

An Act to Amend the School Law of Montana - Introduced by White.

Be it enacted by the legislative assembly of the territory of Montana:

SECTION 1. That chapter Lv of the Fifth Division of the Revised Statutes of the school law of Montana be, and the same is, hereby amended to read as follows:

Sec. 1090. It shall be the duty of the superintendent of public instruction to travel in the different counties of the territory where common schools are taught, so far as possible, without neglecting his other official duties, during at least three months in each year, for the purpose of visiting schools, of consulting with county superintendents and addressing public assemblies on subjects pertaining to public schools; and his necessary traveling expenses, not exceeding the sum of five hundred dollars in any one year, shall be paid out of any funds in the treasury not otherwise appropriated.

Sec. 1097. The county superintendent shall have power, and it shall be his duty: First. To visit each school in his county at least once a year.

Second. To distribute promptly all reports, laws, forms, circulars and instructions which he may receive for the use of school officers and teachers from the superintendent of public instruction.

Third. To report to the superintendent of public instruction annually on or before the first day of December for the school year ending August 31st next preceding, such statistics as may be required of him.

Fourth. To enforce the course of study adopted by the territorial superintendent of public instruction.

Fifth. To enforce the rules and regulations required in the examination of teachers.

Sixth. To keep on file and preserve in his office the biennial report of the superintendent of public instruction.

Seventh. To keep in a good and well bound book, to be furnished by the county commissioners, a record of his official acts.

Eighth. To carefully preserve all reports of school officers and teachers, and, at the close of his term of office, deliver to his successor all records, books, documents and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the county clerk.

Sec. 1100. The county superintendent shall have power, and it shall be his duty, to appoint trustees to fill vacancies in any district arising from failure to elect at the proper time, resignation or other causes, and in the organization of new districts, until the next annual district election. Provided that when a new district is organized, such trustees of the old district as reside within the limits of the new district shall be trustees in the new district and the vacancies in the old district shall not be filled by appointment until the next annual district election.

Sec. 1108. An annual meeting for the election of trustee, or trustees, shall be held in each district on the first Saturday in April of each year at the district school house, if there be one, and if there be none, at a place designated by the board of trustees. The term of all trustees now holding office shall expire upon the election and qualification of their successors. The trustees shall post written notices of election, specifying the day, time and place of meeting, in at least three public places in the district, one of which shall be the school house, if there be one, at least (15) days previous to the time of meeting, and in addition to posting such written notices the trustees shall cause the same to be published in some newspaper in the district or if there be no newspaper in the district then in some newspaper printed in the county. All elections shall be held by ballot and the trustees shall have power to determine the hours during which the polls shall be kept open, having giving due notice thereof in the posted and printed notices of election. Every person, without regard to sex, who is over twenty-one years of age, and a taxable inhabitant of the district, shall be entitled to vote. Any person offering to vote may be challenged by any legally qualified voter of the district, and the chairman of the board of trustees shall thereon administer to the person challenged, an oath in substance as follows: "You do swear (or affirm) that you are a citizen of the United States, or have declared your intention of becoming such, that you are twenty-one years of age, according to the best of your information and belief, that you have resided in this territory at least six months, next preceding this election, that you are a taxable resident of this school district, and that you have not before voted this day." If the elector shall refuse to take the oath, his vote shall be rejected, and any person guilty of illegal voting shall be punished as provided in the general election laws of this territory. The trustees shall be judges and inspectors of election, and if they are not present at the time for opening the polls, the electors present may appoint the officers

of election. A poll and tally list shall be kept by the clerk of the board of trustees, and with the exceptions mentioned in this section, the election shall be conducted as far as practicable in the form and manner of the general election. Anyone of the old trustees shall have power to administer to any trustee-elect the oath of office, and the clerk of election shall issue the certificate of election to any trustee-elect, who shall forward it to the county superintendent of public schools.

Sec. 1112. It shall be the duty of the district clerk to record all proceedings of the board of trustees in a suitable book; to record in the same book the proceedings of the annual school meetings, or of special school meetings, and to keep an accurate and detailed account of all receipts and expenditures of school moneys. At each annual school meeting the district clerk shall present his record book for inspection, and shall make a statement of the financial condition of the district. Provided, that the district record book shall be open to the public at all times. The district clerk shall report annually, during the month of September of each year, for the school year next preceding to the county superintendent, in the manner and form, and on the blanks prescribed by the superintendent of public instruction, and for making said annual report on or before the specified time, he shall be paid the sum of five dollars, and for each day's neglect after the time specified by law for rendering said report, the sum of five dollars shall be deducted by the county superintendent from the moneys apportioned to said district, and return the same to the general school fund of the county. It shall also be the duty of the district clerk to give written notice to the county superintendent of the time of opening of the school in his district, the length of term, and the names of the teachers thereof. He shall also report directly to the superintendent of public instruction, whenever required, the text-books used in the schools.

Sec. 1113. Every board of trustees, unless otherwise especially provided by law, shall have power, and it shall be their duty:

First. To employ, and, for sufficient cause, dismiss teachers, mechanics, and laborers, and to fix, alter, allow, and order paid their salaries and compensation.

Second. To enforce the general regulations of the territorial superintendent of public instruction for the government of schools, pupils and teachers, and to enforce the course of study adopted in pursuance of territorial law.

Third. To provide and pay for school furniture and apparatus, and such other articles, materials and supplies as may be necessary for school use or for the use of the school board.

Fourth. To suspend or expel pupils from school, and in cities or larger towns to exclude from school children under six years of age, where the interest of the school require such exclusion.

Fifth. To rent, furnish, repair and insure school houses.

Sixth. To build or remove school houses, and purchase or sell school lots, when the trustees may be directed by a vote of the district so to do.

Seventh. To purchase personal property, and to receive, lease, and to hold in fee, in trust for their district, town, or city, any and all real or personal property for the benefit of the schools thereof.

Eighth. To provide books for indigent children on the written statement of the teacher that the parents of such children are not able to purchase them.

Ninth. To require all pupils to be furnished with suitable books, as a condition of membership in the school.

Tenth. To exclude from school and school libraries all books, tracts, papers, or catechisms of a sectarian or political character.

Eleventh. To require every teacher to keep a school register.

Twelfth. To require teachers to make such annual reports as may be required by the superintendent of public instruction.

Thirteenth. To appoint a district clerk and fix his compensation.

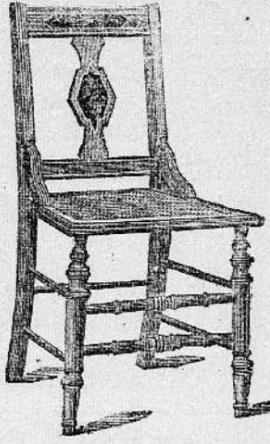
Fourteenth. To provide evening schools for persons above the age of 14 years.

Sec. 1136. County school moneys may be used by the county superintendent and trustees for the various purposes as authorized and provided in this article, and for no other purpose, except that in any district, any surplus in the general school fund to the credit of said district, after providing for the expenses of not less than eight months school, may, on a vote of the qualified electors of said district, be used for the purposes of building and improvement.

Sec. 1149. F. First grade certificates shall continue in force three years, and shall be granted to persons who have had not less than twelve months successful experience in teaching. Second grade certificates shall continue in force two years, and third grade certificates one year. Certificates of the first and second grades granted in any county shall be valid in any other county of the territory on being registered with the superintendent of that county, and may be renewed by any county superintendent by his endorsement thereon.

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