of text book convention. The Board of Education of the various county school districts of the first class in a county shall select a person not a member of the Board, to represent them in the convention called by the State Superintendent to adopt text books for the State, to act as a member of such convention.

Sec. 26. School property exempt. 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.

Sec. 27. Districts to receive their proportion of school taxes. All districts 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.

Sec. 28. Board to estimate annual requirements. Tax rates. 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, and for the purchase of school sites and the erection of school buildings, 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 district 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 district as returned on the assessment roll, and the said county officers are hereby authorized and required to place the same on the tax roll; Provided, that districts of the first class existing at the time of the enactment of this law, and that where districts not existing on the first day of May shall come into existence by the second Monday in July in each year, the time of preparing the statement and estimate above named shall be extended to the third Monday in July; and any levy of special tax that may have been made in any district abolished or superceded by the creation of such new district shall be vacated. 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 district, and shall not exceed one and one-half mills additional on the dollar in one year, to be used exclusively for the purchase of school sites and the erection of school buildings, but in case any funds collected for support or maintenance are not used within the school years for which they were raised, they may be used for building purposes;

Provided further, that the Board of Education in each county school district of the first class shall also, on or before the first Monday in May of each year, furnish the Board of County Commissioners an estimate in writing of school funds needed in their districts for the ensuing year for the payment of teachers, of members of the board of examiners, of expenses of the county institute, of compensation for superintending schools not to exceed the amount fixed by the Board of County Commissioners as County Superintendent's salary for the whole county, as allowed by law (said amount to be distributed pro rata, as are school funds, to the districts in the county where there are District Superintendents, but no County Superintendent), and contingent expenses for the superintendency not to exceed the district's pro rata of one thousand dollars per annum in the county outside of incorporated cities, which estimate may be taken by the Board of County Commissioners in connection with that of the County Superintendent, as required by section eighteen hundred and sixty-four, Revised Statutes of Utah, 1898, or in lieu thereof when there is no County Superintendent, as a basis for the county school tax levy provided for in section eighteen hundred and sixty-five, Revised Statutes of Utah for 1898.

Sec. 29. County treasurer to pay over taxes. The respective County Treasurers shall pay over to the Board of Education as fast as collected or realized its proportionate amount of delinquent taxes, interest, and costs on all tax sales heretofore or hereafter made.

Sec. 30. Special school taxes for buildings. 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 not to exceed two per cent of all taxable property in the district, for one or more years, to buy sites, build and furnish school houses, 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 of or the im-

proving of the school property under its charge. 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. The certification and collection of the special tax provided for in this section, shall be as directed in sections eighteen hundred and seventy-two and eighteen hundred and seventy-four, Revised Statutes of Utah, 1898, relating to special taxes.

Sec. 31. Special election for bonding district. 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 school representative precinct of the district 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 school houses, 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.

Sec. 32. Election, how called. 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 having a general circulation in the school district, and by posting said notice at the polling places in each school representative precinct of the district 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 school representative district to conduct the bond election 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:

1. The time and place of holding the same.
2. The names of the judges at each polling place to conduct the same.

3. The time during which the polls shall remain open.

4. 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.

In case it shall become necessary in a county school district of the first class to incur additional indebtedness as provided in section eighteen hundred and seventy-six, Revised Statutes of Utah, 1898, the election therefor shall be called and conducted as prescribed in this section, except that the fourth subdivision required herein in the notice shall specify, instead of the amount and denomination of the bonds, etc., the amount of indebtedness which the board proposes to incur or create, and for what purposes.

Sec. 33. Form of ballot. 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.

Sec. 34. Qualifications of electors. Every registered voter residing in any school representative district 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.

Sec. 35. Canvass of votes cast. Statement to be filed with the county clerk. 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 approximate 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, 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 four per cent of the taxable property of the district, as shown by the last equalized assessment roll for county purposes.

Sec. 36. Denomination of bonds. Interest. Time. 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.

Sec. 37. Form of bonds. Whenever any bonds are issued under the provision 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 all Supplemental and Amendatory Acts," and upon the back of each bond shall be printed a certificate, signed by the County Clerk, 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 Constitution and laws of the State of Utah, and in accordance with a vote of the tax-payers of School District of County, State of Utah, at an election held on the day of, 1....., authorizing bonds to the amount of dollars." They shall be signed by the President and Clerk of the Board of Education and countersigned by the Treasurer thereof, 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.

Sec. 38. Board may sell bonds. 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.

Sec. 39. Bonds, how cancelled. Whenever any of the bonds of the School District shall have been redeemed or pur-

chased by the Board of Education, they shall be cancelled by writing or printing in red ink across each bond and coupon the words, "Paid and cancelled;" 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 cancelled 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.

Sec. 40. Interest and sinking fund. The Board of Education, in its annual estimate and levy provided for in this chapter, 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.

Sec. 41. Investment of sinking fund. The moneys levied and collected for creating a sinking fund for the redemption of the bonds issued by the Board of Education shall be used 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 funds, 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.

Sec. 42. Bonds a lien on property of district. Bonds issued under the provisions of this chapter 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.

Sec. 43. Board shall advertise for bids for building school houses. Whenever any school house is to be built, the Board of Education shall advertise for at least ten days in some newspaper published in the county for sealed proposals for building such school house 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. It 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. Provided that no member of the Board of Education shall be financially interested in the contract, directly or indirectly, in the erection of any school building.

Sec. 44. **“Parental schools.”** The Board of Education of any county school district of the first class, or Board of Education of any two or more such districts, 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 provision of this chapter.

Sec. 45. **Truants may be committed to parental schools.** Any child between the ages of eight and fourteen years residing within the district or districts maintaining such a school, adjudged guilty of being a habitual truant, or of wandering about in the streets and public places of said district or districts without lawful employment or business, may be committed to the parental school provided for the purpose, for a term not exceeding beyond the age of fourteen years.

Sec. 46. **Truant may be released.** 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.

Sec. 47. **Neglected children may be committed to parental school.** 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.

Sec. 48. **How discharged.** 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 provisions 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 such other person.

Sec. 49. **District court has jurisdiction.** 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.

Sec. 50. **Parents pay cost of children in parental school.** Any Board or Boards of Education maintaining a parental school in accordance with Sec. forty-four of this chapter, 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 district in which the parent or guardian of any such committed boy or girl resides may bring suit to enforce this provision.

Sec. 51. **Other children may be received in parental school.** 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 the district or districts to which the school belongs.

Sec. 52. **Truant officer.** The Board of Education of each county school district of the first class 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 sheriff of the county shall make such truant officer a deputy sheriff to serve without pay, so far as the sheriff's office is concerned.

Sec. 53. County superintendent's office vacant in certain cases. When a county of the first class is so organized as to school districts that there are no such districts therein other than those of cities of the first or second classes and county school districts of the first class on the first Monday in August of any year in which there is a general election for county officers, then no County Superintendent of Schools shall be elected for such county at that election, and the office shall become and remain vacant for the succeeding term or terms, as the case may be, except that in the event of there being no election for County Superintendent of Schools in the year nineteen hundred and six, the present incumbent shall hold office till the first day of July, nineteen hundred and seven; but the Board of County Commissioners shall fix the salaries therefor, as required by law, to be distributed pro rata among School Superintendents in county school districts of the first class, as provided in section forty-two of this chapter, as compensation for services in whole or in part, as such compensation may be fixed by the Board of Education of the district no other compensation than that fixed by the Board of County Commissioners to come out of the general school fund of the county. Where there is no County Superintendent of Schools under the foregoing provisions, then the County Auditor shall make to the school districts in the county the apportionment of school funds provided for in section eighteen hundred and sixty-seven, Revised Statutes of Utah for 1898, and the County Treasurer shall pay such apportioned funds to the school district treasurer upon the warrants of the County Auditor, who shall make report thereof to the Board of County Commissioners, and to the State Superintendent, as provided by law. When there is no County Superintendent, the Board of County Commissioners shall arrange the County Teachers'

Institutes under the regulations in section seventeen hundred and ninety-three, and designate the school district superintendent in the county which shall take charge thereof.

Sec. 54. **Registration lists to be furnished.** It shall be the duty of the County Clerk to furnish to Boards of Education in county school districts of the first class, at least five days previous to the day of election for members of the said board, a certified copy of the registration list, showing the names of all registered voters, residing in the election district covered by such school districts.

Sec. 55. **Repeal.** All acts and parts of acts in conflict with the provisions of this chapter, so far as they relate to County School districts of the first class as herein described, are hereby repealed.

Approved this 9th day of March, 1905.

CHAPTER 15.

SCHOOLS IN CITIES.

Board of Education.

1892. **This chapter applicable to cities of first and second class. Control.** 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.

1893. **Each city a school district. Control.** 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 pub-

lic schools and property therein shall be under the direction and control of the board of education.

1894. Membership of board of education. 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.

1895. Election of members of board in cities of first class. 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.

1896. Election of members of board in cities of second class. 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.

1897. When term shall begin. 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.

1898. Conduct of elections for members of board of education. 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 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 upon such envelope; otherwise the ballot shall be rejected. The board of education shall exercise all such powers 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 title.

1899. Qualification of members of board. Vacancy. 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; and, in case the Board of Education shall fail for a period of thirty days after such vacancy shall occur, fail to agree upon the election of a member to fill such vacancy then the Mayor of the City, by and with the consent of the City Council, shall fill such vacancy until the next election. 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

Organization of the board.

1900. **Organization of board of education.** The members elected as herein provided shall, before entering upon the discharge of their duties, take and subscribe the oath of office.

President and vice-president.

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.

Clerk and treasurer.

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.

1901. **Removal of officers.** 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. **Board may appoint necessary officers.** 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. **Election of superintendent. Oath and bond.** At the first meeting of the board in June, eighteen 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. The school year shall commence on the first day of July annually, and close on the last day of June following.

Reports.

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. Compensation of board. 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. No member of the Board of Education shall take any contract, receive appointment or perform labor for which he shall receive payment from the school funds or in any way receive compensation other than the salary herein provided.

1905 a. Penalty. Any violation of the provision of this act shall be deemed a misdemeanor.

1906. Annual school census. 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. Id. Report to State Superintendent. Allotment of school funds. 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 re-

siding 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.

Duties of President.

1908. Duties of president defined. Vice-president. 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.

Vice-president.

In case of the absence or disability of the president, his duties shall be performed by the vice-president.

Duties of clerk.

1909. Bond of clerk of board. 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.

1910. Duties and compensation of clerk. 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 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:

1. The amount on hand at the date of the last report.
2. The amount of sinking fund and how invested.
3. The moneys paid out, to whom, and for what paid.
4. The balance of school moneys on hand.
5. 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.

Compensation of clerk.

He shall receive for his services such compensation as the board may determine.

Duties of treasurer.

1911. Duties and compensation of treasurer. 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.

Compensation of treasurer.

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.

Powers of the board.

1912. . Board of education a body corporate. Powers and duties. 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.

Powers and duties of board.

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 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. Powers and duties of board. The board of education shall have the power and authority to purchase or sell schoolhouse sites and improvements thereon; to construct and erect school buildings and to 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. It shall supply and loan pupils in the several grades and departments of said schools, except the high school, free of charge, all text books and supplies used by the pupils of said schools; it shall have the power 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 the 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 instructions 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, Provided, that said school boards shall purchase all books now remaining in the hands of the merchants of their respective cities, at the introductory exchange price.

1914. Sale of sites and buildings. 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.

1915. Board has rights and duties of constituent districts. Suits by and against. 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 all the school property in 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 any 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 of examiners.

1916. Board of examiners, how constituted. In each city of the first and of the second class there shall be a Board of Examiners, consisting of 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 April 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.

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

1918. Compensation of associate examiners. 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.

1919. Teachers' examination. Special meetings.. Record. 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.

Special meetings, not for the purpose of conducting examinations, may be called by the chairman, when, in his judgment, the same are necessary.

Record.

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 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. Power of board of examiners. Issue, renewal, and revocation of certificates. The board of examiners shall have power:

1. 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.

Questions.

2. 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:

On high school certificate.

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 grammar 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 primary 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.

Report to school board.

The board of examiners shall report the result of all exam-

inations 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.

Renewal of certificate.

3. 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.

Revoking certificate.

4. 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.

Temporary certificate.

5. 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 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. **Qualification of applicant for certificate.** 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, or who is afflicted with a serious infectious or hereditary disease.

1922. **Certificates granted only after examination.** 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.

1923. Examination for grammar and primary certificates. 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.

1924. Id. High school certificate. 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.

1925. Teachers exempt from examination. 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.

1926. Special certificates. Special certificates shall be granted only to applicants who pass satisfactorily an examination in a special or 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. Board to select text books. 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.

1928. Notice to publishers. 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 kinds 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.

1929. Opening bids. 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.

1930. Samples and prices on books. 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.

1931. Unsatisfactory proposals. 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.

1932. Contract with successful bidder. Bond. The publisher or publishers whose proposals shall be accepted must enter in 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.

City school tax.

1933. School property exempt from taxation and execution. 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 taxation district. For purposes of taxation the whole city shall constitute one school district.

1935. Distribution of State funds to cities. 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. Tax, estimate, levy, rate, and collection. Limit. That 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 six and one-half mills on the dollar upon all taxable property of said city, of which at least three mills shall not be used otherwise than for the payment of teachers, and shall not exceed one and one-half mills additional on the dollar in one year, to be used exclusively for the purchase of school sites and the erection of school buildings.

1937. Delinquent taxes to be paid to board. 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, and costs on all tax sales heretofore or hereafter made.

1938. Special election for tax for sites, etc. 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.

1939. **Id. Notice of election. Issuance of bonds.** 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.

City school bonds.

1940. **Bond election. Petition.** 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 school houses 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.

1941. **Notice and conduct of bond election.** 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:

1. The time and place of holding the same.
2. The names of the judges at each polling place to conduct the same.
3. The time during which the polls will remain open.
4. 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. Informalities in election. 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.

Informality not to affect validity.

No informalities in conducting such election shall invalidate the same, if it shall have been otherwise legally conducted.

1943. Qualifications of voters. Challenges. 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.

Challenges for cause by any qualified voter shall be allowed at such election, and promptly decided by the judges conducting the same.

1944. Canvass and returns. Issue of bonds. Tax for interest and redemption. Bond limit. 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 before issuing such bonds, 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 no-

tices 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, 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 in any amount not exceeding the number and amount voted for at such election.

Payment of bonds.

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, prior to issuing such bonds. No election shall be void because the amount of bonds authorized at such election exceeded the statutory limitation at the time of holding the election, but the bonds may be issued in accordance with such authorization, in any amount within the limitations fixed by law, at the time the bonds are issued.

1945. Denomination of bonds. Interest. Payment and redemption. 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.

Payment and redemption.

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.

Previously unsold bonds.

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.

1946. Printing of bonds. Authorization. Signing.

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.

Authorization.

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:

Certificate of county clerk.

"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."

Signature and Entry.

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

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. Sale of bonds. Use of proceeds. 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. Redemption and cancellation of bonds. Refunding. 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.

Refunding bonds.

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. Annual levy for interest and sinking fund. The board of education, in its annual estimate and levy provided for in this chapter, 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. Sinking fund, investment of. The moneys levied and collected for creating a sinking fund for the redemption of the bonds issued by the board of education shall be used 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. Bonds a lien on taxable property. Bonds issued under the provisions of this title 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.

1952. Advertisement for bids for construction of buildings. Award. Contract. When board may erect. 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.

Opening bids.

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.

Advertising anew.

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.

Board may erect buildings.

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.

Parental schools.

1953. Board of education may establish parental schools. 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. Habitual truants to be committed. Any child between the ages of eight and fourteen years residing within the city or cities maintaining such a school, adjudged guilty of be-

ing 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. Id. Release. By-laws. 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. 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. Id. Discharge. 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. District courts have jurisdiction. 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. Expense of parental schools, how paid. Any board or boards of education maintaining a parental school in ac-

cordance with section nineteen hundred and fifty-three 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.

1960. Admission of pupils from outside of city. 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 the city or cities to which the school belongs.

1961. Truant officer. Compensation. 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.

CHAPTER 16.

GENERAL PROVISIONS.

Compulsory attendance.

Section 1962. **What children must attend and for how long. Excuses.** Every parent, guardian, or other person having control of any child between eight and sixteen 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 cities of the first and second class such children shall be required to attend school at least thirty weeks in each school year, ten 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 is shown to their satisfaction that one of the following reasons exists:

1. 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 School.

2. That such child has already acquired the branches of learning taught in the District Schools.

3. 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 the child by the nearest road, such attendance shall not be enforced.

4. That such child is attending some Public, District, or Private School.

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

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.

Section 1963. **Penalty.** Any such parent, guardian, or other person having control of any child between eight and sixteen years of age who wilfully fails to comply with the requirements of the last preceding Section, shall be guilty of a misdemeanor.

1964. **Id.** **Inquiry into violations of school law.** 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 title 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. Incurrible children. Sent to industrial school. 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 incurrible, 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 incurribles and fit candidates for the State industrial school.

CHAPTER 66*.

Outhouses on School Grounds.

Section I. Outhouses on school grounds to be kept in sanitary condition. It shall be the duty of the Board of Trustees of each school district in the State to provide all out-houses upon the school grounds, and which are not connected with a sewer system, or cess pool, with the dry earth system of privy vaults and to provide at all times a supply of dry earth in such out-houses sufficient to comply with the requirements of such system and must cause such vaults to be emptied at least once every month and oftener during the school year if in the opinion of the district health officer it is necessary and shall maintain all such out-houses in a sanitary condition.

*Session Laws, 1905.

CHAPTER 17.**KINDERGARTEN.**

1966. Board may maintain kindergartens. Teachers. 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.

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.

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.

Kindergartens.

*Section 1. Kindergartens provided for. All school districts of a population of two thousand and upwards, shall hereafter establish and maintain one or more kindergartens, in said school district; open to children resident therein, between the ages of four and six years. Said kindergartens must be established within four years after the passage of this act.

*Session Laws, 1903.

Sec. 2. **How maintained.** The cost of maintaining such kindergartens shall come out of the district school fund, of the respective districts.

Sec. 3. This act shall take effect July 1, 1903.

CHAPTER 121.

REVENUE FOR COMMON SCHOOLS.

Section 1. **Where revenues insufficient state money to be used.** That in those Districts of the State where the revenues derived from the State, county and district school tax levies are insufficient to enable the School Trustees to employ a teacher or teachers for a period of at least twenty-eight weeks, and the Board of County Commissioners of the County in which said school district or districts are located has made a school tax levy of four mills, that the School District Trustees have levied a district tax of five mills, and that there is not sufficient amount from the allotment of State and County and the district school moneys after all necessary current expenses are paid from the district fund to raise the amount for the payment of teachers to the sum of three hundred dollars for each teacher in the district for the current school year, the County School Superintendent shall make report thereof, giving the amount available in such district for the payment of teachers in the school year, together with an itemized account of the expenditures of any part of the district tax for current expenses, verified under oath, to the State Superintendent of Public Instruction, not later than the 30th day of April in such year.

The State Superintendent shall, by the 15th day of May of such year, make report to the State Auditor, State Treasurer, and State Board of Examiners of the school districts so reported to him, with the county or counties in which they are located, and the names and addresses of the County Superintendents thereof. And there shall be paid out of any moneys in the State Treasury not otherwise appropriated, a sufficient sum to make the amount available, for the payment of teach-

ers in each of such school districts to aggregate three hundred dollars for each teacher for the school year, for the use of the school district so applying therefor; provided, that school is maintained in the district at least twenty-eight weeks in the school year. Provided further, that no district affected by this act shall employ more than one teacher except on the recommendation of the County Superintendent of Schools, and after such recommendation has the approval of the State Superintendent of Public Instruction.

Section 2. **How paid.** Said moneys for the districts in each County shall be paid to the County Superintendent of such County, for the use of such districts, on the certificate of the State Superintendent; said moneys to be used exclusively for the payment of teachers; and the said County Superintendent shall, within thirty days from the time of receiving the State warrant for his County's portion, file with the State Auditor proper vouchers, approved by the District Trustees and signed by the teacher or teachers employed. He shall before October 1st of each year refund any unused portion of the amount to the State Treasury.

Section 3. **Appropriation.** For the purpose of carrying out the provisions of this act, there is hereby appropriated from any fund in the State Treasury, not otherwise appropriated, the sum of eight thousand dollars or so much thereof as may be necessary; provided, that if the eight thousand dollars so appropriated, is insufficient to meet the requirements of this act, each district so affected shall receive a pro rata apportionment of the fund so appropriated.

CHAPTER 32.*

REQUIRING THE AMERICAN FLAG TO BE DISPLAYED ON EVERY SCHOOL HOUSE OR GROUNDS THEREOF.

Section 1. **American flag displayed. When.** It shall be the duty of the Board of Education or School Trustees of all

*Session Laws, 1905.

*Session Laws, 1907.

school districts within the cities and counties of this State to provide each school house or the grounds thereof with a suitable flag-pole, and to cause the American flag to be displayed thereon during the daylight hours of every legal holiday, February 12th, and "Flag Day" of each year.

CHAPTER 96.*

COURSE OF INSTRUCTION ON SUBJECTS OF SANITATION AND CAUSE AND PREVENTION OF DISEASE.

Section I. **Sanitation and the cause and prevention of disease shall be taught.** That there shall be established in the Normal Schools of the State, and in the Public Schools, beginning with the Eighth Grade, a Course of Instruction upon the subjects of Sanitation, and the Cause and Prevention of disease.

It shall be the duty of the State Board of Education and the State Board of Health, acting conjointly, to prepare a Course of Study to carry out the provisions of this Act.

CHAPTER 56.*

SETTLEMENT BETWEEN SCHOOL DISTRICTS AND CITIES.

Section I. **When annexed to a city of the first, second or third class.** When all the territory of a school district shall become annexed to a city of the first, second, or third class, by the extension of the boundaries of the City, all the school property, including moneys on hand and due to the said district, together with all records and papers belonging to said district, shall be transferred to, and the title vested in the Board of Education of such City, and said Board of Education shall assume and be held responsible for the legitimate floating and bonded indebtedness of said annexed district.

*Session Laws, 1907.

*Session Laws, 1907.

Sec. 2. **Annexation by extension of city limits.** When by the extension of the limits of any city of the first, second, or third class a part of the territory of an adjacent school district is annexed to such city, it shall be the duty of a Board, consisting of the State Superintendent of Public Instruction, the City Superintendent of Schools, the County Superintendent of Schools, or in County School Districts of the First Class, the District Superintendent of Schools, to determine the present value of the school property of such district, also all moneys due to, or in the hands of the district treasurer, and to equitably apportion the amount due the district board, or the Board of Education, of such City, as the case may be. The amount due to the district board, or Board of Education, of such City, when ascertained by the said board, shall, if there be not sufficient funds in the hands of the treasurer to pay such indebtedness, be levied upon the taxable property of that district or corporation found to be in debt, and shall be collected in the same manner as if the same had been authorized by the vote of the district board, or by the Board of Education of such city, and when collected, it shall be paid to the treasurer of that district or Board of Education of such city to which it is due. The Board of Education, or the district retaining the school house, shall assume the bonded indebtedness incurred in the building and furnishing of such school-house.

Sec. 3. **Unadjusted claims.** All unadjusted claims of cities and school districts arising from such annexation previous to the passage of this act, shall be adjudged in accordance with the provisions of this act.

CHAPTER 121.*

TEACHERS' INSTITUTES.

Section 1. **County teachers' institutes.** The State Superintendent of Public Instruction, the Principal of the State Normal School, and the County Superintendent of each respective county within this State are hereby constituted a governing

*Session Laws, 1907.

board for the holding of County Teachers' Institutes, which shall be held annually in each county during not less than two nor more than ten days, for the instruction of teachers and of those who desire to teach.

This board of three persons constituted as aforesaid for each respective county shall prescribe the subjects of instruction, and shall engage the instructors.

The State Superintendent shall keep a record of the institutes held and the subjects taught. The County Superintendent shall notify all teachers in his county of the time and place of holding the institute, and shall report to the State Superintendent the names of those who attend and the program as carried out.

The actual expense of holding each county institute shall not exceed one hundred dollars in any one year, and shall be paid out of the county school fund, upon the warrant of the county superintendent, accompanied by vouchers showing to whom and for what purpose the money was paid.

Under the direction of the governing board, 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 each year shall be equivalent to the annual institute mentioned in this section.

The governing board is hereby authorized to call upon the State Normal School to furnish expert institute instructors for this work, provided that other expert instructors may be engaged whenever, in the judgment of the board, the service of such instructors shall be deemed advantageous.

CHAPTER 3.*

RETIREMENT OF PUBLIC SCHOOL TEACHERS.

Section 1. **Authority to organize public school teachers' retirement commission.** That upon the written request of a majority of the teachers of any city of the first or second class, or of any county, exclusive of cities of the first and second class, the Board of Education or the County Superintendent shall authorize the organization of a Public School Teachers' Retirement Commission.

Sec. 2. **Number of members. How selected. Term.** Said commission shall be composed of seven members, viz: (a) Three members selected by the petitioning teachers or by the Members of the Retirement Association after organization is perfected; (b) The Superintendent of the city or county, and the (c) Clerk of the Board of Education, if in a city, or the (c) County Clerk in county organizations, and (d) two members selected by the Board of Education from their members in districts of the first or second class, or (d) two members appointed by the county superintendent from boards of trustees within the county.

The elective and appointive members of the Retirement Commission chosen by the Board of Education or appointed by the Superintendent shall serve for two years, except in organizing, when one shall be chosen or appointed for one year and one for two years, dating the term of office from the first Monday of the preceding February; and the members chosen by the petitioning teachers or the members of the Retirement Association shall be chosen for a term of three years, except in organizing, when one shall be chosen for one year, one for two years, and one for three years, the term of office dating from the first Monday of the preceding February, except when first organized, which may occur at any time during the year; the elective members shall be chosen between the first and

*Session Laws, 1907.

twentieth days of January, and shall take office on the first Monday of the succeeding February.

Sec. 3. Meetings. How called. The members of the Retirement Commission who are chosen from the teaching body shall be elected at a meeting called by the Superintendent of the district or of the county, who shall cause each teacher serving within said district or county to be notified in writing of the time and place of such an election.

Sec. 4. Shall qualify. Vacancies. The officers of the Retirement Commission shall qualify by taking and subscribing the oath of office and filing the same with the county clerk. In cases of a vacancy in the elective membership of said commission the vacancy shall be filled for the unexpired term by the commission choosing a member from the body that elected the outgoing member.

Sec. 5. Organization. The Retirement Commission shall organize by electing from their number a president and a secretary, who shall serve for one year and until their successors are chosen and qualified. The Commissioners shall serve without compensation, except the Secretary, who may, in the discretion of the Retirement Commissioners, receive not to exceed fifty dollars per annum for his services.

Sec. 6. Treasurer of Board of Education to be ex-officio treasurer of the association. The treasurer of the Board of Education in cities of the first and second class or of the county shall be the ex-officio treasurer of the funds of the Retirement Association, and his official bond as fixed by the Board of Education or County shall cover the moneys in said fund.

Sec. 7. Funds of two classes. The funds of the Retirement Association shall be of two classes: (a) Permanent, and (b) Current Fund. The treasurer shall pay out money on warrants signed by the president and secretary of the Commission. He shall have charge, under the direction of the Commissioners, of the investment and management of the Permanent Fund, but the Permanent Fund shall be invested

only in State, County, school district or municipal improvement securities within the State of Utah.

Sec. 8. Record. Reports. The Retirement Commission shall keep a record of all its proceedings, and a record of all money received and paid out, all of which records shall be open for public inspection. It shall also make such reports from time to time to the state superintendent of public instruction or board of education or board of trustees as may be required.

Sec. 9. Teachers to be Notified. When a board of Retirement Commissioners has been duly organized in any district or county, the superintendent of schools who has charge of said district or county shall cause each teacher within said district or county to be notified of the fact, and he or she shall, within thirty days thereafter, reply in writing, accepting or declining membership in said Retirement Association. In case a teacher declines to become a member, he or she may only become a member thereafter by a two-thirds vote of all the commission and payment of all back dues, dating from the organization of said Retirement Association. All new teachers accepting employment under the board of education or trustees in any county subsequent to the organization of a Retirement Association within the district or county may contract and agree to the provisions governing membership in said association.

Sec. 10. Sources of income. The income of the Public School Teachers' Retirement Association shall be from the following sources:

a. All teachers in the employ of the Board of Education or Boards of Trustees at the time of the organization of said Retirement Association and who have become members thereof, and all new teachers entering the employment of the Board of Education or Board of Trustees, shall have deducted from each and every payroll in payment for services one per cent of the face of said payroll, and the amount of said deduction shall be certified by the Clerk of the Board of Education or Board of Trustees monthly to the treasurer of the Association.

b. All amounts deducted from teachers' salaries on account of absence through sickness, not to exceed five days in any one year for a teacher; provided, that by a special resolution the Board of Education or Board of Trustees may, on account of a shortage of funds, withhold the payment of said deductions out for a period not to exceed one year at a time. All deductions belonging to this fund shall be certified to monthly by the Board of Education or Board of Trustees to the treasurer of the Association.

c. All moneys received from donations, legacies, gifts, bequests, or otherwise for or on account of said fund.

Sec. 11. **Current fund.** (Permanent fund. The first two sources of income, viz: "a" and "b," shall constitute the Current Fund, and the third source, viz: "c," shall constitute the Permanent Fund, unless specifically stipulated for the Current Fund in the donation, legacy, gift or bequest. No portion of the Permanent fund shall be available for current expenditure, but the interest thereon shall become a part of the Current Fund.

Sec. 12. **Beneficiaries retirement.** There shall be two classes of beneficiaries under the Retirement Fund, viz: Class "A" and Class "B."

Class A. On the recommendation of the Retirement Commission, the Board of Education or Board of Trustees shall have power by a two-thirds vote to retire any member of the Association who is mentally or physically incapacitated for the performance of duty, provided, said teacher has taught in the district or county in which said district is located at least five years, and whose term of service shall aggregate thirty years, whether before or after, or partly before or after, the passage of this act. Each teacher so retired shall be entitled to receive as pension an annual salary equal to one half of the average annual salary drawn by said teachers for the five years preceding retirement, but in case his or her years of teaching shall not aggregate thirty years, he or she may be temporarily retired and shall be entitled to as many thirtieths of the half-salary as his or her years of service are a

party of thirty. Any teacher who has been retired under this class and who recovers his or her mental or physical powers sufficiently to teach or earn a livelihood in some other manner, in the opinion of the Medical Inspector of the Board of Education or Board of Trustees or of a physician selected by the Retirement Commissioners in case there is no Medical Inspector designated, shall cease to draw an annuity under this classification.

Class B. Any member of the Retirement Association who has taught thirty years, one-third of which time has been in the district or county in which said district is located, and who has reached the age of sixty years, shall, upon his or her request, or upon the recommendation of the Retirement Commissioners and a two-thirds vote of the Board of Education or Board of Trustees, without option, be placed upon the retired list, and shall be entitled to annual salary equal to one-half of the average annual salary of the five years preceding retirement.

Sec. 13. **Id. Membership continued.** Provided that any teacher who is retired under the provision of either class "A" or "B," and who at the time of retirement has not paid into the Retirement Fund a sum equal to one per cent of the entire salary received for the previous years of service claimed, shall have such an amount deducted from his or her annuity as shall equal the amount still due. This deduction may, in the discretion of the Retirement Commissioners, be distributed over a period not to exceed three years. Any teacher may, at the time of becoming a member of the Association, be credited in full for all back payment covering previous years of service claimed by paying one-half of one per cent of all salaries earned during time of service claimed. Any teacher who is a member of a Retirement Association in the State of Utah, and who accepts employment in a district or county outside of the bounds of his or her association shall, within thirty days thereafter, select which of two ways he or she prefers to continue his or her membership.

1. A transfer of membership, or
2. An absent membership.

If the first mentioned is selected the secretary of the com-

mission shall fill out on a paper form a report, covering the necessary data concerning said teacher, which report, with the one-half of the amount of money paid into the fund by or on account of said teacher, as hereinafter provided, shall be accepted by any commission in the State as the complete record and payment of back dues of such teacher.

If the second method is chosen a teacher may continue his or her membership by voluntarily sending annually to the secretary of the association the one per cent of his or her salary as certified to by the clerk of the board where he or she is employed.

Sec. 14. Teacher dismissed or withdrawing entitled to refund. Any teacher dismissed from the service of the Board of Education or Board of Trustees for cause shall be entitled to a refund of all money, without interest, paid into the retirement fund by said teacher.

Any teacher voluntarily withdrawing from the services of the Board of Education or Board of Trustees shall be entitled to a refund of one-half of the amount paid into said fund by said teacher, provided, he or she makes application in writing within three months for the refund.

Sec. 15. Estate entitled to refund. In case of the death of a member of the Retirement Association the estate of said teacher shall be entitled to a refund of the total amount paid into said fund by said teacher.

Sec. 16. Insufficient funds. If at any time the funds of the Retirement Association are not sufficient to meet the annuities and refunds hereinbefore specified, each annuitant and claimant shall be paid pro rata his or her proportion of the funds that are available.

Sec. 17. "Teacher" defined. The term "teacher," as used throughout this bill shall include superintendents, supervisors, principals and teachers.

Sec. 18. Rules and by-laws. The Retirement Commission is empowered to adopt such additional rules and by-laws for the carrying out of the provisions of this bill as are in harmony with its intents and purposes.

Extracts from the Constitution of the State of Utah.

ARTICLE X.

EDUCATION.

Section 1. **Free non-sectarian schools.** The legislature shall provide for the establishment and maintenance of a uniform system of public schools, which shall be open to all children of the State, and be free from sectarian control.

Sec. 2. **Public school system. Maintenance.** The public school system shall include kindergarten schools; common schools, consisting of primary and grammar grades; high schools; an agricultural college; a university, and such other schools as the legislature may establish. The common schools shall be free. The other departments of the system shall be supported as provided by law; Provided, that high schools may be maintained free in all cities of the first and second class now constituting school districts, and in such other cities and districts as may be designated by the legislature. But where the proportion of school moneys apportioned or accruing to any city or district shall not be sufficient to maintain all the free schools in such city or district, the high schools shall be supported by local taxation.

Sec. 3. **State school fund. Interest distributed.** The proceeds of all lands that have been, or may be granted by the United States to this State, for the support of the common schools; the proceeds of all property that may accrue to the State by escheat or forfeiture; all unclaimed shares and dividends of any corporation incorporated under the laws of this State; the proceeds of the sale of timber, minerals or other property from school and State lands, other than those granted for specific purposes; and the five per centum of the net pro-

ceeds of the sales of public lands lying within the State, which shall be sold by the United States, subsequent to the admission of this State into the Union, shall be and remain a perpetual fund, to be called the State school fund, the interest of which only, together with such other means as the legislature may provide, shall be distributed among the several school districts according to the school population residing therein.

Sec. 4. University and Agricultural College located. The location and establishment by existing laws of the University of Utah, and the Agricultural College are hereby confirmed, and all the rights, immunities, franchises and endowments heretofore granted or conferred, are hereby perpetuated unto said University and Agricultural College respectively.

Sec. 5. Permanent funds. The proceeds of the sale of lands reserved by an act of Congress, approved February 21st, 1855, for the establishment of the University of Utah, and of all the lands granted by an act of Congress, approved July 16th, 1894, shall constitute permanent funds, to be safely invested and held by the State; and the income thereof shall be used exclusively for the support and maintenance of the different institutions and colleges, respectively, in accordance with the requirements and conditions of said acts of Congress.

Sec. 6. Separate control of city schools. In cities of the first and second class, the public school system shall be controlled by the board of education of such cities, separate and apart from the counties in which said cities are located.

Sec. 7. School funds guaranteed by State. All public school funds shall be guaranteed by the State against loss or diversion.

Sec. 8. State board of education. The general control and supervision of the public school system shall be vested in a State board of education, consisting of the superintendent of public instruction, and such other persons as the legislature may provide.

Sec. 9. **Text books.** Neither the legislature nor the State board of education shall have power to prescribe text books to be used in the common schools.

Sec. 10. **Institutions for deaf, dumb and blind.** Institutions for the deaf and dumb, and for the blind, are hereby established. All property belonging to the school for the deaf and dumb, heretofore connected with the University of Utah, shall be transferred to said institution for the deaf and dumb. all the proceeds of the lands granted by the United States, for the support of a deaf and dumb asylum, and for an institution for the blind, shall be a perpetual fund for the maintenance of said institutions. It shall be a trust fund, the principal of which shall remain inviolate, guaranteed by the State against loss by diversion.

Sec. 11. **Metric system.** The metric system shall be taught in the public schools of the State.

Sec. 12. **No religious or partisan tests in schools.** Neither religious nor partisan test or qualification shall be required of any person, as a condition of admission, as teacher or student, into any public educational institution of the State.

Sec. 13. **Public aid to church schools forbidden.** Neither the legislature nor any county, city, town, school district or other public corporation, shall make any appropriation to aid in the support of any school, seminary, academy, college, university or other institution, controlled in whole, or in part, by any church, sect or denomination whatever.

Extracts from the Revised Statutes of Utah.

CHAPTER X.

UNIVERSITY.

2290. General powers. The name of the university organized under an act approved February twenty-eight, eighteen hundred and fifty, and laws amendatory or supplementary thereto, shall hereafter be University of Utah, and by this name it is constituted and continued a body corporate, with perpetual succession. It may have and use a corporate seal, and by the aforementioned name may sue and be sued, and contract and be contracted with. It is vested with all the property and franchises of, and shall be subject to all the contracts, obligations, and liabilities of, the former corporation.

2291. Id. It may take and hold by purchase, gift, devise, or bequest, real and personal property required for its uses. It may also convert property received by gift, devise, or bequest, and not suitable for its uses into other property so available, or into money. It shall be deemed a public corporation, and shall be subject to the laws of this State, existent or hereafter enacted, relating to its purposes and government. Its property shall be exempt from all taxes and assessments.

2292. Highest branch of public educational system. The university shall be the highest branch of the system of public education. As far as practicable, its courses and methods shall be arranged to supplement the instruction of the subordinate branches of such system, with a view to afford a thorough education to students of both sexes in the arts, the sciences, literature, and the civil professions.

2293. Board of regents. Terms. The government of the university and the management of its property and affairs shall be vested in a board of nine regents. As the terms of the

present incumbent expire, their successors shall be appointed and shall hold office for a period of four years, the term of each commencing on the first day of July next after his appointment.

2294. Oaths and bonds. Every regent before entering upon the duties of his office, shall take the official oath and execute to the university a bond, with sureties approved by the Secretary of State, in the penal sum of one thousand dollars, conditioned for the faithful discharge of his duties. These oaths and bonds shall be delivered to the Secretary of State.

2295. Powers. Executive committee. The board shall have power to enact by-laws and regulations for all concerns of the institution, not inconsistent with the laws of the State. A quorum of the board shall consist of five members. Between meetings of the board, its full powers may be exercised as to the ordinary business of the university, by an executive committee of five members appointed by the board, a majority of whom shall constitute a quorum thereof.

2296. Chairman and secretary of board. The board shall choose one of its number chairman. He shall be the executive officer of the board, and shall hold office for two years and until his successor is chosen and has qualified. It shall likewise appoint a secretary, who may be a regent, and a treasurer, who shall not be a regent; and it may require from each a bond to the university for the faithful discharge of his duties. Such bonds must be approved by and delivered to the Secretary of State. Bonds taken by the university, to secure the faithful discharge of official duties, shall be copied in the regents' record book, and in case of the loss or destruction of any bond, the record shall be prima facie evidence of the contents and execution of such bonds.

2297. Faculty. The board may provide for the constitution and organization of the faculty of the university, of which the president thereof shall be the chairman and executive officer. It may, in its discretion, commit to the faculty the selection and the dismissal of instructors and employees, and the determination of their compensation as well as the general

management of instruction and examination, admission, and classification of students.

2298. Board to appoint faculty. The board shall appoint the president and the professors of the university, shall prescribe their duties, and determine their salaries.

2299. President's ex-officio duties. The president of the university shall be ex-officio a member of the board of regents, with all the rights, privileges, and obligations of every other member thereof; and, furthermore, he shall be ex-officio a member of the State board of education.

2300. Contracts with instructors. All contracts hereafter made with professors, instructors, or employees, whether for a definite or indefinite time, shall be subject to termination at the will of the board, or of its executive committee, if the board be not in session, when the interests of the university so require.

2301. May take gifts and devises. The board in its corporate capacity may take by grant, gift, devise, or bequest, any property, real or personal, for the use of any department of the university, or of any professorship, chair, or scholarship therein, or for the library, an observatory, workshops, gymnasiums, experimental apparatus, a student's loan fund, or any other purpose appropriate to the objects of the university. Such property shall be received, held, invested, and managed, and the proceeds thereof used by the board, for the purposes, and under the conditions prescribed in the grant or donation. If by the terms of any such grant, gift, devise, or bequest, conditions be imposed which are impracticable under the laws of the State, such grant or donation shall not thereby fail. But the conditions thereof must be rejected and the intent of the grantor or donor carried out as nearly as may be. No grant, gift, devise nor bequest for the benefit of the university shall be defeated or prejudiced by any misnomer, misdescription, or informality whatever; Provided, that the intention of the grantor or donor can be shown or ascertained with reasonable certainty.

2302. Regents not to receive compensation. Expenses.

No regent shall receive any compensation for his services as regent; but he may be allowed his actual expenses incurred in attending meetings of the board or its committees, or in attending to any business of the university under authority of the board or its committees.

2303. Fiscal year. The fiscal year of the university shall commence on the first day of July and end on the thirtieth day of June in each year, and biennial appropriations made for its maintenance, unless otherwise specified, shall be deemed to be for the two years commencing on the first day of July next after the appropriation is made.

2304. Degrees. The university may confer degrees upon students who have satisfactorily completed any of its prescribed courses of study. It may also confer special, honorary, or emeritus degrees upon former members of its faculty, for long or eminent service in the university, but otherwise no such degrees shall be conferred.

2305. Normal scholarships. The normal school shall be continued as a department of the university, for students of both sexes, and its course of instruction, that shall include practice in teaching and in pedagogy, may extend through a period of four years, or until graduation. Two hundred free scholarships may be maintained in the normal school. The holders of them shall be exempt from payment of all matriculation fees. Fifty appointments to these scholarships, each for the term of four years, may be made annually; Provided, that any holder of a free scholarship who shall have obtained the same prior to January 1, 1900, is hereby granted an extension of such scholarship, making it valid for a term of four years.

2306. Appointments. Appointments to normal scholarships shall be made by the State Superintendent of Public Instruction, on nomination by the county boards of examiners, or city boards of education, when such cities are not under the supervision of the county superintendent of schools. It shall be the duty of the superintendent of public instruction on or

before the last day of May of each year, to apportion to the counties and cities, on the basis of school population, the number of normal scholarships to which they may be respectively entitled. Appointments to vacancies in normal scholarships existing at or after the opening of the academic year of the university, may be made by the president of the university. Students who have been appointed to normal scholarships may be examined before admission to the school by, or under the direction of, the university faculty, and such students may be rejected, if found to be unqualified.

2307. Normal certificates and diplomas. Holders of normal scholarships shall be required to declare their intentions to complete the prescribed course of normal instruction, and after graduation to teach in the public schools of this State. In the event of such students discontinuing their studies at the university before graduation, they shall be required to pay to the university the amount of matriculation fees required of other students; for a corresponding term of attendance; Provided, that the president of the university may grant leave of absence not exceeding one year at any one time to a holder of a normal scholarship, and may appoint to the vacancy during the absence on leave of the regular holder. The president of the university may at any time cancel, for neglect or incompetency, the normal scholarship of any student, and he may require, upon such cancellation, the payment to the university of all fees unexactd by reason of the scholarship. Graduates in the normal course shall receive a normal certificate which, for the term of five years thereafter, shall entitle them, without examination as to scholarship, to teach in the common schools in the grade or grades mentioned in the certificate. The university may provide for bestowing a degree with an accompanying normal diploma, upon graduates in the normal course, who have satisfactorily taken a course of prescribed studies leading to a degree; and the holder of such degree and the accompanying normal diploma shall be entitled thereafter to teach in the common and high schools without examination as to scholarship.

2308. Preparatory course. A course of studies prepara-

tory to the regular university courses may be maintained for such length of time as the board shall think necessary.

2309. Free to residents. Instruction in the preparatory, normal, and regular university courses shall be free to actual residents of Utah, but an entrance fee not to exceed ten dollars for residents and not to exceed fifty dollars for non residents of Utah, may be required annually. The board of regents may fix a reasonable charge for instruction in special studies, not embraced in the regular courses, and for post-graduate instruction. No partisan, political nor sectarian religious doctrine, shall be taught or inculcated in the university, and no political nor religious test shall be required as a qualification of any student, professor, instructor, officer, or employee of the university.

2310. Founding and naming professorship. Any person or persons who may give or bequeath to the university a sum not less than forty thousand dollars, for the purpose of founding a professorship in any department thereof, shall have the privilege of giving name to such professorship. A similar gift or bequest of not less than twenty-five thousand dollars for the purpose of founding an adjunct professorship, shall entitle the giver to the like privilege.

2311. Nominating first incumbent. Any person or persons who may give or bequeath to the university a sum not less than fifty thousand dollars, for the purpose of founding a professorship in any of its departments, shall have the privilege of giving name to such professorship, and of nominating its first incumbent. A similar gift or bequest of not less than thirty-five thousand dollars, for the purpose of founding an adjunct professorship, shall entitle the giver to the like privileges.

2312. Nominating incumbent in perpetuity. Any person or persons who may give or bequeath, to the university a sum not less than sixty thousand dollars, for the purpose of founding a professorship in any of the departments, shall have the privilege of giving name to such professorship and of designat-

ing the manner in which the incumbents thereof, in succession forever, shall be nominated; Provided, that the board of regents of the university shall have the privilege of rejecting any nomination or of removing any incumbent for cause. A similar gift or bequest of not less than forty-five thousand dollars, for the purpose of founding an adjunct professorship, shall entitle the giver to the like privileges.

2313. Founding fellowship or lectureship. Any person or persons who may give or bequeath to the university a sum not less than ten thousand dollars, to found a fellowship or lectureship in any of its departments, shall have the privilege of naming such fellowship or lectureship, and of nominating its first incumbent.

2314. Nominating incumbents in perpetuity. Any person or persons who may give or bequeath a sum not less than fifteen thousand dollars, to found a fellowship or lectureship in any department of the university, shall have the privilege of naming such fellowship or lectureship, and of designating the manner in which the incumbents thereof, in succession forever, shall be nominated; Provided, that in case of a lectureship, the board of regents of the university, shall have the privilege of rejecting any nomination, or of removing any incumbent for cause.

2315. Scholarships. University scholarships in the different departments, shall be of three different classes, first, second and third, according as the endowment is three thousand, two thousand, or one thousand dollars, and any person or persons, founding a scholarship of any class, or in any department, shall have the privilege of naming such scholarship, and of nominating its first incumbent.

2316. Branch normal school established. A branch of the State normal school is hereby established in the southern part of this State, the same to be located as hereinafer provided.

Extracts from the Session Laws of 1901.

CHAPTER XXXIII.

SCHOOL OF MINES.

Section 1. **School of mines established.** A State school of mines is hereby established in connection with, and as a department of the University of Utah in accordance with the enabling act admitting Utah into the Union of States.

Sec. 2. **Under control of University.** . . . Said school shall be under the management and control of the regents of the University of Utah.

Sec. 3. **Beneficiary of land grants.** Said school shall be the beneficiary of all land grants, and appropriations, made, or to be made by the United States to the State of Utah for the establishment and the maintenance of a school of mines.

Sec. 4. **Course of studies.** In said school there may be offered to students, studies and courses of instruction relating to mining, metallurgical, electrical, and such other branches of engineering as pertain to the pursuit and development in all its branches of the mining industry of Utah.

Approved this 13th day of March, 1901.



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