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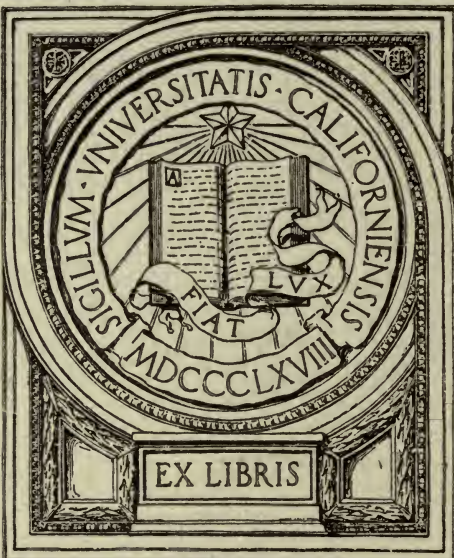
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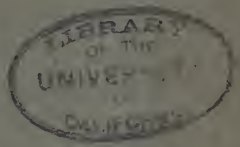


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THE SCHOOL LAWS OF IDAHO

Enacted by
The Eleventh Session of the Legislature
Nineteen Hundred Eleven

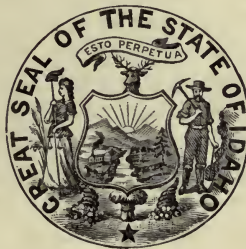


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State of Idaho

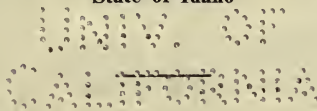
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PRESS OF
LEWISTON EVENING TELLER
LEWISTON, IDAHO

THE SCHOOL LAWS OF IDAHO

Enacted by
The Eleventh Session of the Legislature
Nineteen Hundred Eleven



Issued by the Authority of GRACE M. SHEPHERD
Superintendent of Public Instruction
State of Idaho



PRESS OF
LEWISTON EVENING TELLER
LEWISTON, IDAHO

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1911

UNIVERSITY OF CALIFORNIA

FOREWORD.

In accordance with an Act passed by the Tenth Session of the Idaho Legislature providing for a commission to revise and codify the School Laws of Idaho and to present a report to the Eleventh Session, Governor James H. Brady appointed as commissioners, W. R. Siders, Superintendent of the Pocatello City Schools, and G. H. Black, President of the Lewiston State Normal. For two years these men worked assiduously studying the school laws of the different states throughout the country and investigating the educational conditions and needs within the State.

The Commission met in January, 1911, and prepared a complete report, covering such amendments to the preceding laws and such additions thereto as seemed for the best interests of education in Idaho. With but few changes the report of the Commission was adopted by the Legislature. No greater compliment can be paid their work than that which is embodied in the report of the National Bureau of Education. In part it is as follows: "The code reported by the State School Law Commission of Idaho and enacted into law with a few minor amendments must be rated as one of the most practical and successful of such efforts. The framers did not make the mistake of attempting too much, and proposed no radical change in prevailing conditions. They prepared a complete code, orderly in arrangement and harmonious in detail, based upon existing laws which were more than usually defective and incongruous. Changes were freely made, but those changes were manifestly improvements and were not such as to arouse severe antagonism and thus defeat the prime purpose of the commission"

I take this means of publicly expressing the gratitude of the State for the efficient and capable work of the Commissioners.

GRACE M. SHEPHERD,

State Superintendent of Public Instruction.



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ARTICLE I.

STATE BOARD OF EDUCATION.

SECTION 2. The Superintendent of Public Instruction, the Secretary of State and the Attorney General shall constitute the State Board of Education, of which the Superintendent shall be president. The Board shall have power to appoint a secretary.

Duties and Powers.

SECTION 3. The State Board of Education shall have duties and powers subject to the provisions of this Act as hereinafter provided in Sections 4-18 inclusive.

Recommend Legislation.

SECTION 4. To report and to recommend to the Governor and to the Legislature, legislation needed to make the public schools of this State more efficient and useful.

General Supervision.

SECTION 5. To have general supervision of the educational work in institutions wholly or partly supported by the State, which are not under the supervision of the public school authorities.

Encourage Manual Training, Etc.

SECTION 6. To encourage and promote agricultural education, manual training, domestic science, and such other vocational and practical education as the needs of this State may from time to time require.

Sanitation of School Buildings.

SECTION 7. To prescribe rules and regulations for the sanitary equipment and inspection of school buildings, and to take such other action as it may deem necessary and expedient to promote the physical and moral welfare of the children of the public schools of this State.

Supervision of Superintendents.

SECTION 8. To have general supervision of the work of the County and City Superintendents and of the public schools of the State.

Note—Sec. 1 of this article is a repealing clause and of no value in this work.

Course of Study.

SECTION 9. To prepare or cause to be prepared a course of study for the public schools of the State and to prescribe the use that shall be made of the same.

Examination Questions.

SECTION 10. To prepare or cause to be prepared examination questions for all classes of teachers' certificates requiring written examinations.

Examining Board.

SECTION 11. To appoint a sufficient number of competent examiners to read and grade the papers of all applicants for all classes of certificates, and to pay such examiners for such services a sum not to exceed Five Dollars (\$5.00) per diem, together with actual mileage and expenses for all time spent upon examining papers and for all time necessarily consumed enroute to and from the place where the grading is done. Said payments shall be made out of the funds of the State Board of Education.

Record of Examinations.

SECTION 12. To keep a record of the grades made by all persons taking examinations, to preserve all examination papers for ninety (90) days, and to keep a record of all certificates granted or revoked, showing to whom issued, age of grantee, date of issue, grade and duration of each certificate, and, if revoked, the date and reason therefor.

Report on Examinations.

SECTION 13. To report to the County Superintendents on the grades of each and every applicant for county certificates from the respective counties throughout the State, such reports to constitute the authority for the issuance of such county teachers' certificates as are provided by law.

Institutes.

SECTION 14. To prescribe rules and regulations for the holding of teachers' county and joint county institutes, said institutes being convened as provided by this Act at such times and places as shall be determined by the County Superintendents of the respective counties.

Officers and Meetings.

SECTION 15. The State Board of Education shall have such officers as it shall deem necessary, define their duties and elect

them annually. It shall fix the times of its regular meetings, which shall be held at least semi-annually, and the manner of calling special meetings; it shall make its own by-laws and all regulations deemed necessary to carry on the proper work and affairs of the Board.

Office.

SECTION 16. The office of the Superintendent of Public Instruction shall be the office of the State Board of Education.

Place of Meeting.

SECTION 17. The regular place of meeting of the State Board of Education shall be in the State Capitol, but the Board may meet elsewhere when it is deemed necessary to do so.

Employ Assistance.

SECTION 18. The State Board of Education shall have the power to employ such assistance and to incur such other expense as it finds necessary for the performance of its duties within the limits of its funds and of the appropriation made for its use.

ARTICLE II.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Election, Qualifications, Residence and Oath of Office.

SECTION 19. There shall be elected biennially, by the qualified electors of the State, a State Superintendent of Public Instruction, who shall reside at the seat of government, and shall perform such duties as are prescribed by the constitution and laws of the State. No person shall be a candidate for the office of State Superintendent who does not hold a valid State or State Life Certificate, and who is not at the time of nomination actively engaged in educational work in the State public schools or in the State educational institutions. Before entering upon the duties of his office, the State Superintendent of Public Instruction shall take and subscribe to the oath prescribed by the constitution, and execute a bond in the penal sum of Two Thousand Dollars (\$2000), payable to the State of Idaho, with sureties to be approved by the Governor, conditioned upon the faithful performance of his

official duties, and the delivery to his successor of all books, papers, documents or other property belonging to the office. Said bond and oath shall be deposited with the Secretary of State.

Office, Seal, Etc.

SECTION 20. He shall have an office at the Capitol, where a seal shall be kept which shall be the official seal of the State Board of Education, by which all official acts may be authenticated, and all records, books and papers pertaining to the business of this office. He shall file all papers, reports and public documents transmitted to him by the County Superintendents of the several counties, and hold the same in readiness to be exhibited to the Governor, or to any Committee of any House of the Legislature, or to any citizen of the State.

Meetings With Superintendents.

SECTION 21. He shall summon the County Superintendents, or the City Superintendents and District Principals of Graded Schools, of each judicial district, or of two or more districts combined, to meet jointly or separately at such time and place as he shall appoint, giving them due notice of such meeting. The object of such meetings shall be to discuss school organization, school supervision, and such other matters as may properly come before such meetings.

The term "District Principal" means the head teacher of a graded school of four or more teachers, but smaller than a Class A Independent District school, whether such school be maintained under Article V or under Article XIII of this Act.

General Duties.

SECTION 22. (a). He shall be the executive officer of the State Board of Education and shall enforce their rules and regulations, and as such executive officer shall see that all matters requiring the decision of the Board are promptly placed before them for decision, and shall faithfully execute all duties devolving upon said Board through their executive officer.

(b). He shall prepare, have printed and furnished, through the County Superintendents, to all officers charged with the administration of the laws relating to the public schools, and to teachers, such blank forms and books as are needed or required to be used in the discharge of their duties. He shall have the law relating to the public schools printed in pamphlet form and shall supply school officers, school libraries and

State libraries with one copy each of said pamphlets; said printing to be paid for on the warrant of the Auditor out of the general fund, on bills approved by the State Board of Examiners.

(c). He shall, on or before the first day of December in every year preceding a regular session of the Legislature, report to the Governor the condition of the public schools, the amount of the State School Fund apportioned and sources from which derived, with such suggestions and recommendations relating to the affairs of his office as he may think proper.

(d). It shall be his duty to visit annually such counties of the State as most need his personal attention, and all counties if practicable, for the purpose of inspecting the schools and awakening and guiding public sentiment in relation to the practical interests of education. He shall open such correspondence as may enable him to obtain all necessary information relating to the system of public education in other states.

(e). All office, fuel, furniture, books, postage, stationery and other contingent expenses pertaining to his office, shall be furnished in the same manner as those of other departments of the State government.

ARTICLE III.

BOARD OF TEXT BOOK COMMISSIONERS.

Constitution of Board.

SECTION 23. It shall be the duty of the State Board of Education of the State of Idaho to appoint a State Board of Text Book Commissioners, on or before the first day of April, 1907. Said Board shall consist of seven (7) members, one (1) of whom shall be the State Superintendent of Public Instruction, who shall be ex-officio chairman of the said Board, and two (2) of whom shall be practical business men. Any resident of the State of Idaho who has had not less than five (5) years' experience as a teacher, and who, at the time of receiving and holding the appointment, shall be actually engaged in school work in the State of Idaho, shall be eligible for appointment to membership of said State Board of Text Book Commissioners as herein provided. The term of office of said Board shall be six (6) years, and the State Board of Education of the State of Idaho is hereby empowered to fill any vacancy that may arise in said Board. Said Board

shall have power to formulate rules for the government of its own proceedings, and three (3) members shall constitute a quorum; Provided: That the restrictions relating to the eligibility for appointment to membership do not include the appointment of the two (2) business men.

Meetings, When and Where Held.

SECTION 24. The said Board of Text Book Commissioners shall hold its first meeting at the State Capitol, in the Senate chamber, on or before the fifteenth day of April, 1907, for the purpose of organization and the formulation of terms of proposals and contracts for the furnishing of text books to the State of Idaho. The second meeting shall be held at the same place not later than the seventh day of June, 1907, for the purpose of selecting and adopting a uniform series of text books for use in all the public schools of the State, excepting as hereinafter provided. Any and all subsequent meetings of said State Board of Text Book Commissioners shall be held at a time and place designated by the State Superintendent of Public Instruction, and the said Superintendent of Public Instruction is hereby authorized to call any such meeting; Provided: That such subsequent meeting shall be called only in accordance with the formal written request of a majority of the members of the said State Board of Text Book Commissioners. Such formal request shall set forth the purpose for which such meeting shall be called.

Advertisement for Bids.

SECTION 25. Immediately following the first meeting of the State Board of Text Book Commissioners, the State Superintendent of Public Instruction shall, in accordance with the instructions of the said Board, advertise for at least thirty (30) days in two (2) newspapers having a general circulation throughout the State, giving notice that the said State Board of Text Book Commissioners will meet as herein provided, and will consider said offers and proposals for supplying the schools of the State of Idaho with a uniform series of text books for use in all public schools of the State, excepting as hereinafter provided, in the following branches, to-wit:

Spelling,	
Arithmetic,	United States History,
Physiology and Hygiene,	Civil Government,
Reading,	Writing,
Geography,	Grammar,

and in other branches taught in common, graded and high schools of the State, as prescribed in the State Course of Study of the State of Idaho. Said proposals shall be in accordance with the form of proposal supplied by the State Board of Text Book Commissioners, and shall name the exchange price, net wholesale price f. o. b. cars at each publisher's address, and mailing price of single copies to districts or individuals; Provided: That the price so quoted on such books shall not exceed the lowest price quoted to any dealer, state, county, township, school district or any other individual or corporation in the United States.

Adoption of Text Books; Independent School Districts.

SECTION 26. It shall be the duty of said State Board of Text Book Commissioners to meet at the time and the place mentioned, and to consider carefully all proposals made to them in regular form for the furnishing of the said text books as hereinbefore provided, and said Board shall select and adopt such text books for use in all the public schools as will, in their judgment, best subserve the interests and promote the progress of the public schools of the State. The series of text books so selected and adopted by the State Board of Text Book Commissioners shall be certified to by the chairman, and said certificate, with a copy of all books named therein, and the contracts for the same, shall be placed on file in the office of the State Superintendent of Public Instruction. Such certificate must contain a complete list of all books adopted by the said Board, giving the price for which each kind and grade of books will be furnished, and the name and address of the publisher agreeing to furnish the same. The said books named in said certificate shall, for a period of six (6) years from and after the first day of September, 1907, be used in all the public schools in the State, to the exclusion of all others as texts; Provided: That in Independent School Districts in the State of Idaho, if it shall appear to the Board of Trustees of such Independent School District or Districts, that on account of special conditions existing in connection with the adopted course of study, or the special conditions of the school work or school environment, the adoption of one or more additional text books differing from the generally adopted list as provided elsewhere in this Article, shall be to the best interest of the educational work of such Independent School District, then said Board of Trustees of such Independent School District may, by presenting their claim, or

by appearing in person or through an officially chosen representative, before the State Board of Text Book Commissioners at a regularly called meeting, secure consideration of said claim for such special adoption, and may submit special information as may enable the State Board of Text Book Commissioners to reach a conclusion concerning the merits of said claim for special adoption; and the State Board of Text Book Commissioners is hereby authorized, if deemed advisable, to make such special adoption for such Independent School District or Districts; Provided, further: That in any and all such cases, the decision of the State Board of Text Book Commissioners as to such adoption shall be final, and that all text books adopted in accordance with such decision shall be used by such Independent School Districts for a period of six (6) years from and after the first day of September, 1907, to the exclusion of all other school books or texts. It shall be the duty of the Superintendent of Public Instruction to enforce the use of said text books in all public schools of the State, and to withhold twenty-five (25) per cent of the State school funds apportioned to any school district neglecting or refusing to introduce and use said books as hereinbefore provided.

Contracts for Books; Bond of Publishers.

SECTION 27. The said Board of Text Book Commissioners shall have power to make such contracts and agreements with the publishers as they shall deem necessary for the best interests of the public schools of the State, and shall require all publishers, contracting and agreeing to furnish books adopted by the said Commissioners, to furnish a good and satisfactory bond in the amount of not less than Twenty-five Hundred Dollars (\$2500) as a guarantee of the faithful performance of the conditions of the said contract.

Publishers to Furnish Lists of Books.

SECTION 28. It shall be the duty of book publishers furnishing books to the State of Idaho under this Article to have printed and to keep on hand at all times, free of charge, at the office of the County Superintendent of Public Instruction in each county of the State of Idaho, a sufficient number of lists of the text books, adopted by the said Board, with the price of each of the said books as certified to in said certificate; and each County Superintendent of Public Instruction shall immediately forward one (1) such list to each trustee and to each teacher in his or her county.

Publishers to Keep Books on Hand.

SECTION 29. It shall be the duty of the book publishers furnishing books to the State of Idaho under this Article, to keep the books they agree to furnish on hand at all times at their places of business, and at such places in the State of Idaho as is hereinafter provided.

Requisition for Books.

SECTION 30. Not later than the first Monday in August following the adoption, and at such times thereafter as may be necessary to supply properly the schools of said districts, the chairman of each of the Boards of Trustees of the schools of each county which supply free text books, shall forward to the County Superintendent of his county a list of the kinds of books, and the number of each kind, which shall be required to supply the pupils of the schools of his district. Immediately upon receipt of this requisition from the chairman of the Board of Trustees, the County Superintendent shall order, from the nearest depository furnishing said books, the books designated therein, and upon delivery of said books to the said trustee, the trustee shall cause to be issued, in regular form, payable to the dealer who furnishes the books, a warrant covering the value of said books as established by contract existing between said publishers and the State Board of Text Book Commissioners; Provided: That if, from any cause, the accounts are not paid within ninety (90) days, the same shall draw interest at the rate of seven (7) per cent per annum from the date of the shipment of the books to the date of the payment.

Same: Account of Books Ordered.

SECTION 31. The clerk of each school district which supplies free text books, and the County Superintendent of Public Instruction, shall keep an account of all books ordered, showing the number of the district, the number of kinds of books, the date of the order, the place from whence ordered, the date and the amount of the remittance, and such others items as will, in their judgment, render the whole transaction easily understood.

Custody and Distribution of Books.

SECTION 32. The Clerk of the Board of Trustees is hereby made the custodian of the text books belonging to the district, and he shall, on the morning of the opening of school or prior thereto, count out the number of the books belonging to

the district, noting carefully the condition of said books, and placing the same in the hands of the teacher, taking a receipt for the same, and at the end of the term of school the said Clerk of the Board of Trustees shall receive the said books from the teacher, giving his receipt for them, and any missing or destroyed books shall be accounted for by the teacher; Provided: That the pupil shall be responsible, through his parent or guardian, to the district, if the responsibility is fixed upon said pupil; and Provided, further: That no one shall be responsible for the natural wear and tear of the books. In the interim of the sessions of the school the Clerk of the Board of Trustees shall safely keep the books and use due diligence in their preservation.

Reserve Supply of Books.

SECTION 33. It shall be the duty of the book publishers furnishing books to the State of Idaho under this Article to keep at all times on deposit at Boise, Pocatello, Lewiston, Coeur d'Alene, all in the State of Idaho, a sufficient number of the books they contract to furnish.

Expenses of Commissioners.

SECTION 34. The members of the said State Board of Text Book Commissioners shall each receive his actual and necessary expenses, including railway fare, while in the discharge of his official duties, including the time actually and necessarily consumed in going to and returning from the meeting of the Board. Such claim for expenses shall be accompanied by vouchers, and upon being presented to the Board in duplicate with vouchers attached, and being passed by the same, the vouchers shall be signed by the Secretary of the Board, countersigned by the chairman and transferred to the State Auditor. The State Auditor shall present such vouchers to the State Board of Examiners, who, upon finding the same to be correct, shall issue warrants upon the proper fund. Said fund is the "Idaho State Text Book Commission Fund," of One Thousand Dollars (\$1000), created and appropriated by the Act of March 14, 1907.

ARTICLE IV.
COUNTY SUPERINTENDENT.

Election, Residence and Term of Office.

SECTION 35. There shall be elected in each county in the State of Idaho, at the general election, a Superintendent of Public Instruction, who shall reside at the county seat of the county in which he is elected, and who shall hold his office for a term of two (2) years, from and after his taking charge of the same, and until his successor has been elected and qualified.

Oath, Bond, and Qualifications.

SECTION 36. Before entering upon the duties of his office, the County Superintendent of Public Instruction shall take and subscribe the oath prescribed by law, and execute a bond, payable to the State of Idaho, with two (2) or more sureties to be approved by the Board of County Commissioners, in the penal sum of not less than Two Thousand Dollars (\$2000), conditioned upon the faithful performance of his official duties, and the delivery of all moneys and property received by him as such superintendent to his successor in office, which official bond, together with his official oath, shall be filed in the office of the County Recorder, not later than the second Monday in January, next after election; Provided: That no person shall be eligible to the office of County Superintendent of Public Instruction unless he be a qualified elector in the county from which chosen, of the age of twenty-five (25) years, and a teacher in actual service of not less than two (2) years' experience in Idaho, one of which must have been while holding a valid certificate of a grade not lower than a first grade county certificate; Provided, further: That he shall be the holder of a valid certificate not lower than a first grade county certificate at the time of his election or appointment.

Duties.

SECTION 37. (a). The County Superintendent of Public Instruction shall have charge and supervision of the public schools of his county with the exception of the Class A Independent School Districts, and it shall be his duty to visit the other public schools in the county at least once during each school year and remain at said public school at least

one-half ($\frac{1}{2}$) day; at such visits he shall carefully observe the methods employed by the teacher in giving instruction in the several branches taught, the manner of discipline and government, the classification of the pupils, and the general management of the school, and shall give the school such instruction and encouragement as he deems for the best interests of all concerned, and he shall make such suggestions to the teacher in private as, in his judgment, will render the said teacher more efficient, and promote the general educational interests of the district.

(b). He shall perform such other supervisory duties as shall be directed by the State Board of Education.

(c). It shall be his further duty to organize a meeting of the teachers of the schools under his supervision, for the purpose of exchanging ideas of professional interest, for the study of methods, and for general culture.

(d). The County Superintendent shall designate at least five (5) days in the month when he may be found in his office.

(e). The County Superintendent shall be empowered to employ such assistant or assistants as the work of his office may require, said assistant or assistants to receive such remuneration as may be fixed by the Board of County Commissioners, which remuneration shall be paid quarterly in the same manner as the salaries of county officers are paid. The County Superintendent shall keep his office open from nine (9) o'clock A. M. until five (5) o'clock P. M. each week day.

Blanks and Supplies.

SECTION 38. The County Commissioners shall furnish the County Superintendent of Public Instruction with an office in the county seat, shall furnish him with all necessary office furniture, including seal, blank books, stationery, postage, expressage, all blanks necessary for his office, and all blank books and blanks necessary for the use of the trustees and teachers in the discharge of their respective official duties within his county; Provided: That the forms used for all such blank books and records shall be such as are prescribed by the State Board of Education.

Buildings, Sanitation, and Equipment of School Property.

SECTION 39. He shall have power to require the trustees in any district to conform to the rules and regulations prescribed by the State Board of Education providing for the erection, equipment, sanitation and care of public school prop-

erty; Provided: That there is a sufficient amount of money in the treasury to the credit of the district to put into effect the requirements of this Section.

Records.

SECTION 40. He shall keep a complete record of all his official acts; preserve all blanks, maps, charts and apparatus sent him as such officer, and file all papers, reports and statements from teachers and school boards; keep a register of all teachers employed in his county, giving name of teacher, number of district, salary per month, grade of certificate, and date of superintendent's visit. He shall obey the legal instruction of the State Board of Education.

Conduct of Teachers' Examinations; Permits.

SECTION 41. He shall hold four (4) regular examinations in each year as provided in Section 89, Article 10 of this Act for the purpose of examining all persons who may offer themselves as teachers in the public schools. It shall be the duty of the County Superintendent to give at least fifteen (15) days' notice before all regular public examinations in some newspaper published in the county. He shall have authority to issue permits in accordance with the provisions of this Act.

Expense of Conducting Examinations.

SECTION 42. The County Superintendents shall be allowed all necessary expenses incurred in holding examinations for teachers and eighth grade pupils, for blanks, books, stationery, pens, ink, and for assistance in grading eighth grade examination papers, such assistants not to exceed two (2) in number, who shall receive as compensation Four Dollars (\$4.00) per day, such expense to be paid out of the current expense fund of the county.

Annual Report; Ascertainment of District Boundaries.

SECTION 43. (a). He shall, on or before the first day of October in each year, make and transmit an annual report to the State Superintendent for the fiscal year ending June 30, next preceding, which report shall contain an abstract of all reports made to him by the district clerks of the several districts of the county, together with such statistics, items and statements, relative to the schools of the county, as may be required and prescribed by the State Superintendent. Such reports shall be made upon and conform to the blanks furnished by the State Board of Education for that purpose.

(b). He shall require and ascertain whether the boundaries of the school districts in his county are definitely and plainly described in the records of the Clerk of the Board of County Commissioners, and 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 report such fact to the Board of County Commissioners at their regular meeting in July, and such Board shall immediately take such steps as are necessary to change, harmonize, and clearly define them. The County Superintendent, if he deem it necessary for the guidance of school census marshals, may order the description of the district boundaries printed in pamphlet form, to be paid out of current expense fund of the county.

Appointment of Trustees for New District.

SECTION 44. The County Superintendent shall appoint trustees for all newly organized school districts, who shall serve until the next regular election, and shall fill all vacancies that may occur in the Board of Trustees of a district by reason of death, resignation or otherwise, and such appointment shall hold until the next regular election.

Failure to Report to State Superintendent; Penalty.

SECTION 45. If the County Superintendent fails to make a full and correct report to the State Superintendent of Public Instruction of all statements required by law to be made, he forfeits the sum of One Hundred Dollars (\$100) from any moneys due him from the county, and the Board of County Commissioners is hereby authorized and required to deduct therefrom the sum aforesaid upon information from the State Superintendent of Public Instruction, that such reports have not been made.

ARTICLE V.

SCHOOL DISTRICTS.

(For Independent School Districts, See Article XIII.)

SECTION 46. Each regularly organized school district in this State is hereby declared to be a body corporate by the name and style of "School District Number-----, in the County of-----State of Idaho;" and in that name the trustees may sue and be sued, hold and convey prop-

erty for the use and benefit of such district, and make contracts the same as municipal corporations in this State.

New Districts and Changes in Boundaries.

SECTION 47. (a). The Board of County Commissioners may, at any regular meeting of said Board, create new districts, or change the boundaries of existing districts, or attach to one or more districts, the territory of any district which shall have lapsed for any reason. All proceedings under this Section shall be commenced by petition which must be filed in the office of the County Superintendent at least twenty (20) days preceding the meeting of the Board of Commissioners, at which it is to be presented. All petitions, either for the formation of a new district or any other change of boundaries, shall set forth in general terms the proposed changes and shall be accompanied by, and refer to, a map showing all existing boundaries of districts affected and all proposed new boundaries which will be established by the granting of such petition.

(b). A petition for a new district shall be sufficient if signed by the parents or guardians of ten (10) or more children of school age who are residents of the proposed new district, and no further signers shall be required. In all other cases—excepting a proposed union of contiguous districts—proposing a change of boundaries of any district, the petition therefor must be signed by at least two-thirds ($2/3$) of those who are heads of families and residents of each of the districts whose boundaries will be affected by the change. No such change of boundaries or organization of a new district shall take effect until the opening of the next school year.

(c). Two or more districts lying contiguous may, upon petition of a majority of the heads of families residing in each of said districts, be united to constitute one (1) district. No district containing less than nine (9) square miles shall be divided either for the purpose of forming a new district or any other change of boundaries, except on approval of the County Superintendent of schools, and a unanimous vote of the Board of County Commissioners. No district shall be divided and territory taken therefrom either for the formation of a new district or for any other purpose if the remainder of the district will contain less than fifteen (15) persons of school age. No incorporated cities or towns shall hereafter be divided into two (2) or more districts.

(d). Whenever it shall appear that a pupil living in one district cannot attend school in his or her own district because of the distance of the school house, or for any other valid reason, such pupil may attend the school in any district in the county in which his or her own district is situated, upon making the proper application to the County Superintendent, which official shall be the judge of the necessity for making such change, and the district shall receive for such pupil's tuition from such pupil's district such an amount as said pupil would be accredited with in his or her own district.

Notice of Proposed Changes.

SECTION 48. It shall be the duty of the County Superintendent, upon receipt of any petition as herein provided for, to give notice immediately to all parties interested, by sending notice by registered mail to each of the trustees of the district to be affected by such change or changes; and by causing printed notices to be posted in at least three (3) public places in the district so affected, one of which shall be on the door of the school house in said district, for at least one (1) week. Such notice must state the change or changes to be made in said district, that the said petition is on file in the office of the County Superintendent, and that the same will be presented to the Board of County Commissioners at its next regular meeting for final action. The Superintendent must transmit the said petition to the said Board with his approval or disapproval, and, if he approve the same, he may note such changes in the boundaries as in his judgment shall be for the best interests of all parties concerned.

Action on Petition.

SECTION 49. The Board of County Commissioners shall act upon the same at its next regular meeting. If such petition be granted it may be in accordance with the original prayer or with such modifications as the Board may choose to make.

Joint Districts; How Formed.

SECTION 50. A Joint School District may be formed from territory belonging to two (2) or more contiguous counties. For the purpose of organizing a joint district the same preliminary steps must be taken, and the same course pursued in the organization of other districts as provided in Sections 47 and 48 of this Act. Such districts shall be designated as "Joint District No. _____ of the Counties of _____," and be so numbered that it shall have the same number in all the counties from which it was formed. The petition re-

quired by Section 47 shall be made to each County Superintendent interested; Provided: That the school census, the record of attendance at school, the assessing of property, the collection of taxes, and all acts which, from their nature, shall be separately kept, shall be kept and done, and the report thereof made as if each portion of said district were an entire district in the respective counties. The teacher of such joint district shall not be required to hold a certificate in both counties.

Apportionment for New Districts.

SECTION 51. All new districts formed of unorganized territory shall be entitled to their just proportion of school moneys at the next apportionment, and the County Superintendent shall place the same to the credit of such district; Provided: That in no case shall such district be entitled to use the same unless school has commenced therein, and six (6) months shall not have elapsed since the date of its organization; Provided, further: If any new district is organized from any part of any other organized district or districts, as provided in this Chapter, the County Superintendent, after having ascertained the amount of moneys belonging to said old district or districts and deducting said indebtedness and liabilities, must apportion to said new district, exclusive of bonded indebtedness, its due per capita proportion of money or indebtedness, as the case may be, from said districts from which it may be formed. And, in case of joint districts, the County Superintendent must apportion to such district such proportion of the school money to which such district is entitled as the number of school children residing in that portion of the district situated in his county bears to the whole number of school census children in the whole district.

Lapsed Districts.

SECTION 52. If any school district shall, for the period of one (1) year, fail to maintain a school for at least four (4) school months, or keep up its organization of officers, as is required by law, or if there has been an average attendance for three (3) consecutive months of only five (5) pupils or less, such district shall lapse, and the money in the treasury of the county belonging thereto shall be apportioned by the County Superintendent among the other districts in the same manner as other moneys are apportioned. The property of any school district that shall lapse shall be sold by the County Superintendent in such manner as he shall deem best. The

proceeds of such sale, after the payment of any indebtedness of said district, shall be placed to the credit of the general school fund. The territory included within the boundaries of the said school district shall, by order of the County Commissioners, be attached to one (1) or more school districts. The Board of Trustees shall have power, when the annual meeting shall neglect or refuse to levy a special tax to maintain the schools, to levy a special tax upon all the property in the district, which when added to moneys apportioned by the County Superintendent of Schools, will be sufficient to provide funds for the maintenance of the school as provided in Section 54 of this Act. The taxes so levied are and shall be a lien upon the property taxed, the same as other taxes, and shall be collected in the same manner.

ARTICLE VI.

DISTRICT TRUSTEES.

Constitution of Board of Trustees.

SECTION 53. The Board of Trustees of each school district consists of three (3) members, one (1) of whom shall be elected at each regular school election for the term of three years, so that but one (1) trustee shall retire in any year. Each trustee shall, before entering upon the duties of his office, take and subscribe the official oath, which must be filed in the office of the County Superintendent. Immediately after their election and qualification, they must elect from their number a chairman and a clerk.

Annual School Meeting.

SECTION 54. (a). The annual school meeting for the transaction of the school district business, in districts other than Independent School Districts shall be held on the third Monday in April. The Clerk of the Board of Trustees shall cause notices to be posted, using blanks provided by the County Superintendent for that purpose, specifying the time and place of such meeting and what business shall be transacted at said meeting. Said notice shall be published for two (2) issues in a newspaper published nearest the place of holding said election, and posted in three (3) public places in the district, one (1) of which shall be the school house, if there be one, at least (10) days previous to the time of the meeting. If the Clerk fails to give such notice, then any two (2) legal voters

residing in the district may give such notice over their own names, and such annual meeting may be held after the day fixed in this Section for such annual meeting.

(b). All elections of trustees shall be by ballot; the polls shall be opened by one of the Board of Trustees, or by any qualified elector if no trustee be present, at the time specified in the notice. If no time is specified in the notice, then the polls shall be opened at one (1 o'clock) P. M. and closed at five (5) o'clock P. M. of the same day. Said election shall be conducted as any other county election, except that one (1) judge and one (1) clerk may constitute the Board of Election, and any trustee or qualified elector may administer the oath to said judge and clerk. At all elections under this Article, voters must have the same qualifications as prescribed for the general elections in this State. Said judge and clerk shall make immediate return of such election to the County Superintendent, which the County Superintendent shall file in his office.

(c). Said annual meeting shall determine if a special tax shall be levied, and the rate of the levy, which shall not exceed fifteen (15) mills on each dollar of taxable property. Said special tax shall be for building or repairing school property, for school equipment, or for the support of the schools. Having determined the rate to be levied, the meeting shall proceed to ballot, on which ballot shall be written or printed, "Tax, Yes," "Tax, No," and none but actual resident freeholders or heads of families of said district shall vote at the election to determine the special tax. A separate ballot box shall be used for voting on any question of taxation or other business concerning schools and school interests from that used in voting for trustees. If a majority of the votes polled at such election are in favor of the tax, the Board of Trustees shall immediately make such levy and certify the fact, the date thereof, and the rate of tax levied, the year for which levied, and the number of the district, to the Clerk of the Board of County Commissioners and the County Assessor, but not more than one such special tax can be levied in any one (1) year.

(d) Said annual meeting shall determine the length of time a school shall be taught in the district for the ensuing year, which shall not be less than four (4) months, by a legally qualified teacher in a district having less than twenty (20) pupils of school age, nor less than six (6) months in districts having between twenty (20) and seventy-five (75) pupils, inclusive, nor less than nine (9) months in districts having

more than seventy-five (75) pupils. They may also determine and instruct the district trustees as to the length of the different terms of school, and the seasons of the year in which the same shall be taught; and the district officers shall see that school is actually taught therein by a licensed teacher in conformity to such instructions and for not less than the length of time herein required. No school shall receive any of the State funds unless school shall have been actually taught therein for the time required by the Act; Provided: That, in case of quarantine or loss of school house, such closing of school shall not prevent district from drawing its proper share of the State apportionment.

(e). Said annual meeting shall transact all business required by the notice of the meeting, and it shall be lawful to transact any other business pertaining to schools and school interests.

Trustees Shall Qualify.

SECTION 55. Trustees shall qualify within fifteen (15) days after receiving notice of their election by taking the official oath, which oath may be administered by either of the other trustees or a retiring trustee, and such oath shall be subscribed and filed in the office of the County Superintendent.

Assessment and Collection of Tax.

SECTION 56. Upon receiving the statement from the trustees of any school district showing special tax levied, the assessor must assess upon all property in the district subject to taxation the tax so levied and certified to him as aforesaid; but for that purpose he is not required to take new statements from the owners of property, but his assessment of all special taxes so levied may be computed and made upon the valuation of property as fixed by the Board of Equalization for State and county purposes, and as appears upon the assessment roll in the same year; said special taxes so levied as aforesaid shall become a lien upon the property so assessed from the date of assessment, and shall be due and payable at the same time as State and county taxes, and in all respects are to be collected in the same way, except that the assessor must keep a separate list or assessment roll thereof, and, when paid, must be named in his receipt to the taxpayer as a separate item, and he must pay them to the County Treasurer as he pays other taxes; but, at the time of payment, he must specify to the Treasurer what taxes they are, and take a separate receipt therefor and keep separate accounts thereof. The Board of County Commissioners shall furnish the assessor with such blanks as are

needed to comply with the provisions hereof. The provisions of this and the preceding sections for the levy and collection of taxes shall not apply to Independent Districts so established, which have special laws for the collection of school taxes.

Regular Meetings of the Board.

SECTION 57. The regular meetings of the Board of Trustees shall be held on the last Monday of March, June, September and December. The Board may, however, hold other special or adjourned meetings, as they may from time to time determine. Any two of such trustees shall constitute a quorum for the transaction of business.

General Duties of Trustees.

SECTION 58. It shall be the duty of the trustees of each district: (a). To employ teachers on written contract, but before such contract can be legally signed it shall be the duty of the teacher to exhibit his or her certificate or permit to teach to the Board of Trustees, and it shall be the duty of the trustees to file a copy of such contract or permit with the County Superintendent.

(b). To fix, allow and order paid the salaries and compensation of such teachers.

(c). To fix the compensation of the Clerk of the Board.

(d). And to determine the rate of tuition of non-resident pupils; Provided: That any pupil or pupils of the eighth grade who are of high school qualifications of any district, shall be eligible to attend any high school within his county without paying tuition, but the County Superintendent shall transfer from the district to which said pupil or pupils belong to the district holding the high school attended, a sum of money bearing the same proportion to the amount of money received by the district during the year, as said pupil or pupils bear to the total school census of the district in which such pupil or pupils belong.

(e). The trustees shall have power to discharge any teacher for neglect of duty, or for any cause that, in their opinion, renders the services of such teacher unprofitable to the district; but no teacher shall be discharged before the end of his or her term without a reasonable hearing.

(f). The trustees shall not contract to compel teachers to make up time while attending any annual county or joint institute, or while attending a meeting of the State Teachers' Association.

(g). The trustees shall have charge of all school property in their district and shall have power to receive in trust all real estate or other property conveyed to said school district; and to convey by deed, duly executed and delivered, all the estate or interest of their district in any school house or site directed to be sold by vote of their district. All conveyances made to said Board must be made in their corporate name, to-wit: "To Trustees of School District No.----- County-----, State of Idaho." Said trustees have further power, when directed by a vote of their district, to build or remove school houses, to purchase, receive, hold and convey real and personal property for school purposes, and to hold, purchase and repair school houses and to supply the same with necessary furniture and to fix the location of school houses subject to the rules and regulations of the State Board of Education; Provided: That all such repairs and construction work shall be submitted to competitive sealed bids when such work required shall exceed the sum of One Hundred Dollars (\$100); Provided, further: That a school house already built shall not be removed, nor a new site for a school house be designated, except when directed by a two-thirds ($\frac{2}{3}$) vote of the electors of said district voting at an election held for that purpose, which election may be a special or a general school election; Provided: That no trustees shall be pecuniarily interested directly or indirectly in any contract made by the Board of Trustees, of which he is a member, and any contract made in violation of this section is null and void.

(h). The trustees of the respective districts must furnish all things, not herein provided for, necessary for the comfort and the use of their district, such as janitor service, fuel, improvements, maps, and apparatus, library; and for all such purposes may audit and allow accounts against the school fund of their district, not to exceed twenty-five (25) per cent of the amount of such school fund in any one (1) year.

(i). At least three (3) per cent of the moneys annually appropriated to any district other than an Independent District shall be applied by the trustees for the maintenance of a school library, selections of books for which shall be made from a list of books furnished to each district and compiled by the State Board of Education. The Board of Trustees shall keep the library in a suitable case at the school house; shall keep a list of all books in the library; loan the books to pupils and patrons within the district for a period not to exceed four (4) weeks at any one time; hold patrons,

parents or guardians to strict accountability for books loaned, requiring them to replace the same in the event of loss, or damage; report to the County Superintendent the number of books purchased during the year, the number of books lost and other information required by the County Superintendent, and for the further good of the library shall make all needed rules and regulations.

(j). It shall be the duty of the Clerk of the Board of Trustees of each district to keep a record of the transactions of his district in a book furnished by the County Superintendent, the form of which shall be prescribed by the State Board of Education; said record, so kept, shall show all the data and the information required in said books to be shown by the forms thereof and shall be open to the inspection of the County Superintendent when visiting the district; and the trustees of each district shall make a full report in writing annually, on the first day of July, to the County Superintendent of their county, on blanks furnished, which shall be exact copies of the pages of the book herein required to be kept, together with such matters pertaining to schools as may be required of them by the State Superintendent.

It is the duty of the trustees of the respective districts, on receiving a report from any teacher of the disorderly conduct of any pupil, to decide how said insubordinate pupil shall be punished, or whether he or she shall be dismissed from school, and the teacher must enforce the decision so made.

(k). The Clerk of the Board of Trustees shall, on the first Tuesday of September of each year, proceed to enumerate the children of school age in his district, employing assistant enumerators if necessary, and he shall not enumerate any except bona fide residents thereof, and the Board of Trustees shall cause a true and certified copy of said census to be transmitted to the County Superintendent. School age, as herein used, is defined as applying to all persons between the ages of six (6) and twenty-one (21) years, said census to be completed and filed by the third Tuesday in September. For said services, said clerk shall be allowed, as full compensation therefor, Five Cents (5c) for each child so enumerated, and the chairman of the Board of Trustees shall draw his order upon the county auditor, which must be countersigned by at least one other member of the Board of said district, for the amount so allowed, and it must be charged against and paid out of the fund of said district.

Shall Provide Flag.

SECTION 59. It shall be the duty of the trustees of every school district in the State of Idaho to cause to be erected, and to keep in repair, upon all public school houses, or within the school house grounds surrounding such public school building, a good and sufficient flag staff or pole, together with all necessary adjustments, and they shall provide a United States flag or not less than four (4) by eight (8) feet in size, which shall be floated from such flag staff or pole during the school hours of such days as the trustees and teacher may determine; Provided: That the flag shall not be hoisted on any school building during any day when a violent storm or inclement weather would destroy or materially injure such flag. The flag used by any and all such school districts, as provided for in this Section, shall be paid for out of the current expense fund of said district. The flags for use of public school buildings are hereby declared to be necessary supplies and are to be paid for from the aforesaid fund. Any person or persons who shall wilfully injure, deface, or destroy any flag, flag staff, or pole, or adjustment attached thereto, erected and arranged for the purpose of carrying out the requirements of this Section, shall be guilty of a misdemeanor and upon conviction, shall be fined not less than Five Dollars (\$5.00), nor more than Fifteen Dollars (\$15).

Attendance of Non-Resident Pupils.

SECTION 60. Trustees may determine whether pupils outside of their counties may attend school within their districts and upon what terms.

Report of Trustees.

SECTION 61. It is the duty of the Board of School Trustees to make a report in writing, on the first day of July, of the financial condition of their respective school districts, showing the amount of money received, from what source, the amount expended, and in what manner and for what purpose expended, and the amount of money in the treasury of the district or to the credit of the district on hand at the date of the report, the said report to show in full the financial condition of the district at the date thereof; Provided: That the report of any expenditure shall contain the specific items, amounts, and names to whom such expenditures were made. It is hereby made the duty of the Board of School Trustees of each district to cause the said report to be published in a newspaper published nearest the school house of said district and posted in three (3)

conspicuous places in the district, and to retain a copy of the said report in the office of the Clerk of the School Board of said district, where the same may be at all times open to examination and inspection by any person.

Trustees' Meetings.

SECTION 62. That the Board of Trustees of every common school district and the Board of Education of every Independent School District are authorized to select one (1) of their members to attend any meeting called by the County Superintendent for the purpose of general instruction, and are authorized to defray the expenses of such member, in an amount not to exceed the sum of Three Dollars (\$3.00) per diem and Three Cents (3c) per mile going to and from such meeting, such expense to be paid for from the general fund of the district; Provided: That such allowance shall not be for more than two (2) days in any one (1) year.

ARTICLE VII.

SCHOOL FUNDS AND FINANCES.

Public School Fund.

SECTION 63. The public school fund of the State shall consist of the proceeds of such lands as have hitherto been granted, or may hereafter be granted, to the State by the general government known as "school lands" and those granted in lieu of such lands acquired by gift or grant from any person or corporation under any law or grant, and of all other grants of land or money made to the State for general educational purposes, and all moneys accruing to the State from the estates of deceased persons.

Additional School Lands.

SECTION 64. All lands, title to which is acquired by the State by foreclosure or otherwise, on loans of school funds and all lands which escheat to the State by virtue of Section 5717 of the Idaho Codes of 1909 or otherwise, shall be held and treated as school lands, and may be sold and disposed of in the same manner. Said lands shall be under the charge and control of the State Land Board.

County School Taxes.

SECTION 65. For the purpose of establishing and maintaining public schools in the several counties of the State, the

Beard of County Commissioners of each county shall, at the time of levying the taxes for state and county purposes, levy a tax of not less than five (5) mills nor more than ten (10) mills on each dollar of taxable property, in their respective counties, for school purposes. Said taxes must be assessed and collected in each county as other taxes for state and county purposes. For the further support of the public schools, there shall be set apart by the County Treasurer of each county and placed in the county school fund all moneys arising from fines, forfeitures or breaches of any of the public penal laws of the State.

Distribution of School Moneys.

SECTION 66. The income of the State School Fund and taxes collected by the State for the support of the public schools which shall be received up to the first day of January and the first day of July of each year, shall be distributed semi-annually during said months respectively in each year among the several counties of the State from which reports have been received by the State Superintendent of Public Instruction, as provided in this Chapter, in proportion to the number of children of school age, as shown by the last school census list of each county, and the Superintendent of Public Instruction shall certify such apportionment to the State Auditor, and, upon such certificate, the Auditor shall draw his warrant in favor of the county treasurer of each county, for the amount due such county. The Superintendent shall also certify to the treasurer and the superintendent of each county the amount apportioned to each county.

Apportionment By County Superintendent.

SECTION 67. The County Superintendent shall require from the county treasurer, quarterly each year, a report of the amount of money on hand to the credit of the school fund of each county, not already apportioned, and the County Treasurer shall furnish such report when required. The County Superintendent, upon receiving such report, shall proceed to apportion the public school moneys, both county and State, reported by the County Treasurer to be in the County Treasury, among the several school districts in the following manner, to-wit:

Two-thirds (2-3) of the whole amount he shall apportion per capita among the several districts in proportion to the number of children in each district as shown by the last report of the census marshall of each district; Provided: That no district shall be considered as having less than twenty (20) census



pupils. Five (5) per cent of the remaining one-third (1-3), or such of the same as may be needed, he shall apportion among the rural high school districts and districts organized under the consolidated plan which carry high school work, in proportion to the number of teachers regularly employed in such high schools. The amount apportioned to any such high school shall not exceed the sum of Three Hundred Dollars (\$300) in any school year for each teacher so employed in such high schools. Fifty (50) per cent of the remainder, or so much thereof as may be needed, shall be used for the relief of all districts organized under Article V of this Act which are unable to maintain the minimum term as provided in Article VI, Section 54 of this Act, when such districts, after having levied a special tax of ten (10) mills, have not sufficient funds to maintain the minimum term. The County Superintendent shall be the judge as to the needs of such districts. The balance of the whole amount remaining after such aid has been given shall be apportioned per capita among the several districts in proportion to the number of children in each district as shown by the last report of the census marshall of each district; Provided: That no district shall share in any of the distribution of public funds, as provided in this Section, unless said district shall have complied with the provisions of this Act. Immediately after such apportionment, the County Superintendent shall certify to the County Treasurer the amounts which are to be placed to the credit of each district, and notify the clerk of each district of the amount placed to the credit of his district.

Accounts of Treasurer With School District.

SECTION 68. It is hereby made the duty of the County Treasurer of each county to keep a separate account with each school district in the county; place to the credit of each the amount of money certified to by the County Superintendent, as provided in this Chapter and to pay over the money on legally drawn warrants or orders of the district officers entitled to the same; Provided: That it shall be the duty of the County Superintendent, whenever any Board of Trustees fails to comply with the provisions of this Chapter, or any subsequent Act, to notify the County Treasurer in writing that there has been a failure upon the part of such Board of Trustees to comply with the law. Whereupon it shall be the duty of the County Treasurer to withhold all moneys apportioned to the district governed by said Board of Trustees, until he shall have received

notice from the County Superintendent that the Board governing said district has fully complied with the law. All moneys that shall be finally forfeited by any district shall be put into the general school fund of the county and be apportioned as other moneys. And it shall be the duty of said Treasurer to receive and hold, as special deposits, all moneys belonging to the public school fund of his county, in accordance with the provisions of this Chapter, and to pay them over only on warrants of the County Auditor; Provided, further: That the said County Treasurer shall pay over to the Treasurer of any Independent School District organized under the provisions of this Chapter, all moneys belonging to such district, upon the presentation of an order from the Clerk of the Board of Trustees of such district, signed also by the chairman thereof, and countersigned by the County Superintendent and County Auditor.

Duties of County Superintendent.

SECTION 69. It shall be the duty of the County Superintendent in each county to keep a separate account with each school district in his county; to place to the credit of each district the amount apportioned by him as provided for in this Article; to countersign all legally drawn warrants and orders of the district officers entitled to draw the same; to enter the same upon his books in proper form, giving date, number of such warrant or order, to whom drawn, for what purpose, and the amount of the same. And further, it shall be the duty of the County Superintendent to collect, by process of law, all penal fines not paid over by the justices of the peace, or other officers required by law to pay the same into the County Treasury; and the same may be collected and recovered by action at law, in which the State of Idaho, by the County Superintendent, is plaintiff and the officer neglecting or refusing to pay over said moneys is defendant.

Auditor to Draw School Warrants.

SECTION 70. It shall be the duty of the County Auditor, upon presentation of any order from the Clerk of the Board of Trustees of any school district in his county, (said order also being signed by the chairman of the said Board of Trustees, or in his absence, by the other members of the Board) to draw his warrant upon the school fund standing to the credit of the said district in favor of the persons mentioned in said order; Provided: That the said orders have been countersigned by the County Superintendent, but in no case

shall he issue a warrant for a greater amount than there is cash in the Treasury to the credit of said district, except as provided in the four following Sections; Provided, further: That, in the case of Independent School Districts, the above shall be inoperative and the warrant of the Clerk of the Board, countersigned by the chairman of the Board, or, in his absence, by the other members of the Board, shall become a demand on the Treasurer of the Independent School District for the amount of the warrant. In no case shall a warrant be issued in an Independent School District for a greater amount than there is cash in the Treasury of the district, except as provided in the four following Sections.

Deficiency Warrants.

SECTION 71. The Trustees of any school district may issue orders for warrants for the payment of teachers for their services in teaching, and for other necessary expenses connected with the school, whether or not there is any money in the treasury to the credit of the district issuing such orders for warrants; Provided: That the total amount of such orders for warrants shall not exceed the income and revenue for such district for such year; Provided, further: That the total amount of such orders for warrants or Independent School District warrants shall not exceed ninety-five (95) per cent of the income and revenue for such district for such year, until such income and revenue has been paid into the Treasury to the credit of the district issuing such orders for warrants.

Same: Superintendent to Countersign Orders.

SECTION 72. It shall be the duty of the County Superintendent of the county in which such orders for warrants are issued to countersign all such legally drawn orders for warrants when presented to him for signature.

Same: Issuance of Warrant.

SECTION 73. On the presentation of an order for a warrant properly countersigned by the County Superintendent, the County Auditor shall issue a county warrant for the same as provided by law.

Same: Presentment for Payment.

SECTION 74. The person holding such warrant issued by the County Auditor or Independent School District may present the same to the County Treasurer or Independent School District Treasurer for payment. If there is not money in the treasury to the credit of the said district on which the warrant

is drawn to pay such warrant, the Treasurer shall indorse on the back of said warrant, "Not paid for want of funds." Warrants so indorsed by the County Treasurer or Independent School District Treasurer shall draw interest at the rate of seven (7) per cent per annum from the date of indorsement until paid; Provided: That, when the warrants of the district shall be at a discount, the warrant shall be drawn for a sufficient amount to cover the discount.

Investment of Surplus Money.

SECTION 75. Whenever there shall have accumulated in the hands of the Treasurer of any School District in the State, moneys belonging to said School District to an amount in excess of the amount which, in the opinion of the School District Board of said District, shall be necessary for the current expenses of maintaining the schools in said District, the same shall be invested by the said Board in United States bonds, State bonds, State warrants or county warrants, when the market value thereof is not below par. And said Board shall deposit said securities in some safe deposit, and they shall there be kept until it shall become necessary to convert the same into money for school district purposes, to be determined by said Board.

ARTICLE VIII.

SCHOOL DISTRICT BONDS.

Calling Bond Elections.

SECTION 76. The Board of School Trustees of any school district may, whenever a majority so decides, submit to the qualified voters of the State of Idaho who are resident free holders or householders of the district, and their wives who are qualified electors, the question whether the Board shall be authorized to issue coupon bonds to a certain amount, not to exceed twelve (12) per cent of the taxable property in said district, and bearing a rate of interest not exceeding six (6) per cent per annum, and payable and redeemable at a certain time, for the purpose of building or providing one or more school houses in said district, with all necessary furniture, desks, blackboards, globes, charts, outline maps, etc. And the Board of School Trustees of any School District, which has issued bonds for any of the purposes enumerated in this Section, may submit to the electors of such district the question whether the Board shall be authorized to issue coupon bonds

to refund or take up any of the bonded indebtedness of such district, at a rate of interest not exceeding six (6) per cent per annum.

Election; Issuance and Registration of Bonds.

SECTION 77. Such elections must be held in the manner prescribed for elections in this Chapter. The ballots must contain the words "Bonds, Yes" or "Bonds, No." If two-thirds of the votes cast at such elections are "Bonds, Yes," the Board of Trustees must issue such bonds in such form as said Board may direct; they must bear the signature of the chairman of the Board of Trustees, and be countersigned by the Clerk of the School District, and the coupons attached to the bonds must be signed by said chairman and said Clerk; and each bond so issued must be registered by the County Treasurer in a book provided for that purpose, which must show the number and amount of each bond and the person to whom the same is issued, and the said bonds must be sold by the said School Trustees as hereinafter provided.

Sale of Bonds.

SECTION 78. The School Trustees must give notice in some newspaper published in the State, for a period of not less than four (4) weeks, to the effect that said School Trustees will sell said bonds, briefly describing the same, and stating the time when, and the place where said sale will take place; Provided: That the said bonds must not be sold for less than their par value, and the Trustees are authorized to reject any bids and to sell said bonds at private sale if they deem it for the best interest of the district, and all moneys arising from the sale of said bonds must be paid forthwith into the treasury of the county in which said District may be located, to the credit of said District, and the same are immediately available for any of the purposes authorized by this Chapter.

Liability of School District.

SECTION 79. The faith of each School District is solemnly pledged for the payment of the interest and the redemption of the principal of all bonds, which are issued under this Article. And for the purpose of enforcing the provisions of this Article, each School District is a body corporate, and may sue and be sued by or in the name of the Board of School Trustees of said District.

Tax Levy to Pay Bonds; Investment of Sinking Fund.

SECTION 80. The School Trustees of each District must ascertain and levy annually the tax necessary to pay the in-

terest as it becomes due and to create a sinking fund to redeem the bonds at their maturity, and said tax is a lien upon the property of said School District, and must be collected in the same manner as other taxes for school purposes; Provided: That the said sinking fund may, at the discretion of the Board, be loaned on first mortgage or improved farm lands, but no loan shall exceed one-third (1-3) of the market value of the land, exclusive of the improvements thereon, given as security for such loans. The annual interest on all loans herein provided for shall be seven (7) per cent. Said sinking fund may be invested in United States bonds, State bonds, county bonds, county or State warrants, when the market value thereof is not below par, at the discretion of said Board.

Redemption of Bonds.

SECTION 81. When the sum in the sinking fund equals or exceeds the amount of any bond then due, the County Treasurer shall post in his office a notice that he will, within thirty (30) days from the date of such notice, redeem the bonds then payable, giving the number thereof, and the preference must be given to the oldest issue; and if, at the expiration of the said thirty (30) days, the holder or holders of said bonds shall fail or neglect to present the same for payment, interest thereon must cease; but the Treasurer shall, at all times thereafter, be ready to redeem the same on presentation, and when any bonds are so purchased or redeemed, the County Treasurer must cancel the same by writing across the face of each bond, in red ink, the word "Redeemed," and date of such redemption.

Payment of Interest on Bonds.

SECTION 82. The County Treasurer must pay out of any moneys belonging to a school district, the interest upon any bonds issued under this Article by such school district when the same becomes due, upon the presentation at his office of the proper coupon, which must show the amount due and the number of the bond to which it belonged; and all coupons so paid must be reported to the school trustees at the first meeting thereafter.

Bonds to Be Printed.

SECTION 83. The School Trustees of any district must cause to be printed or lithographed, at the lowest rates, suitable bonds, with the coupons attached, when the same becomes necessary, and pay therefor out of any moneys in the County Treasury to the credit of the School District.

Neglect to Pay Over Money a Felony.

SECTION 84. If any of the School Trustees, other than Independent School District Trustees having their own treasurer, fraudulently fail or refuse to pay into the County Treasury the money arising from the sale of any bonds provided for by this Article, they are guilty of a felony.

ARTICLE IX.**TEACHERS.****Register and Report of Teachers.**

SECTION 85. Teachers of the public schools must be furnished with a school register by the trustees of the district, for the purpose of registering the names of their pupils, and their daily attendance at schools, and at the close of the term said register must be delivered to the Clerk of the Board of Trustees of the District. The teacher must also be furnished with a blank report by said trustees, which report said teacher must fill up according to the heading of the same and transmit it to the County Superintendent of the county at the close of the term, and no teacher shall be allowed an order in excess of ninety per cent of his or her salary until said report is so made out and transmitted.

General Duties of Teachers; Suspension of Pupils.

SECTION 86. (a). Every teacher in the public schools may suspend, for good cause, any pupil, and report such suspension to the Board of Trustees for review. If the action of the teacher is sustained by the Board, the pupil may be censured and returned to the school or expelled from school, as in the judgment of the Board seems proper; but if not sustained, the teacher may appeal to the County Superintendent, whose decision shall be final.

(b). Every teacher shall make reports, in addition to those mentioned elsewhere in this chapter, which may be required by the State Superintendent, County Superintendent, or by the school district Board of Trustees; shall use the text books provided for the schools of the State; enforce the course of study and the rules and the regulations prescribed by the State Superintendent; hold pupils to a strict account for disorderly conduct or improper language in or about the building, on the play grounds, and on the way to and from school; shall keep himself or herself without reproach, and endeavor to

impress upon the minds of the pupils the principles of truth, justice, morality, patriotism and refinement, and to avoid idleness, falsehood, profanity, vulgarity and intemperance; give attention during every school term to the cultivation of manners, and shall, if there be a library in the school, devote not less than one hour in each week to systematically reviewing the works contained therein.

Teachers Must Have Certificate.

SECTION 87. No teacher shall be entitled to, or receive, any compensation for the time he or she teaches in any public school without a certificate valid or in force for such time in the county where such school is taught, except that if a teacher's certificate shall expire by its own limitation within six weeks of the close of the term, such teacher may finish such term without re-examination or renewal of his or her certificate.

ARTICLE X.

CERTIFICATION OF TEACHERS.

Certificates Not Granted to Aliens.

SECTION 88. No persons shall be granted a certificate or employed as teacher in any public school who is not a citizen of the United States, or who has not declared his intention to become such.

Time, Place, and Manner of Holding Examinations.

SECTION 89. Examinations for State and for State Life Certificates shall be held upon the fourth Thursday in February and August of each year. Examinations for County Certificates shall be held upon the fourth Thursday in February, May, August and November of each year. The examinations for each county shall be held in a suitable room at the county seat, and such examinations shall be under the charge of the County Superintendent, and shall be conducted in accordance with the rules and regulations of the State Board of Education. The questions used in these examinations shall be such only as are sent out under seal by the State Board of Education, and the questions shall be opened on the day of examination in the presence of those to be examined. The County Superintendent shall send all examination papers of teachers to the office of the State Superintendent for grading in accordance with Section XI, Article 1, of this Act.

STATE AND STATE LIFE CERTIFICATES.

Classes of Certificates.

SECTION 90. The certificates issued by the State Board of Education shall be State Certificates, and Specialists' State Certificates, each of which shall be valid for eight (8) years, and State Life Certificates, valid for life, unless revoked for cause; Provided: That a State Life Certificate shall lapse when the holder thereof has not been actively engaged in school work for five (5) consecutive years. Said State Life Certificate shall, in such event, be renewable at the option of the State Board of Education.

State Certificate By Indorsement.

SECTION 91. (a). The State Board of Education may issue State certificates to persons of good moral character who are graduates from the advanced course (two (2) years' normal work above a four year high school course) of State Normal Schools of other states, who hold state or life certificates in such states, and to graduates of any chartered college or university having the power to grant degrees; Provided: That the bachelor degree of said college or university is recognized for credit by the state university of its respective state; Provided, further: That all applicants for certificates under this Act shall have been actually engaged in teaching within two (2) years of the date of making such application and shall present with such application satisfactory proof of having been successfully engaged in teaching for a period of not less than eighteen (18) months, together with certificate of graduation from such approved state normal, college or university. Such certificates may be renewed by the State Board of Education so long as the holder thereof is worthy, in their judgment, of continuing to teach in the State.

(b). The State Board of Education may issue Specialists' State Certificates, good only for special teachers of music, drawing, manual training, domestic science and physical education to persons of good moral character who are graduates from approved schools which offer courses of not less than two (2) years' work in any of the above mentioned special departments; Provided: That all candidates for such Specialists' State Certificates as above provided shall first present satisfactory evidence of having completed an academic course of a grade not lower than graduation from an approved high school before having entered upon such special course of two (2) years' work; Provided, further: That such Specialists' State

Certificate shall authorize the holders to teach only in the special department or departments mentioned in said certificate.

University of Idaho Graduates Entitled to Certificates.

SECTION 92. Every graduate of the University of Idaho receiving either the degree of the Bachelor or Arts or Bachelor of Science, and the certificate of the head of the Department of Education of said University that he has completed the required work in said department, or in lieu of said certificate, has taught successfully in the public schools of the State for a period of five (5) years, shall receive a State certificate from the State Board of Education, if in the judgment of said Board the candidate is not otherwise disqualified.

Life Certificate By Endorsement.

SECTION 93. The State Board of Education may issue a life certificate to any person of good moral character who holds a life certificate from another state of approved educational standing when such applicant shall present proof that he has been successfully engaged in teaching for at least five (5) years, two (2) of which shall have been in the State of Idaho, and shall furnish satisfactory evidence of his or her ability to instruct and to manage any school in the State by showing that he is either professionally trained or qualified by experience to do such work.

State Certificate By Examination.

SECTION 94. The State Board of Education shall issue a State certificate to any person of good moral character who shall pass a thorough examination in such branches as the State Board of Education may direct; Provided: That such applicant shall present proof that he has been successfully engaged in teaching for at least three (3) years, and shall furnish the Board with satisfactory evidence of his ability to instruct and to manage any school within the State, and shall hold at the time a valid first grade county certificate.

Life Certificates By Examination.

SECTION 95. The State Board of Education shall issue a State life certificate to any person of good moral character who shall pass a thorough examination in such branches as the Board may direct; Provided: That the applicant has been successfully engaged in teaching for at least five (5) years, two (2) of which shall have been in the State of Idaho, and shall furnish the Board with satisfactory evidence of his ability to

instruct and to manage any school within the State, and shall hold at the time a valid State certificate.

Fees for State and State Life Certificates.

SECTION 96. Every person before receiving a State Certificate shall pay to the State Treasurer the sum of Five Dollars (\$5.00), and every person before receiving a Life Certificate shall pay to the State Treasurer the sum of Ten Dollars (\$10.00) for deposit in the State Board of Education Fund. The State Board of Education shall require the receipt of the said Treasurer before issuing said State Certificate or State Life Certificate. The State Board of Education Fund shall be used to defray any and all expenses incurred by said Board in carrying out the provisions of this Act.

Revocation of State and of State Life Certificates.

SECTION 97. The State Board of Education shall have power to revoke any State or State Life Certificate for any cause of disqualification which would have been sufficient ground for refusing to issue the same, had the cause existed or been known at the time of its issue; Provided: That before revoking any such certificate, the holder thereof shall have at thirty (30) days' notice to appear before the State Board of Education and show cause why such revocation should not be made.

Record of Certificates.

SECTION 98. The State Board of Education shall keep a record of all State and State Life Certificates granted or revoked, showing to whom issued, age of grantee, date of issue, grade of each certificate, and if revoked, the date and reason therefor.

COUNTY CERTIFICATES.

Grades of Certificates.

SECTION 99. The certificates issued by the County Superintendents in accordance with Section 13, Article I, and with Sections 88 and 89 of this Article shall be of three (3) grades, valid in the counties in which they are issued for the term hereinafter specified, unless sooner revoked:

First grade, five (5) years from the date thereof.

Second grade, three (3) years from the date thereof.

Third grade, one (1) year from the date thereof.

Provided: That first and second grade certificates shall be good in any county in the State for the same period by the

holder thereof filing a certified copy of the same with the County Superintendent in the county in which he desires to teach.

General Requirements.

SECTION 100. The County Superintendent shall grant certificates in such form as the State Board of Education shall prescribe, to those persons only who shall have attained the age of eighteen (18) years, who are of good moral character, and who, if the applicant has taught, shall have proved his ability to govern and to instruct a school.

Each applicant for a county certificate shall pay to the County Superintendent the sum of One Dollar (\$1.00), the same to be deposited in the County Treasury to the credit of the Institute Fund to be used in the institute work in addition to the regular appropriation.

The County Superintendent, upon issuing county certificates in accordance with the report of the State Board of Education as provided in Section 13, Article I, shall collect and forward to the State Treasurer for deposit in the State Board of Education Fund the sum of Three Dollars (\$3.00) for each first grade teacher's certificate; the sum of Two Dollars (\$2.00) for each grade teacher's certificate, and One Dollar (\$1.00) for each third grade teacher's certificate issued. No certificate shall be issued unless the applicant shall attain a general average of eighty-five (85) per cent, with no subject below seventy-five (75) per cent.

Third Grade Certificates.

SECTION 101. (a). Every applicant for a third grade certificate shall be examined in orthoepy, spelling, reading, penmanship, arithmetic, elementary composition, grammar, geography, history of the United States, the civil government of the United States, and of the State of Idaho, physiology and hygiene with special reference to the effects of stimulants and narcotics upon the human system, school law, the manual of the elementary course of study for the common schools of Idaho, and the elements of agriculture; and in addition to passing examinations in the aforesaid branches he shall have attended a professional school for teachers for at least six (6) weeks and shall have received in such school standings in the School Laws of Idaho, in school management, and in the methods of teaching reading and language, arithmetic, history and geography; Provided, however: That the provisions of this Section relative to at-

tendance at professional schools for teachers shall not apply to persons who have taught successfully for at least eight (8) months prior to July 1, 1911.

(b). In this Act "Professional School for Teachers" shall mean a state normal school, a state summer normal school for teachers, the department of education in the State University, or, in counties remote from a state normal school or state summer normal school for teachers, a teachers' normal institute maintained under such conditions and restrictions as may be provided by the State Board of Education; Provided: That such institute shall be taught by at least two (2) teachers and be of not less duration than six (6) weeks, and shall have in connection therewith a model or a practice school.

(c). A third grade certificate shall entitle the holder to teach for such period, not more than one (1) year, as may be specified therein, in the county in which the certificate is issued. A third grade certificate may be renewed if the holder shall, during the life of the certificate, attend a professional school for teachers for a period of not less than six (6) weeks and shall receive in such school credits in at least two (2) subjects. The holder of a third grade certificate may also renew the same by passing an examination in all the subjects required for a third grade certificate. Not more than three (3) grade certificates shall be granted after July 1, 1911, to the same person.

Second Grade Certificates.

SECTION 102. (a). An applicant to receive a second grade certificate shall have taught successfully in the public schools for at least eight (8) months and shall pass a satisfactory examination in all the branches required for a third grade certificate, and, in addition, in physical geography, American literature, English composition, and in the cataloguing and the use of school libraries. The County Superintendent may transfer the standings of a third grade certificate in force to a second grade certificate if the holder of such third grade certificate has taught a school successfully for at least eight (8) months and has attended, since receiving such third grade certificate, a professional school for teachers for at least six (6) weeks and received credits in at least two (2) subjects.

(b). A second grade certificate issued in accordance with this Act or in force at the time of its enactment may be renewed if the holder thereof shall pass an examination in all the subjects required for a second grade certificate. Such second grade certificate may also be renewed without exami-

nation provided the holder thereof has taught successfully for two (2) years during the life of such certificate and has attended a professional school for teachers at least six (6) weeks and received credits in at least two (2) subjects. Not more than two (2) second grade certificates shall be granted after July 1, 1911, to the same person.

First Grade Certificates.

SECTION 103. (a). An applicant to receive a first grade certificate shall have taught successfully for at least eight (8) months in the public schools and shall pass a satisfactory examination in all the branches required for a second grade certificate and in addition in English literature, principles of teaching, algebra, physics or botany, and mediaeval and modern or English history. The County Superintendent may transfer the standings of a second grade certificate in force to a first grade certificate if the holder of such second grade certificate has taught a school successfully for at least eight (8) months and has attended, since receiving such second grade certificate, a professional school for teachers for at least six (6) weeks and received credits in at least two (2) subjects.

(b). A first grade certificate may be renewed by the County Superintendent provided the holder has taught successfully for a period of five (5) years.

Special Third Grade Certificate.

SECTION 104. Whenever the supply of legally qualified teachers in any county has been exhausted the County Superintendent with the approval of the State Superintendent may issue special third grade certificates on examination in the subjects required for such certificates to as many persons as are necessary to fill the schools, provided that, not more than one (1) such certificate shall be issued to the same person.

Permits to Teach.

SECTION 105. Whenever the supply of legally qualified teachers in any county has been exhausted the County Superintendent, with the approval of the State Superintendent, may endorse the certificates of teachers from other counties or other states by writing thereof "Good until the next regular examination to be held on-----191---." The teacher holding such permit shall not teach thereon after the next regular examination, nor shall a second permit be issued to the same person within three (3) years of the issuance of the aforesaid first permit. A record of all permits shall be preserved in the office of the State Superintendent.

Revocation of Teachers' Certificates.

SECTION 106. The County Superintendent shall have power to revoke any county certificate for neglect of duty, for incompetency to instruct and govern a school, for immorality or for any cause which should have been sufficient ground for refusing to issue the same, had the cause existed or been known at the time of its issue; Provided: That no certificate shall be revoked or annulled without a personal hearing, unless the holder thereof shall, after thirty (30) days' notice, neglect or refuse to appear before the Superintendent for that purpose; Provided, further: The said teacher shall have the right of appeal to the State Superintendent, whose decision shall be final; Provided, further: That it shall be the right of any citizen to bring to the attention of the State Board of Education any case in which the County Superintendent shall neglect or refuse to revoke a certificate when cognizant of the facts in the case, and it shall be the duty of the State Board of Education, through its executive officer, to investigate the charges, and, if proved true in accordance with the reasons set forth in this Section, then the State Board of Education is empowered to revoke the certificate in question.

Record of Certificates.

SECTION 107. The County Superintendent shall keep a record of all certificates granted or revoked, showing to whom issued, age of grantee, date of issue, grade and duration of each certificate, and if revoked, the date and reason therefor.

ARTICLE XI.**TEACHERS' INSTITUTES.****County Superintendent to Hold Institute.**

SECTION 108. The County Superintendent of each county in this State must hold annually a teachers' institute at such time as he may designate, and such institute must continue in session not less than five (5), nor more than fifteen (15) days. He must give at least ten (10) days' notice of the time and place of holding such institute by publication in some newspaper published in the county, and by written notice to each qualified teacher in the county; Provided: That two or more counties may unite in holding a joint institute under the joint supervision of the county superintendents of such counties.

Teachers Must Attend Institute.

SECTION 109. It is the duty of all teachers engaged in the county and of all persons holding certificates to attend such institutes at least five (5) days, and participate in the exercises thereof, and all teachers who may have charge of schools at the time of holding the annual institute must adjourn their schools for the time during which the institute is held; Provided: That when joint institutes are held in accordance with the provisions of the preceding section, it shall be the duty of all teachers in said counties, and of all persons holding certificates therein, to attend such joint institute at least five (5) days.

Teachers of Adjourned Schools to Draw Pay.

SECTION 110. All teachers who may adjourn school for the purpose of attending any annual county or joint institute must be allowed the same pay while in actual attendance as when teaching, and the County Superintendent must certify to the number of days' attendance of each teacher, and the trustees of the several districts must count them as so many days lawfully employed.

Conduct and Expenses of Institute.

SECTION 111. The County Superintendent shall procure the services of one or more competent persons to assist in conducting said institute; he must also provide a building, lights, stationery, janitor service, and all things necessary for the holding of the institute; and must present an itemized account of such expenses, not to exceed One Hundred Fifty Dollars (\$150) exclusive of the amount received from fees of applicants for teachers' certificates, to the auditor of his county, which sum, or as much thereof as may be needed, is hereby appropriated, and, upon the presentation of said itemized account, the county auditor shall issue a warrant on the current expense fund in favor of the County Superintendent equal to the amount of such expenses, and the county auditor shall draw a warrant on the institute fund for institute fees, upon demand of the County Superintendent; Provided: In case joint institutes are held as provided in Section 109, the County Superintendents of the counties holding such institutes shall each present an itemized account of such expenses, as aforesaid, to the auditor of his county, and the expenses thereof shall be borne equally by such counties, and the county auditor shall issue a warrant in favor of the County Superintendent for the part chargeable against such county.

ARTICLE XII.

SUMMER NORMAL SCHOOLS.

Commission of Summer Normal Schools.

SECTION 112. A commission of summer normal schools is hereby created, consisting of the State Superintendent, the principal of the Lewiston State Normal School, and the principal of the Albion State Normal School, which commission is hereby authorized to establish three (3) summer normal schools. One of these said schools shall be held in Pocatello, one in Boise, and one either in Coeur d'Alene or in Sandpoint, Idaho, as may be determined by the commission, and at such places in said cities as said commission shall select.

Meetings and Officers of Commission.

SECTION 113. Said commission shall hold at least two (2) regular meetings annually the first week in February and the first week in October, the place to be designated by the Superintendent of Public Instruction, who shall act as chairman of the commission. Special meetings may be called by the chairman or by request of a majority of the commission. The commission shall elect a secretary from their own number at their first regular meeting.

Courses of Study.

SECTION 114. Said commission shall determine the courses of study, fix the credit students shall receive for work performed in said schools, and engage a principal and assistant instructors for each of said schools, but no member of the commission shall be eligible to such appointment. Only such instructors shall be engaged as are qualified to give professional training in the subjects which they shall be employed to teach.

Minutes and Report.

SECTION 115. The secretary shall keep an accurate record of all business transacted by the commission; keep on file in the office of the Superintendent of Public Instruction, a duplicate itemized bill of all claims allowed, and make a full and complete report to the State Board of Education on the first day of November of each year, showing items allowed and paid from the "Summer Normal School Fund."

Annual Term of Schools.

SECTION 116. The length of the annual term in each of said schools shall be not less than six (6) weeks, the date

of opening to be fixed by the Commission of Summer Normal Schools.

Who May Receive Instruction.

SECTION 117. Any person may receive instruction in said schools who is a teacher, or expects to become a teacher, in the State of Idaho, or any other person desiring such instruction, by paying an enrollment fee of not less than One Dollar (\$1.00), and otherwise complying with the regulations of the school.

Summer Normal School Fund.

SECTION 118. All funds appropriated by the State for the maintenance of summer normal schools, together with enrollment fees, shall constitute a fund known as the "Summer Normal School Fund." Said commission is authorized to expend, in accordance with law, for the maintenance of each of said schools, not to exceed One Thousand Five Hundred Dollars (\$1,500) per annum of the money appropriated by the State.

Commission May Discontinue School.

SECTION 119. In case the annual enrollment of any one of said schools shall be less than fifty (50), said commission may discontinue said school.

Superintendent to Visit Schools.

SECTION 120. It shall be the duty of the Superintendent of Public Instruction to visit each of said schools annually and inspect the work done.

Use of Buildings to Be Free.

SECTION 121. No part of the money appropriated by the State for the support of said schools shall be used for the payment of rent, or for the use of any of the buildings in which said schools may be held. The use of said buildings shall be furnished free by the locality where said schools are held.

ARTICLE XIII.
INDEPENDENT SCHOOL DISTRICTS.

Organization of Districts.

SECTION 122. Whenever any school district within this State, as defined by the board of county commissioners, has within its limits taxable property of the amount of One Hundred Fifty Thousand Dollars (\$150,000) or over, as shown by the last assessment roll for the county, it may be organized into an independent school district upon a vote of one-fifth (1-5) or over of those within the district who are qualified to vote at school elections, petitioning the said board for the establishing of such district as an independent school district; and if a greater number of qualified voters do not remonstrate against such establishment, the board must clearly, by its order of record, define the boundaries of such district, if not already done, and within one (1) month order that the question of so establishing such independent school district must be submitted to a vote of all the electors of the district, who, under the provisions of this Chapter, are authorized to vote for the levy of taxes and issue of bonds, and must make the necessary arrangements for such election, giving at least twenty (20) days' notice thereof, and the time and the place of holding the same. If a majority of those so voting vote in favor of so organizing such independent district, said board must make its order of record and declare such district established, and designate it as the "Independent School District (state name and number of district), in----- County, Idaho."

Corporate Powers.

SECTION 123. The district so established is constituted a body corporate, and succeeds to the title of all property rights and privileges, and assumes and must discharge and pay all debts, obligations and duties belonging to or devolving upon the old district or districts of which it is so formed and established, and by its corporate name it may:

1. Make contracts, sue, and be sued.
2. Take, hold, and convey such real and personal property only as is needed for actual school purposes.
3. Have a corporate seal.
4. Choose such officers as are herein provided for.

Board of Trustees.

SECTION 124. The officers of such district shall consist of a board of trustees, composed of six (6) qualified electors who are resident freeholders within the district. The first board of trustees must be appointed by the board of county commissioners immediately after the district is so established and shall hold their offices for terms as follows, to-wit: Two (2) until the next school election under the provisions hereof; two (2) for one (1) and two (2) for two (2) years after such election, and until their successors are elected and qualified. Said board so appointing must designate the term of each trustee so appointed.

Election of Trustees.

SECTION 125. (a). There must be an election for two (2) members of the board of trustees, to be held on the first Tuesday of September following the establishment of such district, and annually thereafter an election must be held to elect two (2) trustees. The clerk of the board must give at least ten (10) days' notice of the time and the place of such election by publication in a newspaper, and by three (3) posted notices in the district, and at all elections under this Article, voters must have the same qualifications as prescribed for the general elections in this State. At such elections, any person offering to vote may be challenged and required to take all-oaths required for voters at the general elections in this state, and on refusing to take such oath must not be allowed to vote. The board of trustees may appoint for all such elections two (2) judges and one (1) clerk. Voting must be by secret ballot, such ballots and list of votes to be kept for sixty (60) days by the secretary of said school board, and if, upon counting the ballots, there is a tie and three qualified persons have the highest and an equal number of votes, the board of trustees must select two (2) from the three (3), and when there is a failure to elect by reason of a tie vote, the board of trustees must select.

(b). If any trustee dies, removes from the district, or ceases to have the qualifications for such office, or for any cause his office is vacant, or he neglects or refuses to act, or without excuse ceases to attend the meetings of the board for four (4) successive regular meetings thereof, his office thereby becomes vacant and a majority of said board of trustees may appoint another qualified person to fill his unexpired term.

Prohibition Against Contracts With Trustees.

SECTION 126. No trustees shall be interested directly or indirectly in any contract let, or made by or with the board, or with any officer thereof, or in any supplies furnished to or for said district, or a surety for the performance of any contract with said board or district, or the agent or partner of any contractor with said board or district; and no action can be maintained or recovery had against said board or district upon any contract or obligation in which any trustee is so interested, but the same is void.

Qualification and Organization of Board.

SECTION 127. Each trustee shall, before entering upon the duties of his office, take and subscribe the official oath, which must be filed with the County School Superintendent. Immediately after the appointment of such trustees by the board of county commissioners, as above provided, and after each annual election, the trustees, or a majority thereof, shall meet at the school house and organize as a board, and from their number shall select a chairman, a clerk, and a treasurer, or they may elect as treasurer some competent and responsible person who is not a trustee, and said treasurer shall be required to deposit the school moneys in such bank or banks as will pay the highest rate of interest on daily balances, dividing the money to two or more banks if the same offer the same rates of interest. Said trustees of independent school districts may provide pay or compensation for the clerk, but no other school officer whatever shall receive any pay or compensation for his time or services or in any way be allowed to make any pecuniary profit or gain by reason of his office, and any school officer or person who has the custody in any way of any school funds shall give bonds, with at least two (2) good sureties in double the amount of funds likely at any time to be in his custody.

Meetings of Board.

SECTION 128. Regular meetings of the board of trustees shall be held on the second Monday of each month, and special meetings may be called by the chairman of the board, or by any two (2) trustees, by personal notice of the time and the place of such meetings to each member of the board, or, if he cannot be found, by leaving such notice at his place of residence with some person of suitable age and discretion. Four (4) trustees constitute a quorum for the transaction of any business, but a less number may adjourn any regular meeting

from time to time, until a quorum can be obtained, but no meeting of the board not provided for by the rules or by law is legal unless all the members thereof have been notified as provided for in this section.

Duties and Powers of Trustees.

SECTION 129. The board of trustees of said district shall have power, and it is their duty:

(a) Independent Districts (General).

1. To make such by-laws for their own government and for the government of the schools of the district as they may deem expedient, not inconsistent with the provisions of this Chapter;

2. To employ or discharge teachers, mechanics, and laborers, and to fix, allow, and order paid their salaries and compensation; and to determine the rate of tuition for non-resident pupils, and to withhold the salary of a teacher when the County Superintendent notifies the board that the teacher does not hold a valid certificate;

3. To levy a special tax, if necessary, which, when added to money apportioned by the County Superintendent of Schools, will be sufficient to provide funds for the maintenance of the schools for nine (9) months in each year; the special taxes levied by said board of trustees for the payment of interest on bonds and sinking fund, for payment of bonds at maturity, together with the levy for the maintenance of schools, shall not exceed twenty (20) mills on the Dollar; Provided: That districts maintaining rural school routes may levy a tax in addition to the aforesaid twenty (20) mills sufficient to maintain the said rural school routes, said tax for school routes not to exceed ten (10) mills;

4. To provide furniture, fixtures, apparatus, library, and everything needed in the school house or for the use of the board;

5. To rent, repair, and insure school houses and property, and preserve the same for the benefit of the schools of the district;

6. To build or remove school houses and buildings and to purchase or sell school lots;

7. To expel pupils from school who refuse to obey the rules thereof, and to exclude from school children under six (6) years of age;

8. To determine the number and qualifications of teachers who shall be employed, to determine if school shall be maintained for more than nine (9) months, to fix the date of the beginning of the school year, to determine the length of the school day, and to provide for the dismissal of primary pupils before the regular time of closing school;

9. To require pupils to be furnished with proper and suitable books and supplies as a condition of membership in the schools;

10. To exclude from the schools and school libraries of said district all books, papers and catechisms of a sectarian nature;

11. To require teachers to conform to the law of the State and regulations of the school board;

12. To protect the morals and health of the pupils while at school.

(b) Independent School Districts (Class A).

When an independent school district shall employ thirty-five (35) or more teachers, it shall be known as an Independent District of Class A, and shall have, in addition to the above enumerated powers and duties, the following special powers and duties:

1. To adopt a course of study for their system of schools other than the State course if they so elect, and to prescribe the examinations, tests, and qualifications necessary for pupils to enter the various grades of the elementary school and of the high school.

2. To adopt text-books for their system of schools, and to make such contracts with the publishers as shall seem for the best interests of the district; Provided: That this section shall not operate to destroy any contract now in force, but shall operate in the selection of books for which the district is not now under contract, and shall operate in the selection of all books on and after September 1, 1913.

3. To employ a superintendent of schools for a term not to exceed three (3) years, who shall be the executive officer of the board, with such powers and duties as they may prescribe, together with such powers and duties as are now or may hereafter be prescribed by the laws of the State, to fix, allow and order paid his salary, and to discharge said superintendent for incompetency, immorality, or gross neglect of duty.

Issuance of Funding Bonds.

SECTION 130. The board of trustees of any independent school district, organized under any general or special law, may issue negotiable coupon bonds of their district for the purpose of paying, redeeming or refunding the principal of any of the outstanding bonded indebtedness of their district, whenever the same can be done to the profit or advantage of the district and without the district incurring any additional indebtedness or liability exceeding in any year the income or revenue provided for such year. Said bonds must bear interest at a rate not exceeding six (6) per centum per annum, payable semi-annually at the office of the treasurer of the district, or at such banking house in the City of New York as may be designated by the board of trustees; and the principal of said bonds, or any part thereof, may, at the option of the district, be paid at any time after ten (10) years, and must be paid within twenty (20) years from the time they are issued, and in the order in which they are issued and numbered. Semi-annual interest coupons covering the interest to become due must be attached to each bond; the bonds must be signed by the presiding officer of the board and attested by its secretary and the seal of the district, if it has a seal, and the coupons must be signed and the bonds registered by the treasurer of the board. No bond shall be sold at less than its par value, and the proceeds thereof must be devoted to the payment, redemption, or refunding of the outstanding bonded indebtedness of the district.

Original Bond Elections.

SECTION 131. The Board of Trustees of any Independent District may, whenever two-thirds (2-3) of the Board so decide, submit to the qualified electors of the State of Idaho, who are resident freeholders or householders of the district, at an election to be held for that purpose and to be called and conducted as other school elections in said district, the question whether the Board shall be authorized to issue the negotiable coupon bonds of the district in an amount to be mentioned in the notice of election, for the purpose of providing and improving schoolhouses and grounds and furniture, apparatus, and fixtures for said district, or for any or either of said purposes; and if at such election two-thirds (2-3) of the qualified electors of said district voting at said election assent thereto, the Board of Trustees may issue such bonds of the district to the amount and for the purpose designated

in said notice, which bonds shall be in all respects similar to, and shall be signed, negotiated, registered, bear interest, and be made payable as the bonds provided for in the last preceding section; and no bond shall be sold for less than its par value, and the proceeds thereof must be devoted to the purposes mentioned in said notice.

Tax Levy for Payment of Bonds.

SECTION 132. The Board of Trustees of any such district that has issued bonds under either of the last two preceding sections must annually levy upon all taxable property of the district, in addition to other authorized taxes, a tax sufficient to pay the interest on all bonds so issued as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty (20) years from the time the bonds are issued; which taxes shall be levied, assessed, collected and paid over in the district, and shall be devoted to the payment of the principal and the interest of said bonds only; and the accumulated sinking fund may be used for the redemption of said bonds at any time after ten years from the date of their issue.

Application of School Law.

SECTION 133. All the provisions of this chapter providing for a public school system, wherein not contradictory to or inconsistent with the provisions of this article, and which may be made applicable to the objects thereof, are adopted as a part of the law governing the establishment and management of Independent School Districts. All the provisions of this Code applicable to Independent School Districts shall also apply to Special Independent School Districts.

ARTICLE XIV.

RURAL HIGH SCHOOLS.

Petition.

SECTION 134. That when the heads of a majority of the families residing in each of two or more regularly organized school districts in this State, not having within their limits an incorporated city, shall petition the board of county commissioners of their county to unite them into a rural high school district, for the purpose of maintaining a rural high school therein, the said board of county commissioners

shall submit the question to a vote of the qualified electors of the districts so petitioning at a special election called for that purpose, within sixty days from the date of the receipt of such petition; Provided: That the proposed rural high school district shall not, except with the unanimous consent of the board of county commissioners, embrace a greater territory than that included within a six-mile radius from the proposed center of the district.

Election.

SECTION 135. At the election provided for in Section 134 of this Act, each district shall vote separately in its own school house or other place within such district designated in the notice of election, and the vote in each district shall determine if the district shall become united with other districts, to form the aforesaid rural high school district. Three notices of election shall be posted in each district ten (10) days prior to the day of election, one of which notices shall be upon the door of the school house. The elections shall be conducted in all respects as provided by law for the election of school trustees, and the ballots shall have printed thereon "For Rural High School—Yes," and "For Rural High School—No"; Provided: That all elections in the several districts shall be upon the same day and between the same hours. The returns of said elections shall be certified by the local school board in each district to the chairman of the board of county commissioners.

Trustees.

SECTION 136. (a). If, in the judgment of the county commissioners, a sufficient number of districts shall have signified by their majority vote a desire to form a rural high school district, the county commissioners shall form such rural high school district, designating it as "Rural High School District No. ____ of _____ County, Idaho", and shall so certify to the Board of Trustees of the district at the time of their appointment, and within thirty (30) days of the election provided for in Section 134 of this article, shall appoint a board of five (5) trustees from among the resident free holders or heads of families of the said rural high school district, one until the next election under the provisions hereof, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years. On the first Tuesday in September of each year thereafter the qualified electors, voting at a central place in the rural high school district, shall elect one trustee for a term of five (5) years.

(b). The said board of trustees shall subscribe the official oath for school board members within ten (10) days of their appointment or election and shall file the same with the County Superintendent.

(c). Within ten (10) days after their election and appointment, the said board shall meet and organize as the Board of Trustees of such rural high school district, by electing one of their number president and by electing a clerk or secretary who may or may not be one of their number.

(d) Provided: That in rural high school districts organized prior to the passage of this Act, the chairman of the local boards forming such rural high school districts shall cease to act as a board of trustees for such district on and after the first Tuesday in September, 1911, and the commissioners shall appoint, after the manner and terms aforesaid in this article, a board to serve in their stead, and annually thereafter shall be held an election of one (1) trustee and procedure had as provided in this section.

Meetings and Powers.

SECTION 137. The other regular meetings of the board of trustees shall be held on the Tuesday following the last Saturday in March, June, September, and December of each year. The board may, however, hold special or adjourned meetings as they may from time to time determine.

The Board Shall Have Power:

- (a). To supervise and visit the school;
- (b). To admit all children of the district above the eighth grade, and to admit and provide rates of tuition for non-resident pupils, if they so elect;
- (c). To appoint legally qualified teachers, and to fix, allow, and order paid their salaries;
- (d). To fix wages, make general rules and regulations for the control of the school, suspend or expel pupils, fix the term of school, which shall not be more than ten (10) months nor less than seven (7) months in any one (1) year;
- (e). To rent or to purchase and hold real estate for such district high school, build and furnish school houses, determine location of grounds and buildings, which shall be as near the center of the district as practicable, according to the sanitary conditions, and to receive and hold bequests and gifts for the benefit of the school, and to dispose of property belonging to the district, subject to the provisions hereinafter named;

(f). To provide a course of study which shall be approved by the State Board of Education, which course shall not consist of more than four (4) years' work beyond the eighth grade of the common schools; such course of study shall include instruction in manual training, domestic science, nature study, and the elements of agriculture;

(g). To estimate and vote the amount of tax necessary to support the school, at a meeting previous to September first in each year, and report the same to the Board of County Commissioners, which amount may include the cost of transportation of students, and the creation of a sinking fund for the payment of principal and interest of bonds issued, if any, and shall be spread upon the tax roll the same as other district taxes, and in their discretion to issue warrants drawing legal interest for current expenses, the amount of which warrants shall not exceed fifty (50) per cent of the tax voted;

(h). To call special elections or meetings of the district, if necessary, to vote the amount of money to be raised for the purchase of grounds and erection and equipment of buildings, and for such other purposes as may be necessary within the authority of the provisions of this Act, or of the general school laws.

Duties.

SECTION 138. The duties of the officers of the board shall be the same as is prescribed by law for similar officers of other boards of school trustees, and in addition thereto, the clerk or the secretary shall certify to the County Superintendent, quarterly, the number of teachers that are regularly employed in said school.

Bonds.

SECTION 139. A majority of the qualified electors of such rural high school district may vote bonds in any legal amount, the proceeds to be spent in purchasing, building, or equipping such high school and grounds. The election held for this purpose shall be conducted in all respects as provided by the laws of Idaho for similar purposes; Provided: That the bonds so voted and issued shall not run longer than twenty (20) years, nor draw a rate of interest higher than six (6) per cent per annum.

Supervision.

SECTION 140. The high schools established under the provisions of this Act shall be under the supervision of the State

Board of Education, and all questions of management, support, and control arising under the provisions of this Act, and not expressly provided for herein, shall be subject to the provisions of the general laws of the State.

Segregation.

SECTION 141. When two-thirds of those who are heads of families and residents of any regularly organized school district joined to a rural high school district shall present a petition to the board of county commissioners showing that it is to the best interests of the said regularly organized school district to be segregated from the rural high school to which said regularly organized district is joined, it shall be lawful for the said board, if they unanimously agree, to segregate said petitioning sub-district from said rural high school district. Any regularly organized school district so segregated shall forfeit its rights to any portion of the moneys of and to any claims upon the property of the said rural high school district; Provided: That the aforesaid petition shall be filed in the office of the County Superintendent fifteen (15) days prior to the quarterly meeting of the board of county commissioners.

ARTICLE XV.

PREVENTION OF DISEASE.

SECTION 142. The owner, or agent of the owner of a house in which a person resides who has smallpox, diphtheria, scarlet fever, or any other contagious or infectious disease, dangerous to the public health, and the physician called to attend the person or persons so affected shall, within twenty-four (24) hours after becoming cognizant of the fact, give notice thereof to the clerk of the board of trustees of the school district in which said person so afflicted resides, and said person so afflicted shall be kept away and apart from all other persons except those whose presence may be necessary to the physical or spiritual wellbeing of such person or persons.

Exclusion of Pupils From Infected Households.

SECTION 143. The school trustees of the various school districts in the State shall not allow any pupil to attend the public schools while any member of the household to which such pupil belongs is sick of smallpox, diphtheria, scarlet fever, or other contagious or infectious disease, dangerous to the

public health, or during the period of two (2) weeks after the death, recovery, or removal of such sick person; and any pupil coming from such household shall be required to present to the teacher of the school the pupil desires to attend, a certificate from the attending physician of the facts necessary to entitle him to admission in accordance with the above regulations.

Disinfection of Textbooks.

SECTION 144. Whenever any text book or books belonging to any school district shall be in the house during the time that pupils residing in such house are prevented from attending the public school in accordance with the provisions of this Article, such book or books shall not be returned to such public school until the same shall have been thoroughly disinfected under the direction of the attending physician, who shall certify the same to the teacher of said school, or to the clerk of the board of trustees in case the school is not in session at such time.

Violation of Article a Misdemeanor.

SECTION 145. Any school trustee or other person violating any of the provisions of this article shall be deemed guilty of a misdemeanor.

ARTICLE XVI.

COMPULSORY EDUCATION.

The Law.

SECTION 146. The compulsory education law shall be the provisions of Section 160, of Article XVII of this Act. To render the same more effective, the following is prescribed:

Publish Law.

SECTION 147. It shall be the duty of the County Superintendent to publish this law for four (4) weeks in at least two (2) newspapers in the county before the opening of school in September. The County Superintendent shall also have the law printed on large sheets of board and shall cause the same to be placarded wherever necessary.

Census List.

SECTION 148. It shall be the duty of the clerk of the board of school trustees of each district, on or before the third Mon-

day in September, to furnish or cause to be furnished to the head teacher of the schools in his district a list of all the children in the school district between the ages of eight (8) and eighteen (18) years, said list to be taken from the report of the school's census marshal for the current year.

Duty of Teachers.

SECTION 149. It shall be the duty of the head teacher of each district to check or cause to be checked the enrollment of the school against the report furnished by the clerk as aforesaid, and to report to the County Superintendent all pupils not in attendance who are within the ages of eight (8) and eighteen (18) and who have no release from school.

(b). At the beginning of each month thereafter it shall be the duty of such head teacher to report to the County Superintendent, the names of all children between eight (8) and eighteen (18) not bearing releases who failed to attend school during the preceding month. It shall be the duty of the County Superintendent to refuse to countersign the teachers' warrants until such reports are made as herein provided; Provided: That districts having a Superintendent of Schools shall not report to the County Superintendent but shall proceed through their District Superintendent in the same manner as herein provided for County Superintendents.

Duty of County Superintendents.

SECTION 150. Upon the receipt of such report the County Superintendent shall promptly give to the probation officer the names of all pupils who do not bear releases from school issued by proper authority.

Duty of Probation Officers.

SECTION 151. The probation officer shall serve due notice upon the parents and guardians to place such children in school. If said children are not placed within school within a reasonable time and are not entitled to bear a release, then the child and the parent or guardian shall be proceeded against as provided in the laws for the correction of delinquent children. It shall be the duty of the probation officer to prefer such complaints.

ARTICLE XVII.

PROCEEDINGS FOR THE CORRECTION OF DELINQUENT CHILDREN.

Delinquent Child Defined.

SECTION 152. This Act shall apply only to children under the age of eighteen (18) years not inmates of a state institution, or any institution incorporated under the laws of the State, for the care and correction of delinquent children. The record of the census made by the clerk of the school district where any child was last enumerated shall be prima facie evidence of the age of such child for the purposes of this Act. The words "delinquent child" shall include any child under the age of eighteen (18) years who violates any law of this State, or any city or village ordinance; or who is incorrigible or who knowingly associates with thieves, vicious, or immoral persons; or who is growing up in idleness or crime, or who knowingly visits or enters a house of illfame; or who knowingly patronizes or visits any policy shop or where gambling device is, or shall be operated; or who patronizes or visits any pool room or bucket shop, or who wanders the streets in the night time without being on any lawful business or occupation; or who habitually wanders about any railroad yard or tracks, or who jumps or hooks on to any moving train, or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane, or indecent language, or is guilty of immoral conduct in public places or about any school house. Any child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person, and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this Chapter, or any evidence given in such cause shall not, in any civil, criminal or other cause or proceeding whatever in any court, be lawful or proper evidence against such child for any purpose whatever, excepting in subsequent cases against the same child under this Chapter. The word "child" or "children" may mean one or more children, or the word "parent" or "parents" may mean one or both parents when consistent with the intent of this Chapter.

Jurisdiction of Probate Court; Records and Reports.

SECTION 153. The Probate Courts of the several counties in this State shall have jurisdiction in all cases coming within

the terms and provisions of this Chapter. Record books shall be kept by the Court for all cases coming within the provisions of this Chapter to be known as "The Juvenile Record", and the docket or calendar of the Court upon which there shall appear the case or cases under the provisions of this Chapter shall be known as "The Juvenile Docket." Between the first and thirtieth days of October of each year the Court shall submit to the Governor a report in writing, upon blanks to be furnished by the State, showing the number and disposition of delinquent children brought before such Court, together with such other useful information regarding such cases, and the parentage of such children, as may be reasonably obtained at the trials thereof; Provided: That the name or identity of any such child or parent shall not be disclosed in such report, and that such report shall not be published at State expense.

Information or Complaint.

SECTION 154. All proceedings under this Chapter shall be by information or sworn complaint to be filed by the prosecuting attorney of the county as in other cases under the general laws of the State. In any such information or complaint filed under this Chapter, the act or acts claimed to have been committed by the child proceeded against shall in a general way be stated therein as constituting such child a juvenile delinquent child or person. When the information or complaint so states a cause of delinquency under the provisions of this Chapter, that the Court may understand it, all irregularities or defects of form therein must be disregarded and all technical pleas or objections thereto must be summarily disposed of by the Court, and the Court's ruling thereon shall be final. It shall be unlawful for any officer or person to charge or collect any fees, or for any county or state to pay any fees for any service performed by any officer or person under the provisions of this Chapter.

Issuance of Warrant; Imprisonment to Be Avoided.

SECTION 155. Upon the filing of an information under this chapter, a warrant or capias may issue as in other cases, but incarceration of the child proceeded against thereunder shall be made or had, unless, in the opinion of the Judge of the Court, or in the absence of the judge from the county seat, then in the opinion of the sheriff of the county, it shall be necessary to insure its attendance in court at such times as shall be required. In order to avoid such incarceration, if practicable, it shall be the duty of the sheriff of the county, or his deputy

or representative, to serve a notice of the proceedings upon at least one (1) parent of the child, if living and known, or its legal guardian, or if his or her whereabouts or residence is not known, or if neither parent or guardian shall be in this State, then some relative living in the county, if any there be whose whereabouts are known, and such judge or sheriff may accept the verbal or written promise of such person so notified, or of any other proper person, to be responsible for the presence of the child at the hearing in such case, or at any other time to which the same may be adjourned or continued by the court. In case such child shall fail to appear at such time or times as the court may require, the person or persons responsible for its appearance as herein provided for, unless in the opinion of the court there shall be reasonable cause for such failure of such child to appear as herein provided for, may be proceeded against as in cases of contempt of court and punished accordingly; and where any such child shall have failed to appear, as required by the court or its officers, any warrants, *capias*, or *alias capias* issued in such case may be executed as in other cases; Provided, however: That no child under fourteen (14) years of age shall, under any circumstance, be incarcerated in any common jail, cell or lock-up, but a suitable room in the county building or court house must be provided wherein the sheriff may safely keep such child. Any such child so informed against shall also have the right now given by law to any person to give bond or other security for its appearance at the trial of such case, and the court may, in any such case, appoint counsel to appear and defend on behalf of any such child, who must serve without compensation from the county or state.

Arrested Child to Be Taken Before Probate Court.

SECTION 156. When any child under the age of eighteen (18) years is arrested, with or without warrant, except when the charge against such child is a felony, such child shall, instead of being taken before a justice of the peace or police magistrate, be taken directly before the probate court; or if the child is taken before a justice of the peace or police magistrate, upon complaint sworn out in such court or for any other reason, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such probate court, and of the officers having the child in charge, to take the child before that court, and in any such case the court may proceed to hear and dispose of the case in the same manner as if such

child had been brought before the court upon information originally filed as herein provided.

Commitment of Child.

SECTION 157. In any case of a delinquent child coming under the provisions of this chapter, the court may continue the hearing from time to time, and may commit the child to the care of the sheriff, and may allow said child to remain in its own home, subject to the sheriff, such child to report to the court or sheriff as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear necessary, or the Court may cause the child to be placed in a suitable family home, subject to the friendly supervision of the sheriff, and the further order of the Court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provision be made for the child in a home without such payment, or the Court may commit such child to the Idaho Industrial Training School; or the Court may commit the child to any institution within the county, incorporated under the laws of this state, that may care for children or to any state institution which may now or hereafter be established for the care of boys or girls. In no case shall a child proceeded against under the provisions of this chapter be committed beyond the age of twenty-one (21). A child committed to any such institution shall be subject to the control of the board of managers and the said board shall have power to parole such child on such conditions as it may prescribe, and the Court shall, on the recommendation of the board, have power to discharge such child from custody, whenever, in the judgment of the court, his or her reformation is complete; or the court may commit the child to the care and custody of some association or society that will receive it, embracing within its objects the care of neglected or delinquent children, and which has been duly credited as herein provided; Provided, That when the Court shall commit a child to any person or association or institution of any kind other than some institution existing under the authority and laws of this State, it must not be at the expense of the state, and in all such cases the Court may require a proper bond of the party or institution receiving the custody of such child, for its proper care, support and education.

Supervision of Institution Receiving Children.

SECTION 158. All institutions or associations, other than State institutions, receiving children under this chapter, shall be subject to the same visitation, inspection, and supervision as are public charitable institutions of this State, and it shall be the duty of the Governor to pass annually upon the fitness of any institution or association which may receive, or desire to receive any child or children under the provisions of this chapter; and every such institution or association shall, at such times as said Governor shall direct, make a report to him, showing its condition, management, and competency to care adequately for such children as are, or may be, committed to it, and such other facts as said Governor may require, and upon said Governor's being satisfied that any such institution or association is competent, and has adequate facilities to care for such children, he shall issue to the same a certificate to that effect, which certificate shall continue in force for one year unless sooner revoked by said Governor, the Court or the Judge thereof may, at any time, require from any such institution or association receiving or desiring to receive children under the provisions of this chapter, such report, information, and statements as the Court or Judge shall deem proper and necessary for his action, and the court shall in no case commit a child or children to any association or institution whose standing, conduct, or care of children, or ability to care for the same, is not satisfactory to the court.

Encouraging Delinquency a Misdemeanor.

SECTION 159. In all cases where any child shall be a delinquent child, a juvenile delinquent person, or a juvenile disorderly person, as defined by this Act, the parent or parents, legal guardian, or person having the custody of such child, or any other person responsible for, or by any act encouraging, causing, or contributing to the delinquency of such child, shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be fined in a sum not to exceed Three Hundred Dollars (\$300), or imprisonment in the county jail for a period of not exceeding six months, or shall suffer both fine and imprisonment. The Court may impose conditions upon any person found guilty under this Act, and so long as such person shall comply therewith to the satisfaction of the court, the sentence imposed may be suspended.

Children to Attend School.

SECTION 160. In all school districts of this State, all parents, guardians, and other persons having care of children shall instruct them, or cause them to be instructed, in reading, writing, spelling, English grammar, geography and arithmetic. In such districts, every parent, guardian, or other person having charge of any child between the ages of eight (8) and eighteen (18) years, shall send such child to a public, private, or parochial school for the entire school year during which the public schools are in session in such district; Provided, however: That this chapter shall not apply to children over fourteen (14) years of age, where such child shall have completed the eighth (8) grade, or may be eligible to enter any high school in such district, or where its help is necessary for its own use or its parents' support, or where for good cause shown it would be for the best interest of such child to be relieved from the provisions of this chapter; Provided, further, that if a reputable physician within the district shall certify in writing that the child's bodily or mental condition does not permit its attendance at school, such child shall be exempt during such period of disability from the requirements of this chapter. It shall be the duty of the superintendent of the school district, if there be such superintendent, and if not, then the county superintendent of schools, to hear and determine all applications of children desiring, for any of the causes mentioned here, to be exempted from the provisions of this chapter, and if upon such application such superintendent hearing the same shall be of the opinion that such child for any reason is entitled to be exempted as aforesaid, then such superintendent shall issue a written permit to such child, stating therein his reason for such exemption. An appeal may be taken from the decision of such superintendent so passing upon such application, to the probate court of the county in which such district lies, upon such child making such application and filing the same with the clerk or judge of said court, within ten days after its refusal by such superintendent, for which no fee to exceed the sum of One Dollar (\$1.00) shall be charged, and the decision of the probate court shall be final. An application for release from the provisions of this chapter shall not be renewed oftener than once in three months.

Juvenile Disorderly Persons Defined.

SECTION 161. Every child within the provisions of this chapter who does not attend school, as provided in the preced-

ing section, or who is in attendance at any public, private, or parochial school, and is vicious, incorrigible, or immoral in conduct, or who is an habitual truant from school, or who habitually wanders about the streets and public places during school hours without lawful occupation or employment, or who habitually wanders about the streets in the night time, having no employment or lawful occupation, shall be deemed a juvenile disorderly person, and be subject to the provisions of this chapter.

Same: Complaint; Hearing and Commitment.

SECTION 162. When a child shall be a juvenile disorderly person within the meaning of this chapter, the truant officer, or any school teacher, or other reputable person may make complaint in the probate Court of the county in which such child resides. The probate Court shall hear and determine such complaint, and if it is determined that such child is a juvenile disorderly person within the meaning of this chapter, he or she shall be committed to a children's home, if eligible, or to the Idaho Industrial Training School, or to some other training school, taking into account the years of the child with reference to the institution selected. Any child committed to a children's home, on its being shown to the Judge of said Court that it is incorrigible and vicious, may be transferred to the Industrial School or other proper institution. No child committed to any reformatory shall be detained beyond his majority, and may be discharged sooner, or paroled by the trustees or board of control under rules and restrictions applicable to other inmates. Any order of commitment may be suspended by the judge of the probate court during such time as the child may regularly attend school and properly conduct itself. The expense of the transportation of the child to the juvenile reformatory shall be paid by the county from which the child is committed.

Probation Officers; Appointment and Duties.

SECTION 163. The Probate Courts of the several counties in this State shall have authority to appoint or designate one or more discreet persons of good moral character to serve as probation officers during the pleasure of the court; said probation officers having authority to act only upon the request and under the direction of the Probate Court, and to receive such compensation for services actually performed as the Probate Court shall deem just and proper. The number of paid probation officers appointed and designated by the court shall

be as follows: In counties in which the last school census shows a school population of over five thousand (5,000) not to exceed two (2) probation officers; in all other counties not to exceed one (1) probation officer. In case a probation officer shall be appointed, it shall be the duty of the Judge of the Court, if practicable, to notify said probation officer when any child is to be brought before the court; it shall be the duty of said probation officer to make investigation of such case; to be present in court to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the court or judge may require; and to take charge of any child before and after the trial as may be directed by the court or the judge. Probation officers provided for by this chapter are hereby vested with all power and authority of sheriffs, constables, and police officers to make arrests and perform other duties incident to their offices as probation officers.

School Trustees to Report Delinquents.

SECTION 164. It shall be the duty of the board of trustees of each school district to report to the county school superintendent all cases of truancy, delinquency, and incorrigibility which arise within their respective districts, and such county school superintendent shall immediately report such cases to the judge of the probate court.

Review of Orders of Probate Judge.

SECTION 165. All orders or final judgments made by any Probate Court or the Judge thereof under this chapter, may be reviewed upon questions of law only.

ARTICLE XVIII.

CHILD LABOR ACT.

Section on Employment of Children Under Fourteen.

SECTION 166. No child under fourteen (14) years of age shall be employed, permitted, or suffered to work in or in connection with any mine, factory, workshop, mercantile establishment, store, telegraph or telephone office, laundry, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm, or corporation to employ any child under fourteen (14) years of age in any such business or service whatever during the hours in which the public schools of the district in which the child resides are in session, or before the hour of

six (6) o'clock in the morning, or after the hour of nine (9) o'clock in the evening; Provided, That any such child over the age of twelve (12) years may be employed at any of the occupations mentioned in this Act during the regular vacations of two weeks or more of the public schools of the district in which such child resides.

Same: Children Under Sixteen; Educational Requirements.

SECTION 167. No minor who is under sixteen (16) years of age shall be employed or permitted to work at any gainful occupation during the hours that the public schools of the school district in which he resides are in session, unless he can read at sight and write legibly simple sentences in the English language, and has received instruction in spelling, English grammar, and geography and is familiar with the fundamental operations of arithmetic up to and including fractions, or has similar attainments in another language.

Employers to Keep Record of Minor Employees.

SECTION 168. Every person, firm, corporation, agent, or officer of a firm or corporation employing or permitting minors under sixteen (16) years of age and over fourteen (14) years of age to work in any mine, factory, workshop, mercantile establishment, store, telegraph or telephone office, laundry, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, shall keep a record of the names, ages, and place of residence of such minors.

Working Hours for Children Under Sixteen.

SECTION 169. No person under the age of sixteen (16) years shall be employed or suffered or permitted to work at any gainful occupation more than fifty-four (54) hours in any one (1) week, nor more than nine (9) hours in any one (1) day; nor before the hour of six (6) o'clock in the morning nor after the hour of nine (9) o'clock in the evening.

Penalty for Violation of This Article.

SECTION 170. Whoever employs a child under sixteen years of age, and whoever having under his control a child under such age permits such child to be employed in violation of Sections 1 and 2 of this Act shall, for such offense, be fined not more than Fifty Dollars (\$50), and whoever continues to employ any child in the violation of either of said sections of this Act after being notified by a truant officer, probation officer, or school authority shall, for every day thereafter that

such employment continues, be fined not less than Five Dollars (\$5.00) nor more than Twenty Dollars (\$20). A failure to produce to a truant officer, policeman, probation officer, or school authority, the age record required by this Act shall be prima facie evidence of the illegal employment of any person whose age record is not produced. Any parent, guardian, or custodian of a minor under sixteen (16) years of age who knowingly swears falsely as to the age of such child for the purpose of obtaining an age record is guilty of perjury.

Prohibition Against Theatrical Employment of Children.

SECTION 171. Any person, whether as parent, relative, guardian, employer or otherwise, having the care, custody or control of any child under the age of sixteen years, who exhibits, uses or employs in any manner or under any pretense, sells, apprentices, gives away, lets out, or disposes of such child to any person, under any name, title, or pretense, for or in any business, exhibition or vocation, injurious to the health or dangerous to the life or limb of such child, or in or for the vocation, occupation, service, or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging or peddling, or as gymnast, acrobat, or contortionist, or rider, or in any place whatsoever, or for any obscene, indecent, or immoral purpose, exhibition, or practice whatsoever, or for or in any mendicant, or wandering business whatsoever, or who causes, procures, or encourages such child to engage therein, is guilty of a misdemeanor, and punishable by a fine of not less than Fifty Dollars (\$50) nor more than Two Hundred and Fifty Dollars (\$250), or by imprisonment in the county jail for a term not exceeding six (6) months or by both such fine and imprisonment. Every person who takes, receives, hires, employs, uses, exhibits, or has in custody any child under the age and for any of the purposes mentioned in this section is guilty of a like offense and punishable by like imprisonment. Nothing in this section contained applies to or affects the employment or use of any such child as a singer or musician in any church, school, or academy, or the teaching or learning of the science or practice of music.

Employment of Minors in Saloons, Etc.

SECTION 172. Any person whether as parent, guardian, employer, or otherwise, and any firm or corporation, who as employer or otherwise, shall send, direct, or cause to be sent or directed any minor, to any saloon, gambling house, house of prostitution or other immoral place; or who shall employ any

minor to serve intoxicating liquors to customers, or who shall employ a minor in handling intoxicating liquor or packages containing such liquors in a brewery, bottling establishment or other place where such liquors are prepared for sale or offered for sale, shall, for each offense, be punished by a fine of not less than Fifty Dollars (\$50) or imprisonment for not less than two (2) months or by both such fine and imprisonment.

Probation Officers and School Trustees to Bring Complaint.

SECTION 173. The probation officer, or in counties where there is no probation officer, one or more of the school trustees shall visit the various places of employment mentioned in sections 166 and 172 of this Act and ascertain whether any minors are employed therein contrary to the provisions of this Act, and they shall bring complaint for offenses under this Act to the attention of the prosecuting attorney for prosecution, but nothing herein shall be held to prohibit any reputable citizen from bringing complaint for violations of this Act. All offenses under this Act shall be prosecuted in the probate court.

ARTICLE XIX.

STATE LIBRARY COMMISSION.

Constitution of Commission.

SECTION 174. The Attorney General, Secretary of State, State Superintendent of Public Instruction, and the President of the State University, ex-officio, are hereby constituted a State Library Commission, of which the Attorney General shall be chairman, and the State Superintendent of Public Instruction secretary.

Management of Traveling Library.

SECTION 175. Said commission shall have the management of the traveling library or libraries belonging to the State, and shall make such rules governing the use of the same, and of the books and property pertaining thereto, as it may deem necessary. Said commission shall cause said books to be distributed throughout the State, and at suitable intervals change such distribution in such manner as to secure the use and enjoyment of said books to the people of the State. The Commission shall have power to employ a qualified librarian whose duties shall be defined by the said commission. It shall cooperate with the management of public schools and other free libraries within the State, and adopt such means as shall pro-

note their establishment. Said commission may receive donations of money, books, or other property, real or personal, for the benefit of such traveling library or libraries, the title to which property shall rest in the State of Idaho, to be held and controlled by said commission. Said commission shall report annually to the Governor, with such recommendations as it may deem proper.

Accounts of Commission.

SECTION 176. The secretary of said commission shall keep a full report of the proceedings of said commission, and accurate accounts of expenses incurred by it in carrying out the provisions of this chapter. The chairman of said commission may issue certificates, countersigned by the secretary, for all claims against said commission, incurred in the management of said traveling library or libraries, and in carrying out the objects of this chapter, which claims, when approved by the Board of Examiners, shall be paid by warrants drawn upon the fund in the State Treasury provided for such purpose.

ARTICLE XX.

PUBLIC LIBRARIES.

Cities May Establish Libraries.

SECTION 177. The common council of every city and of every village of the State of Idaho shall have power to establish a public library and reading room, and for such purpose may annually levy, and cause to be collected, as other taxes are, a tax not exceeding one (1) mill on the Dollar of the taxable property of such city or village, to constitute a library fund, which shall be kept by the Treasurer separate and apart from other moneys of the city or village, and be used exclusively for the purchase of books, periodicals, necessary furniture and fixtures, and whatever is required for the maintenance of such library and reading room.

School District Libraries; Election.

SECTION 178. The trustees of a school district in which is situated no incorporated town or village, on the petition of twenty (20) electors thereof, shall, upon four (4) weeks' notice published in some newspaper of general circulation published in the county wherein such district is situated, submit to the electors thereof, at the first election held therein for the

purpose of electing a member or members of the board of trustees, following the publication of the said notice, the question whether there shall be a public library established in such school district for the use and benefit of the citizens thereof. Those voting at such election in favor of such library shall put upon their ballots the words, "Public Library—Yes," and those voting thereat against such library the words "Public Library—No." If a majority of the electors voting at such election shall vote in favor thereof, the trustees aforesaid have authority, annually, to levy upon all the taxable property in such school district a tax not exceeding one (1) mill on the Dollar valuation thereof, to be applied to the establishment and maintenance of a library as aforesaid, and the procuring of suitable rooms for the same. All boards of school trustees, acting under the provisions of this section, shall perform the same duties required of, and have the same power and authority granted to, the common council of a city or a village by the provisions of this chapter under like conditions, and the treasurer of such board of trustees shall perform the duties of treasurer for the public library.

Directors of Library.

SECTION 179. For the government of such library and reading room there shall be a board of five (5) directors appointed by the council of such city or village from among the citizens thereof at large, and not more than one (1) member of the council of such city or village shall, at any time, be a member of said board. Such directors shall hold their office for three (3) years from the date of appointment, and until their successors are appointed, but upon their first appointment they shall divide themselves at their first meeting, by lot, into three (3) classes: Two (2) members shall form the first class and shall serve for one (1) year from the date of appointment; two members shall form the second class and shall serve for two (2) years from the date of appointment; and one (1) member shall form the third class and shall serve for three (3) years from the date of appointment. All vacancies shall be immediately reported to the proper council by the directors, and shall be filled by appointment in the same manner as appointments are originally made. Appointments to complete an unexpired term shall be for the residue of the term only. No compensation shall be paid or allowed to any director in any manner whatsoever.

Organization and Powers of Directors.

SECTION 180. Said directors shall, immediately after their appointment, meet and organize by the election of one (1) of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules, and regulations for their own guidance and for the government of the library and reading room as may be expedient. They shall have the exclusive control of the expenditure of all moneys collected for the library fund, and the supervision, care, and custody of the room or buildings constructed, leased, or set apart for that purpose; and such money shall be drawn from the treasury by the proper officers, upon properly authenticated vouchers of the board of directors, without otherwise being audited. They may, with the approval of the common council, lease and occupy, or purchase or erect on purchased ground, an appropriate building; Provided: That not more than one-half (1-2) of the income in any one (1) year can be set apart in said year for such purchase or building. They may appoint a librarian and assistants, and prescribe rules for their conduct.

Libraries to Be Free.

SECTION 181. Every library and reading room established under this chapter shall be forever free for the use of the inhabitants of the city, village, or school district where located, always subject to such reasonable rules and regulations as the library board may find necessary to adopt and publish in order to render the use of the library and reading room of the greatest benefit to the greatest number, and they may exclude and cut off from the use of said library and reading room any and all persons who shall wilfully violate such rules.

Report of Directors.

SECTION 182. The said board of directors shall make an annual itemized report to the State Library Commission on June Thirtieth of each year, stating the condition of their trust, the various sums of money received from the library fund and from all sources, and how much has been expended, the number of books and periodicals on hand, and the number added by purchase, gift, or otherwise during the year, the number lost or missing, the number of books loaned out, and the general character of such books, with such other statistics, information, and suggestions as they may deem of general interest, and the State Library Commission may require.

Donations to Library.

SECTION 183. All persons desirous of making donations of money, personal property, or real estate for the benefit of such library shall have the right to vest the title to the same in the board of directors created under this chapter, to be held and controlled by said Board, when accepted according to the terms of the deed or gift, devise, or bequest of such property; and as to such property the said Board shall be held and considered to be the special trustees.

Taxes for Existing Libraries; Definitions.

SECTION 184. In case a free subscription library has been established in any city or incorporated village, and duly incorporated and organized, the council may levy a tax for its support, as provided in this Chapter, without change in the organization of such library association; Provided: It becomes a free library. The sums so raised shall be duly paid to the officer duly authorized to receive the same, and shall be under the control of said library association; Provided: That if at any time the said library association ceases to exist, or for any reason fails to provide a free circulating library as required by the provisions of this Chapter, the books and other property accumulated from the proceeds of the levy herein authorized shall become the property of the city or village, and be subject to the control of the council as herein provided.

In this Chapter, unless the context otherwise requires, "library" includes libraries with branches, loans, reference, traveling and reading room departments, lectures and museums; "city" includes towns and villages; "council" means the legislative body of an incorporated city, town, or village; "mayor" means the chief executive officer of an incorporated city, town, or village.

ARTICLE XXI.

MISCELLANEOUS PROVISIONS.

School Month Defined.

SECTION 185. A school month is four (4) weeks, of five (5) school days.

Sectarian and Partisan Instruction Forbidden.

SECTION 186. No books, papers, tracts or documents of a political, sectarian, or denominational character shall be used or introduced in any school established under the provisions of this Chapter, and any and every political, sectarian, or denominational doctrine is hereby expressly forbidden to be taught therein; nor shall any teacher or any district receive any of the public school moneys in which the schools have not been taught in accordance with the provisions of this Chapter.

Eighth Grade Examinations.

SECTION 187. It shall be the duty of the State Superintendent of Public Instruction to prepare, or cause to be prepared, eighth grade examination questions to be used by the county superintendents of the several counties of the State in the examination of applicants for eighth grade diplomas, and to prescribe the rules and regulations for conducting all such examinations. All pupils shall be required to take such eighth grade examination, which may be taken entire, at the close of the eighth grade work, or the examination in each required subject may be taken in the grade in which the subject is completed, and only those pupils shall be entitled to pass who shall obtain a general average of not less than eighty-five (85) per cent, and not falling below seventy (70) per cent in any branch. All pupils passing such examination shall be granted a diploma by the county superintendent of public instruction. No pupil shall be permitted to enter the first year of any High School in the State of Idaho who has not passed the eight grade examination satisfactorily and obtained his or her diploma; Provided: That Class A, Independent School Districts shall be exempted from the provisions of this Section.

Arbor Day.

SECTION 188. It shall be the duty of the county superintendent to set apart one (1) day in the proper time in each year between the first day of April and the first day of May,

to be known as Arbor Day. He shall, by written or printed notice, notify the clerk of each school district in his county or the day so set apart at least twenty (20) days prior to said day. It shall be the duty of the authorities of every public school in this State to assemble the pupils in their charge on that day in the school building, or elsewhere, as they may deem proper, and to provide for and conduct, under the general supervision of the county superintendent of public instruction, such exercises as shall tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results. The State Superintendent of Public Instruction shall have power to prescribe, from time to time, in writing, a course of exercises and instruction in the subjects hereinbefore mentioned, which shall be adopted and observed by the school authorities on Arbor Day, and upon receipt of copies of such course, sufficient in number to supply all the schools under his supervision, the county superintendent of public instruction shall promptly provide each of the schools under his charge with a copy and cause it to be adopted and observed.

Establishment of Kindergartens.

SECTION 189. The school board of any school district in the State is hereby empowered to establish and maintain free kindergartens in connection with the public schools of each district for the instruction of children between the ages of three (3) and six (6), residing in said district, and shall establish such courses of training, study, and discipline, and such rules and regulations governing such preparatory or kindergarten schools, as said board may deem best; Provided: That nothing in this section shall be construed to change the law relating to the taking of the census of the school population, or the apportionment of State and county school funds among the several counties and districts in this State; Provided, further: That the cost of establishing and maintaining such kindergartens shall be paid from the special school fund of said districts, and the said kindergartens shall be a part of the public school system, and governed, as far as practicable, in the same manner and by the same officers as is now, or hereafter may be, provided by law for the government of other public schools of the State; Provided, further: That all teachers employed in these schools shall have a diploma, from some reputable kindergarten training school, or shall be licensed

in accordance with the rules and regulations established by the State Superintendent of Public Instruction.

Physiology and Hygiene.

SECTION 190. (a). That physiology and hygiene, which shall, in each division of the subject so pursued, include special reference to the nature of alcoholic drinks, stimulants, and narcotics and their effects upon the human system, and which shall be included in the branches of study required by law to be taught in the common schools of this State, shall be introduced and studied in a regular branch during each school term, or during such portion of each school term as may be necessary to enable all pupils to pass prescribed examinations in the text books on said study, furnished the respective grades and corresponding classes in ungraded schools, in all departments of the common schools of the State, in State reformatories and in all educational institutions supported wholly or in part by appropriations by the State.

(b). It shall be the duty of the boards of trustees of the several school districts in this State to provide the best authoritative text books that can be obtained on said study, and also to provide needed facilities, and to arrange definite time and place for this branch in the regular course of study. The text books in the pupils' hands shall be graded in accordance with their respective school grades, and correspondingly in ungraded schools, and in the lower grades where text books on said subject are not in the hands of pupils, oral instruction in this subject shall be given by teachers using illustrations, charts, and standard text books adapted to such oral instruction, and the same test shall be required in this branch for promotion as in other studies.

SECTION 191. In all teachers' training classes in the normal schools of this State, and in teachers' institutes, adequate time and attention shall be given to instruction in the best methods of teaching this branch, and a competent lecturer on this subject shall be secured for teachers' institutes and associations.

SECTION 192. The superintendents of State reformatories shall make suitable provision for the teaching of this branch in said reformatories.

SECTION 193. On satisfactory evidence that any teacher has wilfully refused or neglected to teach this subject as herein provided, the State or county superintendent shall revoke the

certificate of such teacher. Such revocation not to be made, however, without thirty (30) days' notice to such teacher and the consideration of such evidence as may be produced in his support.

ARTICLE XXII.

REPEALING CONFLICTS.

SECTION 194. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SECTION 195. This Act is intended to constitute a complete code and system for the government and regulation of the common schools of Idaho, and is intended to be complete in itself, without reference to or aid from other laws; and all Acts or parts of Acts which modify or tend to modify this Act or any part thereof shall be disregarded by the Courts in the construction of this Act.

IDAHO REVISED CODES, VOL. I.

STATE INSTITUTIONS.

CHAPTER I.**STATE UNIVERSITY.****University Established.**

SEC. 485. There is hereby established in this State, at the town of Moscow, in the County of Latah, an institution of learning, by the name and style of "The University of Idaho."

Board of Regents.

SEC. 486. The government of the University shall vest in a board of regents, to consist of five members chosen from the State at large, which board the Governor shall nominate, and, with the advice and consent of the Senate, appoint. The said board shall be non-partisan; no more than three of the members shall be of the same political party. The terms of office of said regents shall be six years from the first Monday in February in the year in which appointed. Two members shall be appointed each odd numbered year; Provided, That the present members of said board shall hold office for the remainder of their respective terms. The Governor shall have power to fill vacancies in the board by appointment, which appointment shall be valid until the last day of the regular session of the Legislature following such appointment.

Executive Committee of Board.

SEC. 487. The president and secretary ex-officio, and one member of the board to be appointed by the president thereof, shall constitute an executive committee of said board, whose duties shall be prescribed by the by-laws of the board.

General Duties of the Board.

SEC. 488. The board of regents and their successors in office, shall constitute a body corporate, by the name of "The Regents of the University of Idaho," and shall possess all the powers necessary or convenient to accomplish the objects and perform the duties prescribed by law, and shall have the custody of the books, records, buildings and other property of said University. The board shall elect a president, secretary

and treasurer, who shall perform such duties as shall be prescribed by the by-laws of the board. The secretary shall keep a faithful record of all the transactions of the board and of the executive committee thereof. The treasurer shall perform all the duties of such office, subject to such regulations as the board may adopt, and for the faithful discharge of all his duties shall execute a bond in such sum as the board may direct.

Meetings of Board.

SEC. 489. The time of the election of the president, secretary and treasurer of said board, and the duration of their respective terms of office and the times for holding the regular annual meeting and such other meetings as may be required, and the manner of notifying the same, shall be determined by the by-laws of the board. A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

Powers of Board; Sectarian Tests Prohibited.

SEC. 490. The board of regents shall enact laws for the government of the University in all its branches, elect a president and the requisite number of professors, instructors, officers and employes, and fix the salaries and the term of office of each, and determine the moral and educational qualifications of the applicants for admission to the various courses of instruction; but no instruction either sectarian in religion or partisan in politics shall ever be allowed in any department of the University, and no sectarian or partisan test shall ever be allowed or exercised in the appointment of regents or in the election of professors, teachers, or other officers of the University, or in the admission of students thereto, or for any purpose whatever. The board of regents shall have power to remove the president or any professor, instructor or officer of the University, when, in their judgment, the interests of the University require it. The board may prescribe rules and regulations for the management of the libraries, cabinet, museum, laboratories and all other property of the University and of its several departments, and for the care and preservation thereof, with penalties and forfeitures, by way of damages for their violation, which may be sued for and collected in the name of the board before any court having jurisdiction of such action.

Same: Erection of Buildings.

SEC. 491. The board of regents are authorized to expend such portion of the income of the University fund as

they may deem expedient for the erection of suitable buildings and the purchase of apparatus, a library, cabinets and additions thereto.

Duties of Treasurer.

SEC. 492. The treasurer of said board shall, out of any moneys in his hands belonging to said board, pay all orders drawn upon him by the president and secretary thereof, when accompanied by vouchers fully explaining the character of the expenditure, and the books and accounts of the treasurer shall at all times be opened to the inspection of the board. The treasurer shall make an annual report to the president of the board of all transactions connected with the duties of his office.

Report of Regents.

SEC. 493. At the close of each fiscal year, the regents, through their president, shall make a report in detail to the Governor, exhibiting the progress, conditions and wants of the University, the courses of study, the number of professors and students, the amount of receipts and disbursements, together with the nature, costs and results of all important investigations and experiments, and such other information as they may deem important.

Expenses of Regents.

SEC. 494. The regents shall receive the actual amount of their expenses in traveling to and from, and in attendance upon, all meetings of the board, or incurred in the performance of any duty in pursuance of any direction of the board. Accounts of such expenses shall be duly authenticated and audited by the board and be paid on their order by the treasurer out of any fund belonging to the University not otherwise appropriated; no regent shall receive any pay, mileage or per diem, except as above prescribed.

Powers of President and Faculty.

SEC. 495. The president of the University shall be president of the faculty, or of the several faculties as they may be hereafter established, and the executive head of the instructional force in all its departments. As such, he shall have authority, subject to the board of regents, to give general direction to the instruction and scientific investigation of the University, and so long as the interests of the institution require it, he shall be charged with the duties of one of the professorships. The immediate government of the University shall be in-

trusted to the faculty, but the regents shall have the power to regulate the courses of instruction, and prescribe the books or works to be used in the several courses, and also to confer such degrees and grant such diplomas as are usual in Universities, or as they shall deem appropriate, and to confer upon the faculty, by by-laws, the power to suspend or expel students for misconduct or other cause prescribed by such by-laws.

Departments of University.

SEC. 496. The object of the University of Idaho shall be to provide the means of acquiring a thorough knowledge of the various branches of learning connected with scientific, industrial and professional pursuits, and to this end it shall consist of the following colleges or departments, to-wit:

1. The College or Department of Arts.
2. The College or Department of Letters.
3. The professional or other colleges or departments, as may from time to time be added thereto or connected therewith.

Same.

SEC. 497. The college or department of arts shall embrace courses of instruction in mathematical, physical and natural sciences, with their application to the industrial arts, such as agriculture, mechanics, engineering, mining and metallurgy, manufactures, architecture and commerce, and such branches included in the college of letters as shall be necessary to a proper fitness of the pupils in the scientific and practical courses for their chosen pursuits; and as soon as the income of the University will allow, in such order as the wants of the public shall seem to require, the said courses in the sciences and their application to the practical arts shall be expanded into distinct colleges of the University, each with its own faculty and appropriate title. The college of letters shall be co-existent with the college of arts and shall embrace a liberal course of instruction in language, literature and philosophy, together with such courses in the college of arts as the regents of the University shall prescribe.

Woman Students Admitted.

SEC. 498. The University shall be open to female as well as male students, under such regulations and restrictions as the board of regents may deem proper.

Tuition Not Required.

SEC. 499. No student who shall have been a resident of the State for one year next preceding his admission shall be required to pay any fees for tuition in the University, excepting in a professional department and for extra studies. The regents may prescribe rates of tuition for any pupil in a professional department, or who shall not have been a resident as aforesaid, and for teaching extra studies.

CHAPTER II.**LEWISTON NORMAL SCHOOL.****Establishment of School.**

SEC. 500. A normal school for the State of Idaho is hereby established in the City of Lewiston, in the County of Nez Perce, to be called the Lewiston State Normal School, the purpose of which shall be training and educating teachers in the art of instruction and governing in the public schools of this State, and teaching the various branches that pertain to a common school education.

Constitution of Board of Trustees.

SEC. 501. The said Lewiston State Normal School shall be under the direction of a board of trustees to be known as "The Board of Trustees of the Lewiston State Normal School." The said board of trustees shall consist of seven members, one of whom shall be the State Superintendent of Public Instruction ex-officio. The remaining six members shall be the present trustees, who shall hold office for the term for which they were appointed in the same manner as if these Codes had not been enacted. Their successors shall be appointed for the term of six years by the Governor of the State of Idaho, by and with the advice and consent of the Senate, the terms of two of said appointed trustees expiring on the twenty-seventh day of January of every odd numbered year. The Governor shall fill by appointment all vacancies that may, from any cause, occur in said board of trustees. Before entering upon the duties of his office, each of said trustees shall take and subscribe an oath or affirmation, before some person duly authorized to administer the same, that he will support the Constitution of the United States and of the State of Idaho, and will faithfully and impartially discharge the duties of the

office of trustee of the Lewiston State Normal School, which oath or affirmation shall be filed in the office of the secretary of State.

Meetings, Officers, and Proceedings of Board.

SEC. 502. The said board of trustees may conduct its proceedings in such manner as will best conduce to the proper dispatch of business. A majority of the board of trustees shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. No member of said board of trustees shall participate in any proceeding in which he has any pecuniary interest. Every vote and official act of the said board of trustees shall be entered of record. Said board of trustees shall have an official seal, which shall be judicially noticed. Said board of trustees may sue and be sued. No vacancy in the board of trustees shall impair the right of the remaining trustees to exercise all the powers of the said board of trustees. At their first meeting, and annually thereafter, the said board of trustees shall elect from their number a president and a secretary. The State Treasurer shall be ex-officio treasurer of said board of trustees. It shall be the duty of the secretary to keep an exact and detailed account of the doings of said board, and an itemized account of all expenditures authorized by said board.

General Powers and Duties of Board.

SEC. 503. The said board of trustees are hereby authorized, and it is made their duty, to take and at all times to have general supervision and control of all buildings and property appertaining to said Normal School; and to have general charge and control of the construction of all buildings to be built. They shall have power to let contracts for building and completion of any such buildings and the entire supervision of their construction.

Same: Control of Funds.

SEC. 504. One-half of all funds appropriated for the use and benefit of normal schools in the State of Idaho, from every source, including sales of land donated by the government of the United States to the State of Idaho, for the establishment and maintenance of State normal schools, shall be under the direction and control of the said board of trustees subject to the provisions herein contained. The treasurer of the board shall pay out of such funds all orders or drafts for money to be expended under the provisions of this chapter. Such

orders or drafts shall be drawn by the State Auditor on certificates of the secretary, countersigned by the president, of the said board of trustees. No such certificates shall be given except upon accounts audited and allowed by the said board; Provided, Not more than fifty thousand acres of said lands shall ever be sold for said purpose of establishing and maintaining the Lewiston State Normal School, and said board of trustees shall never use more of said funds than necessary for the purpose of carrying out the provisions of this chapter.

Meetings of Board.

SEC. 505. The board of trustees shall hold two regular meetings annually, at the said City of Lewiston, but special meetings may be called by the president of the board by sending written notice, at least ten days before such meeting, to each member.

Election of Principal.

SEC. 506. The board of trustees shall have power to elect a principal and all other teachers that may be deemed necessary, to fix salaries of the same and to prescribe their duties. They shall have power to remove either the principal, assistant or teachers, and appoint others in their stead.

Course of Study, Certificates and Diplomas.

SEC. 507. It shall be the duty of the board of trustees to prescribe the course of study and the time and standard of graduation, and to issue such certificates and diplomas as may from time to time be deemed suitable. These certificates and diplomas shall entitle the holder to teach in the public schools of any county in this State for the time and in the grade specified in the certificate or diploma.

Text Books, Supplies and Apparatus.

SEC. 508. The board of trustees shall prescribe the text books, apparatus, and furniture, and provide the same, together with all necessary stationery for the use of pupils.

Training or Model Schools.

SEC. 509. The board of trustees shall, when deemed expedient, establish and maintain a training or model school or schools, in which the pupils of the normal school shall be required to instruct classes under the supervision and direction of experienced teachers.

Admission of Pupils.

SEC. 510. The board of trustees shall ordain such rules and regulations for the admission of pupils to said Normal School as they shall deem necessary and proper. All classes may be admitted into the said normal school who are admitted without restriction into the public schools of the State; Provided, The applicant, if a male, must be not less than sixteen years of age, or if a female, not less than fifteen years of age. Applicants must also present letters of recommendation from the county superintendent of public instruction of the county in which they reside, certifying to their good moral character and their fitness to enter the Normal School. Before entering all applicants must sign the following declaration: "We hereby declare that our purpose in entering the Lewiston State Normal School is to fit ourselves for the profession of teaching, and that it is our intention to engage in teaching in the public schools of this State."

Same: Pupils From Other States.

SEC. 511. Pupils from other States and Territories may be admitted to all the privileges of the said Normal School, on presenting letters of recommendation from the Executive or State School Superintendent thereof, and the payment of one hundred dollars. Pupils from other states shall not be required to sign the declaration named in the foregoing section.

Scientific Lectures.

SEC. 512. Lectures in chemistry, comparative anatomy, agricultural chemistry, and any other science or any other branch of literature that the board of trustees may direct, may be delivered to those attending such school, in such manner and on such conditions as the board of trustees may prescribe.

Expenses of Trustees.

SEC. 513. The actual and necessary personal expenses incurred by the members of the board of trustees, in carrying out the provisions of this chapter, shall be paid, on the proper certificate, out of any funds belonging to said Normal School in the hands of the treasurer.

Government of School and Pupils.

SEC. 514. The board of trustees, in their regulations, and the principal and assistants in their supervision and government of the said school, shall exercise a watchful guardianship over the morals of the pupils at all times during their attendance upon the same, but no religious or sectarian tests shall be

applied in the selection of teachers, and none shall be adopted in said school.

Report of Trustees.

SEC. 515. The president and secretary of the board of trustees shall, on or before the first day of December of each year, transmit to the Governor of the State, a full report of the doings of the said board of trustees, the progress and condition of the said Normal School, together with a full report of the expenditures of the same for the previous year, setting forth each item in full, and the date thereof, and such recommendations as they deem proper for the good of said Normal School.

CHAPTER III.

ALBION NORMAL SCHOOL.

Establishment of School.

SEC. 516. A Normal School for the State of Idaho is hereby established at or near the Town of Albion, in the County of Cassia, to be called the Albion State Normal School, the purpose of which will be training and educating teachers in the art of instruction and governing in the public schools of the State, and teaching the various branches that pertain to a good common school education.

Constitution of Board of Trustees.

SEC. 517. The Albion State Normal School shall be under the direction of non-partisan board of trustees, consisting of six members—exclusive of the State Superintendent of Public Instruction, who is ex-officio a member of said board—no more than four of whom shall be of the same political party. Said board shall be known as the "Board of Trustees of the Albion State Normal School." The board of trustees as at present constituted shall continue to hold office during the respective terms of the members thereof, and their successors shall be appointed for the term of six years from and after the fifth day of March, by the Governor of the State of Idaho, by and with the advice and consent of the Senate, and in such a manner that two trustees shall be appointed each odd numbered year. It shall be the duty of the Governor to fill, by appointment, all vacancies that may from any cause occur in said board of trustees. Before entering upon the duties of their office, each of the trustees provided for in this chapter

shall take and subscribe an oath or affirmation that he will support the Constitution of the United States, and the Constitution and Laws of the State of Idaho, and will faithfully and impartially discharge the duties of said office, which oath or affirmation shall be filed in the office of the secretary of State.

Title to Property.

SEC. 518. All the rights, powers, duties, and title to real estate or personal property belonging to or vested in said Normal School are hereby vested in the trustees of said school herein provided for.

Proceedings of Board.

SEC. 519. The said board of trustees may conduct its proceedings in such manner as will best conduce to the proper dispatch of business. A majority of the board of trustees shall constitute a quorum from time to time. No member of said board of trustees shall participate in any proceeding in which he has any pecuniary interest. Every vote and official act of the said board of trustees shall be entered of record. Said board of trustees shall have an official seal, which shall be judicially noticed. Said board of trustees may sue and be sued. No vacancy in the board of trustees shall impair the right of the remaining trustees to exercise all the powers of the said board of trustees. At their first meeting, and annually thereafter, the said board of trustees shall elect from their number a president and secretary. The State Treasurer shall be ex-officio treasurer of said board of trustees. It shall be the duty of the secretary to keep an exact and detailed account of the doings of said board, and an itemized account of all expenditures by said board.

Control of Buildings.

SEC. 520. The said board of trustees are hereby authorized, and it is made their duty, to take and at all times to have general supervision and control of all buildings and property appertaining to said Normal School, and to have general charge and control of the construction of all buildings to be built. They shall have power to let contracts for building and completion of any such buildings, and the entire supervision of their construction.

Control of Funds.

SEC. 521. All funds appropriated for the use and benefit of said Normal School, from every source, including the pro

rata share of the available proceeds of sales of lands granted by the Government of the United States to the State of Idaho for the establishment and maintenance of State Normal Schools due to said Normal School, shall be under the direction and control of the said board of trustees subject to the provisions herein contained. The treasurer of the board of trustees shall pay out of such funds all orders or drafts for money to be expended under the provisions of this chapter. Such orders or drafts shall be drawn by the State Auditor on certificates of the secretary, countersigned by the president of said board of trustees and approved by the State Board of Examiners. No such certificates shall be given except on accounts audited and allowed by said board of trustees.

Meetings of Board.

SEC. 522. The board of trustees shall hold two regular meetings annually, at the said Town of Albion, but special meetings may be called by the president of the board by sending notice of at least ten days to each member.

Election and Removal of Principal and Teachers.

SEC. 523. The board of trustees shall have power to elect a principal and all other teachers that may be deemed necessary, to fix the salaries of the same and to prescribe their duties. They shall have power to remove either the principal, assistant, or teachers, and appoint others in their stead.

Course of Study, Certificates and Diplomas.

SEC. 524. It shall be the duty of the board of trustees to prescribe the course of study, and the time, and standard, of graduation, and to issue such certificates and diplomas as may from time to time be deemed suitable. These certificates and diplomas shall entitle the holders to teach in the public schools in any county in this State for the time and in the grade specified in the certificate or diploma.

Text Books, Apparatus and Furniture.

SEC. 525. The board of trustees shall prescribe the text books, apparatus, and furniture, and provide the same, together with all necessary stationery for the use of pupils.

Training or Model Schools.

SEC. 526. The board of trustees shall, when deemed expedient, establish and maintain a training or model school or schools in which the pupils of the Normal School shall be

required to instruct classes, under the supervision and direction of experienced teachers.

Admission of Pupils.

SEC. 527. The board of trustees shall ordain such rules and regulations for the admission of pupils to said Normal School as they shall deem necessary and proper. All classes may be admitted into the said Normal School who are admitted without restriction into the public schools of the State; Provided, The applicant, if a male, must be not less than sixteen years of age, or if a female, not less than fifteen years of age. Applicants must also present letters of recommendation from the county superintendent of public instruction, of the county in which they reside, certifying to their good moral character and their fitness to enter the Normal School. Before entering, all applicants must sign the following declaration: "We hereby declare that our purpose in entering the Albion State Normal School is to fit ourselves for the profession of teaching, and that it is our intention to engage in teaching in the public schools of this State."

Same: Pupils From Other States.

SEC. 528. Pupils from other States and Territories may be admitted to all the privileges of said Normal School on presenting letters of recommendation from the Executive, or State School Superintendent thereof, and paying such tuition fee as the board of trustees may prescribe. Each of such pupils must sign the following declaration: "I hereby declare that my purpose in entering the Albion State Normal School is to fit myself for the profession of teaching."

Lecture Courses.

SEC. 529. Lectures in chemistry, comparative anatomy, the mechanical arts, agricultural chemistry, and any other science, or any other branch of literature that the board of trustees may direct, may be delivered to those attending such school, in such manner and on such conditions as the board of trustees may prescribe.

Expenses of Board.

SEC. 530. The actual and necessary personal expenses incurred by the members of said board of trustees in carrying out the provisions of this chapter shall be paid on the proper certificate out of any funds belonging to said Normal School, in the hands of the treasurer.

Report to Governor.

SEC. 531. The president and secretary of the said board trustees shall, on the first days of January and July of each year, transmit to the Governor of the State a full report of the doings of the said board of trustees and the progress and condition of the said Normal School, together with a full report of the expenditures of the same for the previous six months, setting forth each item in full, and the date thereof, and such recommendations as they deem proper for the good of said Normal School.

Supervision of Pupils.

SEC. 532. The board of trustees in their regulations, and the principal and assistant in their supervision and government of the said school, shall exercise a watchful guardianship over the morals of the pupils at all times during their attendance upon the same, but no religious or sectarian test shall be applied in the selection of teachers, and none shall be adopted in the said school.

 CHAPTER V.

ACADEMY OF IDAHO.

Establishment of Academy.

SEC. 545. A school which shall be called the Academy of Idaho, is hereby established at the City of Pocatello, Idaho, the purpose of which shall be the teaching of all branches commonly taught in academies, including also the various studies pertaining to a good common school education, and such special courses as are usually taught in business colleges.

Board of Trustees. Constitution.

SEC. 546. A non-partisan board of trustees to be known as the "Board of Trustees of the Academy of Idaho," consisting of six members, no more than three of whom shall be of the same political party, is hereby created for the management and control of said Academy. Said trustees shall be appointed by the Governor by and with the advice and consent of the Senate for terms of six years, and until their successors are appointed and qualified; Provided, That two members of said board shall be appointed each odd numbered year, and the present trustees shall hold office to the expiration of the terms for which they were appointed, in the same manner as if these

Codes had not been enacted. It shall be the duty of the Governor to fill by appointment all vacancies that may from any cause occur in the board of trustees. Before entering upon the duties of their office, each of said trustees shall take and subscribe an oath or affirmation that he will support the Constitution of the United States, and the Constitution and laws of the State of Idaho, and will faithfully and impartially discharge the duties of said office, which oath, or affirmation shall be filed in the office of the Secretary of State.

Same: Title to Property.

SEC. 547. All rights in and title to real estate or personal property belonging to or vested in said Academy are hereby vested in said board of trustees.

Same: Proceedings of Board.

SEC. 548. The said board of trustees may conduct its proceedings in such manner as will best conduce to the proper dispatch of business. A majority of the board of trustees shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. No member of said board of trustees shall participate in any proceedings in which he has any pecuniary interest. Every vote and official act of said board of trustees shall be entered of record. Said board of trustees shall have an official seal which shall be judicially noticed. Said board of trustees may sue and be sued. No vacancy in the board of trustees shall impair the right of the remaining trustees to exercise all the powers of said board of trustees. At their first meeting and annually thereafter, the said board shall elect from their number a president and a secretary. The State Treasurer shall be ex-officio treasurer of said board of trustees. It shall be the duty of the secretary to keep an exact and detailed account of the doings of said board, and an itemized account of all the expenditures authorized by said board.

Control of Board Over Buildings.

SEC. 549. The said board of trustees are hereby authorized, and it is made their duty, to take and at all times to have general supervision and control of all buildings and property appertaining to said Academy, and to have general charge and control of the construction of all buildings to be built. They shall have power to let contracts for building any such buildings, and also the entire supervision of their construction.

Appropriation of Lands to Academy.

SEC. 550. Forty thousand acres of the lands granted to the State of Idaho by an act of Congress, entitled "An act to provide for the admission of the State of Idaho into the Union," approved July 3, 1890, "for other State charitable, educational, penal and reformatory institutions," are hereby appropriated and set apart for the exclusive use and benefit of said Academy, said lands to be held, disposed of, and the proceeds thereof used and applied for the benefit of said Academy, subject to the provisions of said admission bill and of the Constitution of the State of Idaho, and, so far as may be practicable, in conformity with the established procedure of holding, disposing of, and applying the proceeds of the sales of lands granted for the establishment and maintenance of State Normal Schools in Idaho.

Funds; Allowance of Bills.

SEC. 551. All funds appropriated for the use and benefit of said Academy, from every source, including the available proceeds from the sales of said lands, and the sale of bonds provided for said Academy, shall be under the control and direction of said board of trustees, subject to the provisions herein contained. The treasurer of the board of trustees shall pay out of such funds all orders or drafts for money to be expended under the provisions of this chapter. Such orders or drafts shall be drawn by the State Auditor upon certificates of the secretary countersigned by the president of said board of trustees, and approved by the State Board of Examiners. No such certificates shall be given except on accounts audited and allowed by said board of trustees.

Meetings of Board.

SEC. 552. The board of trustees shall hold two regular meetings annually, at the City of Pocatello, but special meetings may be called by the president of the board by sending written notice of at least ten days to each member.

Teachers, Course of Study and Text Books.

SEC. 553. The board of trustees shall have power to elect a principal and all other teachers that may be deemed necessary, to fix the salaries of the same, and to prescribe their duties. They shall have power to remove the principal or teachers and appoint others in their stead. It shall be the duty of the board of trustees to prescribe the course of study and the time and standard of graduation, and to issue such certificates of

graduation and diplomas as may from time to time be deemed suitable. The board of trustees shall prescribe the text books, and shall provide such suitable apparatus and furniture from time to time as they may deem necessary; Provided, That for the purpose of prescribing a course of study, but for that purpose only, the president of the State University and the State Superintendent of Public Instruction shall be ex-officio members of the board of trustees.

Rules for Admission of Pupils.

SEC. 554. The board of trustees shall ordain such rules and regulations for the admission of pupils to said Academy as they shall deem necessary and proper. Pupils from other States and Territories may be admitted to all the privileges of such Academy upon paying such reasonable tuition fee as the trustees may prescribe.

Allowance of Expenses to Board.

SEC. 555. The actual and necessary personal expenses incurred by the members of said board of trustees in carrying out the provisions of this chapter shall be paid, on the proper certificate, out of any funds belonging to said Academy in the hands of the treasurer.

Report to Governor.

SEC. 556. The president and secretary of said board of trustees shall, on the first days of January and July of each year, transmit to the Governor of the State a full report of the doings of the said board of trustees, the progress and condition of said Academy, together with a full report of the expenditures of the same for the previous six months, setting forth each item in full, and the date thereof, and such recommendations as they deem proper for the good of said Academy.

Guardianship Over Pupils.

SEC. 557. The board of trustees in their regulations, and the principal and assistants in their supervision and government of said school, shall exercise a watchful guardianship over the morals of the pupils at all times during their attendance upon the same, but no religious or sectarian test shall be applied in the selection of teachers, and none shall be adopted in said school.

PUBLIC INSTITUTIONS.

CHAPTER III.**SCHOOL FOR DEAF, DUMB, AND BLIND.****Board of Education May Make Arrangements.**

SEC. 800. The State Board of Education is hereby empowered and authorized to make the necessary arrangements for the education of the deaf, dumb and blind of this State, including the providing of a suitable building therefor, and equipping the same so far as may be necessary, including also the arranging for the conveyance of the scholars to and from the school, at the expense of the State, and including the hiring of a superintendent, instructors and employes, and the fixing of their compensation, and such other matters as may be necessary to carry into effect the provisions of this chapter; Provided, however, That the State Board of Education may, if it becomes necessary, enter into contract with one or more of the adjacent States or Territories (having an institution for the education of the deaf, dumb and blind) for the education of the deaf, dumb and blind of the State of Idaho, upon the most economical terms possible; Provided, however, That if it should become necessary to make any such contract, no more than three hundred dollars per year shall be paid for each scholar's instruction and board, including board during vacation.

Examination of Applicants.

SEC. 801. The State Board of Education is authorized to provide for the careful examination of all applicants for admission to the school to be provided by the said board, and the expenses of the said examinations, and for other expenses in connection with the education of the deaf, dumb, and blind, under the authority conferred by this chapter, shall be paid out of the State Treasury, as provided by law.

Definition of Deaf and Blind.

SEC. 802. All children between the ages of six and twenty-one years, who are too deaf or too blind to be educated in our public schools, shall be deemed deaf and blind for the purposes of this chapter.

Census of Deaf, Dumb and Blind.

SEC. 803. It shall be the duty of the Board of Education to ascertain the number of deaf, dumb and blind persons in the State, as defined by the preceding section, and, as soon as practicable thereafter, to take the necessary steps for their education, as provided for in this chapter.

Same: Duty of District Census Marshals.

SEC. 804. It is hereby made the duty of the census marshal of each school district in the State of Idaho, when he shall enumerate the children of school age in his district, to carefully ascertain what children in that district are deaf and blind, as defined in Section 802, and he shall note the name, age and sex of such child or children, also the name of parents or guardian or other person having the legal or actual charge of such child or children, and shall report the same to the county superintendent of public instruction, and said county superintendent of public instruction shall immediately report the same to the State Superintendent of Public Instruction.

CHAPTER IV.**INDUSTRIAL TRAINING SCHOOL.****GOVERNMENT OF SCHOOL.****Establishment.**

SEC. 805. A State Industrial Training School is hereby established at the town of St. Anthony, in Fremont County, State of Idaho, to be called the "Idaho Industrial Training School." The purpose of such school shall be the care, protection, training and education of delinquent, dependent and neglected children, and to provide for the care, control and discharge of juvenile offenders.

Board of Trustees.

SEC. 806. A board of trustees is hereby created to be known as the board of trustees of the Idaho Industrial Training School, consisting of four members. All of said members shall be appointed; two shall be men and two shall be women. No more than two shall belong to one political party, and no more than one shall be appointed from any one county, and two shall be interested in humanitarian work. Said board of trustees shall be appointed by the Governor and confirmed

by the Senate for the term of four years, and until their successors are appointed and qualified; Provided, That of the first board appointed, two shall hold office for two years and two for four years, and the Governor and State Superintendent of Public Instruction shall be ex-officio members of the board of trustees. It shall be the duty of the Governor to fill by appointment all vacancies that may from any cause occur in the board of trustees; Provided, That he shall appoint the new member from the political party of the retiring member.

Before entering upon the discharge of the duties of their respective offices, each member shall take and subscribe an oath, or affirmation, that he or she will support the Constitution of the United States and the Constitution of the State of Idaho, and will faithfully discharge the duties of said office, which oath or affirmation shall be filed with the Secretary of State.

Proceedings of Board.

SEC. 807. The said board of trustees shall conduct its proceedings in such a manner as will best conduce to the proper dispatch of business. A majority of the board of trustees shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. No member of said board of trustees shall participate in any proceedings in which he or she has a personal or pecuniary interest. Every vote and official act of said board of trustees shall be entered on record.

Said board of trustees shall have an official seal, which shall be judicially noticed. Said board of trustees may sue and be sued, and may take, in the name of the State, and hold in trust for the school, any and all money, real estate or personal property that may be bequeathed to said school.

Officers of Board.

SEC. 808. At their first meeting and biennially thereafter, the said board of trustees shall elect a president and secretary. The State Treasurer shall be ex-officio treasurer of said board of trustees. It shall be the duty of the secretary of said board to keep an exact and detailed account of the doings of said board and an itemized account of all expenditures by said board.

General Powers of Board.

SEC. 809. The said board of trustees are hereby authorized, and it is made their duty, to take and at all times to have

general supervision and control of all buildings to be constructed. They shall have power to let contracts for the erection of all buildings, and also the entire supervision of their construction. All buildings for housing the pupils shall be on "Cottage plan." For the better grading of inmates, each cottage shall accommodate not more than twenty-five persons.

Meetings of Board.

SEC. 810. Said board of trustees shall hold two meetings at said school, annually, but special meetings may be called by the president of the board, by sending written notices of at least ten days to each member. The actual and necessary personal expenses for mileage and board incurred by the members of said board of trustees in carrying out the provisions of this chapter, shall be paid, on proper certificates, out of any funds belonging to said school in the hands of the treasurer.

Control of Funds.

SEC. 811. All funds appropriated for the use and benefit of said school from every source, including the available interest arising from investment of the proceeds of the sale of lands set apart as hereinafter provided for, shall be under the control and direction of said board of trustees, subject to the provisions herein contained. The treasurer of the board of trustees shall pay out of such funds all orders or drafts for money to be expended under provisions of this chapter. Such orders or drafts shall be drawn by the State Auditor upon certificates of the secretary, countersigned by the president of the board of trustees, and shall be approved by the State Board of Examiners. No such certificates shall be given except on accounts audited and allowed by said board of trustees.

Appointment and Removal of Superintendent.

SEC. 812. The board of trustees shall appoint a superintendent who shall be especially fitted for the position, and shall be a person experienced in such work as is intended to be carried on in this school. He shall be retained as long as his work is bringing good results, irrespective of political affiliations. The superintendent shall, before entering upon the duties of his office, give a good and sufficient bond, to be approved by the board of trustees, conditioned for the faithful discharge of his duties. The superintendent may be removed by the board of trustees for neglect of duty, improper conduct, malfeasance in office, incompetency, or whenever the interests of the school shall be best subserved thereby. The board of

trustees shall, on recommendation of the superintendent, appoint an assistant superintendent, who may be removed by the superintendent.

Appointment and Qualifications of Teachers.

SEC. 813. All officers, teachers and employes shall be appointed by the superintendent, by and with the advice and consent of the board of trustees; and such officers, teachers and employes may be removed by the superintendent whenever the interests of the school will be best subserved thereby. All teachers, except specialists, shall hold first-class certificates from the State Superintendent of Public Instruction. Specialists shall hold diplomas from some accredited school in their speciality.

Trustees to Prescribe Regulations and Fix Salaries.

SEC. 814. The superintendent shall conduct the said school under rules, and regulations prescribed by the board of trustees, and said board of trustees shall fix the salaries of all officers and teachers, and the wages of all employes.

Reports of Superintendent.

SEC. 815. The superintendent shall, at the close of each month, present to the board of trustees a written report, showing the general condition of the school, the number of inmates in attendance, the number of tickets of leave granted and such other information, together with such suggestions and recommendations, as may be to the best interests of the school. He shall have charge of all property belonging to the school, and shall keep an account of all monthly expenditures, and the receipts shall be certified to the president of the board with the social condition of each inmate at the time of committal.

Religious Services.

SEC. 816. The superintendent shall provide for the holding of religious services on the Sabbath day for the inmates of said school, but no sectarian views shall control the services.

State Superintendent to Prescribe Studies.

SEC. 817. The State Superintendent of Public Instruction shall prepare courses of study for all grades in the school.

School Constitutes an Independent District.

SEC. 818. The said school with all appurtenances thereto shall be and it is hereby declared to be, an independent school district, and it shall not be taxed for other school purposes.

Reports to Governor.

SEC. 819. The president and secretary of the board of trustees shall, on the first day of January and July of each year, transmit to the Governor of the State a full written report of the doings of said board of trustees, the progress and condition of said school, together with a full report of the expenditures and receipts for the previous six months, setting forth each item in full with the date thereof, and such recommendations as they deem proper for the good of the school. They shall submit, on the first day of December of each biennial year, a printed report of all proceedings for the last biennial period. Provided, Failure to file a printed report as required shall mean forfeiture of bond.

School to Be Non-Sectarian.

SEC. 820. The board of trustees, in their regulations, and the superintendent and assistants, shall exercise a watchful guardianship over the morals of the pupils at all times during their attendance upon the same, but no religious or sectarian test shall be applied in the selection of teachers, and none shall be adopted in the school.

Land to Be Set Aside for School.

SEC. 821. The State Board of Land Commissioners are hereby directed, and it is made their duty, to set aside forty thousand acres of land granted to the State of Idaho by the act of Congress entitled "An act to provide for the admission of the State of Idaho into the Union," approved July 3rd, 1890, for other State charitable, educational or penal and reformatory purposes, for the exclusive use and benefit of said school. Said lands shall be held and disposed of, and the proceeds thereof used and applied, for the benefit of said school, subject to the provisions of said admission act and the Constitution of the State of Idaho, and, so far as may be practicable, in conformity with the established procedure of holding, disposing of and applying the proceeds of lands granted to the common schools of the State of Idaho. The State Board of Land Commissioners are directed to set aside forty thousand acres of land, if selected, and if not selected, to use the utmost dispatch in selecting and setting aside the same. The State Board of Land Commissioners are hereby directed to provide separate record books, in proper form, to be known as "Idaho Industrial Training School Records," in which shall be kept all records of matters relating to said lands.

Courses of Study.

SEC. 822. All juveniles sent to the Idaho Industrial Training School shall be taught the common school branches, as taught in the common schools of Idaho, together with such industrial and manual training in the boys' department, and domestic sciences in the girls' department, that the boys and girls shall be enabled to earn a living after being discharged therefrom.



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