

## SCHOOLS

### CHAPTER 206

S. B. No. 29—(R. M. Streibel)

#### ARBITRATION CONTROVERSIES AS TO SCHOOL FACILITIES

An act to amend and re-enact Section 1189 of the Compiled Laws of 1913, as amended by Chapter 236 of the 1931 Session Laws of North Dakota; and to provide for minimum attendance under which school boards may discontinue a school.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 1189 of the Compiled Laws of 1913, as amended by Chapter 236 of the 1931 Session Laws of North Dakota, is hereby amended and re-enacted to read as follows:

§ 2. The district board shall determine and fix the length of time the schools in the district shall be taught each year, and when each term of school shall begin and end. It shall so arrange such terms as to accommodate and furnish school privileges equally and equitably to pupils of all ages; provided, that every common school shall be kept in session for not less than seven months in each school year; and provided further that any school may be discontinued when the average attendance of pupils therein for ten consecutive days shall be less than six, and all contracts between school boards and teachers shall contain a provision that no compensation shall be received by such teacher from the date of such discontinuance, if proper and convenient school facilities be provided for the pupils therein in some other school; and such proper and convenient facilities must be provided for the pupils in the territory of such school until such time as the school may be reopened by the board. In determining what shall constitute proper and convenient school facilities the school board shall consider the distance of such child from the nearest other school, and all surrounding circumstances, and may furnish transportation to such other school, or pay an extra allowance of transportation, or furnish the equivalent thereof in tuition or lodging at some other public school. In case of dispute between the patron and the school board as to whether or not the school board has furnished or arranged to furnish adequate facilities, the matter may be submitted by the patron to a board of arbitration consisting of the county superintendent of schools, one arbitrator named by the patron, and one arbitrator named by the school board, and the determination of such arbitrators, after hearing, shall be binding upon the school board. Provided further, that when any school which has been closed by reason of the terms of this section, upon demand in

writing of the parents or guardians of *six* or more children of compulsory school age, all of whom reside within two and one-half miles of such school, the school board shall re-open such school for the next ensuing term following such demand. Such school may be re-opened by the board at any time upon its own motion without any petition having been presented.

Approved March 7, 1939.

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## CHAPTER 207

H. B. No. 195—(Johnson of Cass, Nelson of Dickey & Mittag)

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### STATE BOARD OF HIGHER EDUCATION—POWERS AND DUTIES

An act providing that the State Board of Higher Education created and established by an initiated act submitted to the electors and approved June 28, A. D. 1938, shall be and hereby is vested with all the rights, powers, duties, obligations and prerogatives heretofore vested in the Board of Administration, as to vocational education, vocational rehabilitation, and of the Extension Division of the North Dakota Agricultural College.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. POWERS TRANSFERRED.] That the State Board of Higher Education in order that Federal cooperation and aid may be secured and continued to such projects and activities, and Federal requirements complied with, is hereby vested with all the rights, powers, duties, obligations and prerogatives heretofore and now vested in the Board of Administration, as to vocational education, and vocational rehabilitation, and as to the Extension Division of the North Dakota Agricultural College, and its work and activities.

Approved March 7, 1939.

## CHAPTER 208

S. B. No. 189—(Committee on Education)

CONSOLIDATION OF SCHOOLS AND TRANSPORTATION  
OF PUPILS

An act to amend and re-enact Section 1190 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as amended and re-enacted by Chapter 243 of the Session Laws of North Dakota for 1927, and as amended and re-enacted by Chapter 231 of the Session Laws of North Dakota for 1937, relating to consolidation of schools and transportation of pupils; and repealing all laws or parts of laws in conflict therewith.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That Section 1190 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as amended and re-enacted by Chapter 243 of the Session Laws of North Dakota for 1927, and as amended and re-enacted by Chapter 231 of the Session Laws of North Dakota for 1937, be amended and re-enacted to read as follows:

§ 1190. CONSOLIDATION OF SCHOOLS AND TRANSPORTATION OF PUPILS.] The district school board may call, and, if petitioned by one-third of the voters of the district, shall call an election to determine the question:

(1) To consolidate two or more schools or the territory usually served by two or more schools and select a site and provide a suitable building; or,

(2) To select a school already established and, if necessary, make suitable additions thereto to accommodate the pupils of the schools to be vacated. Said election except as hereafter otherwise provided shall be conducted, both as to notices and as to manner of canvassing the votes, in the same manner as the annual school election. If a majority of the votes cast at such election are in favor of either proposal, then the board shall carry out the decision of the district within four months thereafter, and such school shall be known as a consolidated school. It shall also be the duty of the board, if deemed expedient, to move to the site selected school houses already built, or to sell such school houses. In the case of any consolidated school heretofore or hereafter established under the provisions of this act, the school board may in its discretion and at its option pay to each family residing more than two miles from such school, by the nearest route, whose child or children shall attend such consolidated school, not including children in the high school department thereof, a sum per day for each day's attendance, in proportion to the distance from such school, according to the following schedule:

From 2 miles to $2\frac{1}{4}$ miles	5 cents per day
From $2\frac{1}{4}$ miles to $2\frac{1}{2}$ miles	8 cents per day
From $2\frac{1}{2}$ miles to $2\frac{3}{4}$ miles	11 cents per day
From $2\frac{3}{4}$ miles to 3 miles	14 cents per day
From 3 miles to $3\frac{1}{4}$ miles	17 cents per day
From $3\frac{1}{4}$ miles to $3\frac{1}{2}$ miles	20 cents per day
From $3\frac{1}{2}$ miles to $3\frac{3}{4}$ miles	23 cents per day
From $3\frac{3}{4}$ miles to 4 miles	26 cents per day
From 4 miles to $4\frac{1}{4}$ miles	29 cents per day
From $4\frac{1}{4}$ miles to $4\frac{1}{2}$ miles	32 cents per day
From $4\frac{1}{2}$ miles to $4\frac{3}{4}$ miles	35 cents per day
From $4\frac{3}{4}$ miles to 5 miles	38 cents per day
From 5 miles to $5\frac{1}{4}$ miles	41 cents per day
From $5\frac{1}{4}$ miles to $5\frac{1}{2}$ miles	44 cents per day
From $5\frac{1}{2}$ miles to $5\frac{3}{4}$ miles	47 cents per day
From $5\frac{3}{4}$ miles to 6 miles	50 cents per day

And for each one-fourth of one mile over and beyond such distance of six miles from such school the further sum of five cents per day.

Provided that such distance shall be measured from the front door of the school house to the front door of the family's residence according to the most convenient public course of travel; provided that the board at its option in lieu of such payment may

(1) Furnish vehicular transportation by public conveyance to such family, or

(2) Furnish such family the equivalent of such payment in lodging or tuition at some other public school if acceptable to the family, and when the school board or board of education by resolution, provides for such payment, transportation, lodging or tuition, the compulsory attendance law shall apply to all school children of school age living not to exceed six miles from school and shall also apply to such children living more than six miles from school if vehicular transportation is furnished; provided, further, that demand for such payment shall be made by such family before the close of the school year or same will be deemed to have been waived.

Provided, that the provisions for transportation shall not apply to deaf, blind and feeble-minded children in this State, and this section shall not be construed to apply to parents, guardians, or other persons having control of any child or children of compulsory school age, who desire to send such child or children for a total period of not exceeding six months, which may be taken in one or more years, to any parochial school for the purpose of preparing such child or children for religious duties. It shall be the duty of the clerk of the school board to include in his annual statement an item setting forth the amount spent for transportation of pupils.

§ 2. REPEAL.] All laws or parts of laws in conflict herewith are hereby repealed.

Approved March 15, 1939.

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## CHAPTER 209

S. B. No. 237—(Committee on Education)

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### STATE EQUALIZATION FUND

An act to provide for the creation of the State Equalization Fund; providing for its distribution in the payment of costs of correspondence work, costs of vocational education, high school tuition and in the payment of direct aid to school districts upon a teacher-unit and per pupil basis and providing for the distribution of an emergency fund and to provide methods for the ascertainment and payment of the sums payable to school districts; and to provide for penalty for making false reports; repealing Chapter 227 of the Session Laws of 1937 and all acts or parts of acts in conflict therewith.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. STATE EQUALIZATION FUND CREATED.] There is hereby created a fund to be known as the State Equalization Fund. The State Treasurer shall credit to such fund all sums appropriated by the legislature for that purpose from any source of income whatever, and in the case of direct biennial appropriations, the State Treasurer shall apply one-half of the total appropriation of the biennium to each year thereof, and the amount so applied for each year, plus all accumulations from other sources, shall be construed to the amount available in such fund for the current year.

All monies now in the State Equalization Fund as it was created by Chapter 227 of the Laws of 1937, are hereby transferred to and shall become a part of the State Equalization Fund as hereby re-created.

§ 2. HIGH SCHOOL CORRESPONDENCE WORK.] First, the amount of money appropriated by the legislature for correspondence work for the biennium or so much thereof as may be necessary, accruing to the State Equalization Fund shall be expended by the State Board of Higher Education for high school work by correspondence.

§ 3. VOCATIONAL EDUCATION IN AGRICULTURE, HOME ECONOMICS AND DISTRIBUTIVE OCCUPATIONS IN COOPERATION WITH FEDERAL PROGRAMS.] After setting aside the sum hereinbefore required for high school correspondence work, the amount of money appropriated by the legislature for vocational education for the biennium or so much thereof as may be necessary shall be ex-

pended by the State Board of Higher Education in accordance with the following provisions: Not to exceed \$18,000 per year shall be used for the purpose of matching Federal grants for vocational education in agriculture and home economics and not to exceed \$2,000.00 per year shall be used for the purpose of matching Federal grants for vocational education in distributive occupations. Said sum of \$20,000 per year shall be paid by the State Auditor upon the certificate of the State Board of Higher Education to such school districts and in such manner as may be directed by such certificate. The State Board of Higher Education shall be charged with the duty of administering said funds through the State Director of Vocational Education and the State Supervisors of Vocational Agriculture and Home Economics and said board and its said officers shall do all things necessary to cooperate with the program of the so-called Smith-Hughes Act, George-Deen Act, and other Federal legislation for vocational education.

§ 4. EMERGENCY FUND: \$250,000 PER YEAR OR SUCH PORTION THEREOF AS NECESSARY TO BE SET ASIDE FOR DISTRIBUTION AS AN EMERGENCY FUND.] \$250,000, or such portion thereof as may be necessary, accruing to the State Equalization Fund in each fiscal year from July 1st to June 30th inclusive shall be allocated and set aside as an emergency fund to aid financially distressed schools in the manner hereinafter set forth:

(a) STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DETERMINE MONTHLY MINIMUM COST OF MAINTAINING PUBLIC SCHOOLS.] The State Superintendent of Public Instruction shall be charged with the duty of investigating the inquiring into the general subject of public school costs and needs of financially distressed districts within the State. It shall be his duty to prepare the necessary application blanks and forms upon which the information required by him shall be certified to by such school authorities as may be designated by him. From the information so acquired the State Superintendent of Public Instruction shall from month to month determine the minimum amount of money required to operate each of the various classes of public schools.

(b) STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO MAKE MONTHLY CERTIFICATE TO STATE AUDITOR OF SCHOOLS IN NEED.] From the information obtained as provided in the preceding subdivision, the State Superintendent of Public Instruction shall monthly certify to the State Auditor a list of school districts of the State which are unable to pay for the operation of their schools the minimum amount determined in the manner hereinbefore set forth, after having made the maximum financial effort to do so, together with a statement of the amount of money required by such districts to meet such minimum standards.

(c) MAXIMUM FINANCIAL EFFORT DEFINED.] In determining whether or not a school district has made the maximum finan-

cial effort mentioned above, it must appear: (1) that the district shall have provided the maximum mill levy which means that in addition to having provided for the normal maximum levy, it shall have held an election and increased the normal maximum levy by the 50% increase allowed under the law and made such levy, provided that the governing board may exercise its discretion in judging the good faith of school districts to carry out this provision; (2) that revenues from local taxes, and from State and county sources have been exhausted; (3) that such district is unable to sell in the manner now provided by law certificates of indebtedness in an amount sufficient to maintain adequate school facilities; or that it is either unable to issue further certificates of indebtedness or registered warrants, or if able to issue same, they cannot be marketed; (4) that any school district expecting to apply for aid from the emergency fund must have its budget for the fiscal year approved by the Department of Public Instruction before such grant is allowed; this budget must include an itemized and certified statement of the exact financial condition of the school district as of the current date; (5) that no school district shall participate in the emergency fund unless and until it is shown to have a reasonable teacher-pupil ratio; in determining what constitutes a reasonable teacher-pupil ratio, the Superintendent of Public Instruction shall consider the type and size of the school, its proximity, and the transportation facilities to adjacent schools. To qualify for aid on the emergency fund basis, the following standards shall be used as guides on this teacher-pupil basis: Schools with seven or more teachers should maintain a teacher-pupil ratio of at least twenty-five pupils per teacher; in smaller schools, a teacher-pupil ratio of less than twenty pupils per teacher shall be considered unreasonable. Schools participating in this emergency fund should have a minimum enrollment of twenty-five pupils for four years of high school work, and a minimum enrollment of fifteen pupils for two years of high school work. Schools participating in the emergency fund must not pay transportation charges in excess of the amount that would be allowed under the family system of transportation.

(d) Aid granted to school districts from the emergency fund shall first be applied for the payment of teachers' salaries.

(e) ADMINISTRATION.] The Governor, Attorney General, and the Superintendent of Public Instruction shall constitute the board which is hereby authorized, empowered and directed to carry out and perform the provisions of Section 4 of this act dealing with the distribution of the emergency fund, and to prescribe such additional rules and regulations as they deem reasonable and necessary.

§ 5. HIGH SCHOOL TUITION: WHEN AND HOW PAYABLE.] After setting aside the sums hereinbefore required for high school correspondence work and for vocational training, there shall be paid out of said State Equalization Fund to each public school dis-

trict in this State which during the previous school year offered four or more units of standard high school work, approved by the State Superintendent of Public Instruction as by law provided, and which has employed only teachers duly certified by the State Superintendent of Public Instruction and who have been paid not less than the minimum salary required by law, the sum of \$1.50 per week of attendance for each non-resident high school student who attended such high school during the preceding semester, and be it further provided that high school tuition shall be paid to any school district for any pupil or student who has completed the eighth grade, living in a district having no high school and residing in a county that is on the border line of another State who may be attending a four-year high school in the adjoining State; provided that the term "non-resident high school student" shall include only students who have completed all the work of the first eight grades, who are residents of the State of North Dakota and of school districts which did not, during the preceding school year, offer four full units of high school work, approved by the State Superintendent of Public Instruction, for which the student was prepared, and who had not previously attended high school for four years nor completed fifteen or more full units of high school work. Immediately upon the close of each semester and in any event not later than February tenth and June thirtieth of each school year, the superintendent or principal of each district claiming high school tuition under this act shall certify and the clerk shall attest to the county superintendents of schools a verified claim, giving the name, residence, number of weeks of attendance and number of units of high school work taken by each non-resident student for whom tuition is claimed. The county superintendent of schools shall investigate the propriety of the claim for each student, and determine the residence and other qualifications of each, and on or before February twentieth, or on or before July twentieth as the case may be, shall certify to the State Superintendent of Public Instruction the number of non-resident high school students for which each district is entitled to payment of high school tuition, and shall at that time notify the school districts of the names of any students for which the claim has been disallowed by him, and such district may, if it so desires, on or before August fifth of such year, appeal to the State Superintendent of Public Instruction, who may, if in his judgment the evidence submitted by the district warrants it, change or modify the certificate of the county superintendent of schools, and his judgment thereon shall be final. Immediately upon receiving the certificate of the county superintendent of schools, and in any event not later than March twentieth for the first semester and not later than September first for the second semester, the State Superintendent of Public Instruction shall certify to the State Auditor a list of the districts entitled to payment of high school tuition together with the amount to which each district is entitled. It is the



purpose of this section to assure the payment in full of the said high school tuition before any payments are made on the teacher unit basis or the per pupil basis as hereinafter set forth. Such high school tuition payments shall be the sole and only compensation received by such districts for non-resident high school students, and no district shall charge or collect from any non-resident student, his parents or guardian or the district of his residence, any tuition fees, registration fee, textbook fee, laboratory fee or any other fee or charge which is not also charged of all resident students; provided, however, that this act shall not affect the right of a district to charge and collect from students who are not residents of this State such tuition as may be agreed upon.

§ 6. PAYMENT ON TEACHER-UNIT BASIS.] After the payment for high school tuition and other proper charges against the fund have been provided for, there shall be paid from said Equalization Fund to the public school districts and county agricultural and training schools of the State upon the basis of \$120 for each grade or high school teacher-unit maintained by such school districts and county agricultural and training schools during the preceding year, where the schools have one to four teachers. If the said schools have more than four teachers, each school district shall receive \$100 for each grade or high school teacher unit maintained. If the school term is less than nine months the payments shall be such fractional part of full payment as the number of months the school is actually open is of nine.

§ 7. "TEACHER-UNIT" DEFINED BY STATE SUPERINTENDENT OF PUBLIC INSTRUCTION. EXCEPTIONS.] The State Superintendent of Public Instruction shall, on or before the first day of August after this act shall take effect, define the terms "grade school teacher-unit" and "high school teacher unit" for the purposes of this act and therein fix the number of pupils and teachers required to constitute such "teacher-unit" and shall give notice of such definitions to all county superintendents of schools in the State and such other publicity thereto as shall, in his judgment, be sufficient to appraise the school officers of the State as to the requirements of such definitions. Such definitions may provide for the allowance of fractional credit for partial compliance with the requirements of the definitions. Such definitions shall be framed and formulated with the end in view of efficiency in schools. In defining teacher-unit as applied to consolidated schools, consideration shall be given to the teacher-pupil ratio and to the territory served by such schools. If, in any particular case it shall appear that the then existing definitions or either of them would work an injustice or hardship upon any individual school district, because of any peculiar facts existing in such district, the State Superintendent of Public Instruction may, in his sole judgment and discretion, upon request of such district, modify such definitions, or either of them, as the same shall be

applied to such individual district; and in all such cases the decision of the State Superintendent of Public Instruction shall be final. No aid on the teacher-unit basis shall be paid to any school district unless and until said school district shall have filed with the county superintendent its statement giving the name of each teacher employed, the number of said teacher's certificate, the subjects taught by said teacher, and the monthly salary paid to said teacher and no such aid shall be given to any district for such teachers as were not properly certified and did not receive at least the minimum salary provided by law. The duties imposed upon the State Superintendent by this section are mandatory and no aid upon the teacher-unit basis shall be extended to any district except in compliance with the terms of this and the following section.

§ 8. COUNTY SUPERINTENDENT OF SCHOOLS AND STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO CERTIFY AS TO TEACHER-UNITS.] As soon after the close of each semester or half year as possible, and in any event not later than February twentieth for the first semester and July twentieth for the second semester, the county superintendent of schools of each county shall certify to the State Superintendent of Public Instruction a list of all public districts in his county and the number of high school and grade school teacher units maintained by each during the preceding semester or half year, and shall also notify each district as to the number of teacher-units so certified. Any school district feeling aggrieved by the certificate of the county superintendent of schools, may, on or before August fifth of such year, appeal to the State Superintendent of Public Instruction, who may, if in his judgment the evidence submitted by the district warrants it, change or modify the certificate of the county superintendent of schools, and his judgment thereon shall be final. Immediately upon receiving the certificates of the county superintendent of schools, and in any event not later than March twentieth for the first half of the school year and not later than September first for the second half of the school year, the State Superintendent of Public Instruction shall certify to the State Auditor a list of all public school districts in the State, together with a statement as to the teacher-units maintained by each. The State Auditor shall thereupon pay for the first half of the school year one-half of the said sum of \$120.00 or \$100.00, as the case may be, and for the second half of the school year one-half of the said sum of \$120.00 or \$100.00 as the case may be, for each grade or high school teacher-unit so certified to him, which payment shall be made from said State Equalization Fund after payment of the amount certified for payment for high school tuition, high school correspondence, vocational education and agriculture, home economics and distributive occupations, and other proper charges against the fund as hereinbefore set forth. Should the balance in said fund prove insufficient to make payment in full of the

amounts shown by said certificates to be due the several school districts, the State Auditor shall pro-rate such balance among the districts.

§ 9. DISTRIBUTION ON PER PUPIL BASIS.] After the payments, and distributions hereinbefore provided, the remainder of the State Equalization Fund or so much thereof as may be necessary, shall be distributed to the school districts of the State on a per-pupil basis, inversely proportional to the assessed valuation back of each pupil in said districts and in the following manner: The county superintendents of schools, on forms supplied by the State Superintendent of Public Instruction, shall on or before the first day of December of each year report to the State Superintendent of Public Instruction the number of teachers employed, their salaries and the number of bone-fide residents students enrolled as of November first in each school and the assessed valuation of the property on which taxes can be levied for the current school year for each school district. Such assessed valuations shall be certified by the county auditors. Where there is more than one school in a school district the report shall be so prepared as to readily indicate the schools belonging to said school districts. In one teacher schools where the enrollment is less than fifteen pupils it shall be considered as fifteen for the purpose of this calculation. From the reports the State Superintendent of Public Instruction shall determine the assessed valuation back of each thus enrolled pupil in the district and from the following table determine the per pupil payment for each district and this payment multiplied by the total bona fide resident school enrollment of all schools in the district shall be the payment to the district. Such payment shall be computed for all districts in the State.

<i>Assessed Valuation Per Pupil</i>	<i>Payment Per Pupil</i>
\$3200-3300 -----	\$ .50
3100-3200 -----	1.00
3000-3100 -----	1.50
2900-3000 -----	2.00
2800-2900 -----	2.50
2700-2800 -----	3.00
2600-2700 -----	3.50
2500-2600 -----	4.00
2400-2500 -----	4.50
2300-2400 -----	5.00
2200-2300 -----	5.50
2100-2200 -----	6.00
2000-2100 -----	6.50
1900-2000 -----	7.00
1800-1900 -----	7.50
1700-1800 -----	8.00
1600-1700 -----	8.50

1500-1600 -----	9.00
1400-1500 -----	9.50
1300-1400 -----	10.00
1200-1300 -----	10.50
1100-1200 or less -----	11.00

The State Superintendent shall on or before the first day of January of each year estimate the money available for the per pupil distribution for the year, after the payments and distributions provided in the preceding sections have been made, and shall then determine what percentage of its total per pupil payment each school district will receive. Each school district shall then be paid one-half of its thus estimated payment for the year. The balance of the amount due under this section shall be paid on or before September first of each year, when the county superintendent has certified the number of months that the school was conducted, and the enrollment of bona fide pupils who have attended school at least ninety days during the school year. Where the school term is less than nine months the payments shall be such fractional part of full payment as the number of months the school is actually open is of nine. Upon the information thus furnished the State Superintendent of Public Instruction shall correct the previous estimate for the year and authorize such further payment up to the total payment thus computed as the money available for per pupil distribution will permit so that each district will receive the same per cent of the total payment thus computed. Provided, however, that in no case shall such per pupil payments exceed 40% of the salaries paid by such district for teachers for the current year. The State Auditor shall make such payments on certificates furnished by the State Superintendent of Public Instruction.

§ 10. METHOD OF MAKING PAYMENT.] Upon receipt of the certificates of the State Superintendent of Public Instruction as aforesaid the State Auditor shall make said payments for high school correspondence, vocational education in agriculture, home economics and distributive occupations, high school tuition, teacher-unit basis, and per pupil basis by the Auditor's warrant upon the Equalization Fund. Said warrants may be sent by the Auditor direct to the clerks of the said school districts or to the county superintendents of school, which ever may be deemed by the State Superintendent of Public Instruction to be most effective for the efficient administration of this act. Said warrants shall be made payable to the school districts, and shall be delivered to the clerk thereof, who shall make a record of the receipt thereof and deliver same to the school district treasurer, who shall deposit the same to the general funds of their respective districts, and the funds so received shall be available for use by the districts solely for the payment of current expenses. The State Auditor may make the

payments herein provided for by separate warrants or combine such payments, as the convenience and efficiency of his may dictate.

§ 11. STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO MAKE RULES AND PREPARE BLANK FORMS.] The State Superintendent of Public Instruction may make such rules and regulations governing the certification from county superintendents of schools of the information and evidence required by this act to enable him to make his certificates, and governing appeals from decisions of county superintendents of schools as may be reasonably necessary to accomplish the purposes herein set forth. He shall also prepare and circulate among the county superintendents of schools blank forms for the certificates of the school districts to the county superintendents of schools and of the county superintendents of schools to the State Superintendent of Public Instruction.

§ 12. STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO SECURE INFORMATION AND MAKE ESTIMATES.] Immediately after the close of each fiscal year the State Superintendent of Public Instruction shall secure from the State Auditor a statement of the balance in the State Equalization Fund as of the close of the year, and he shall thereupon make an estimate as to the probable amount which may be expected to be paid for each teacher-unit and on the per pupil basis, in the State, and shall, on or before July fifteenth give notice of such estimate to each county superintendent of schools, and give the same publicity through the various news channels, so that the same may be available for the school district in making up their budgets for the ensuing year.

§ 13. TRANSFER OF SURPLUS.] If at the close of any bien-nium the amount remaining on hand in said Equalization Fund exceeds \$100,000, the amount in excess of such sum shall be converted into the General Fund of the State of North Dakota. The appropriations and allocations made herein shall be a first charge and claim upon and against all monies appropriated and coming into the fund hereby created in the order in which said appropriations and allocations are set forth herein.

§ 14. PENALTY FOR FALSE REPORTS.] It shall be a misdemeanor, punishable by fine or imprisonment, or both, for any school official to falsify any report in connection with the administration of this fund.

§ 15. REPEAL.] Chapter 227 of the Session Laws of 1937 and all other acts or parts of acts in conflict herewith are hereby repealed.

Approved March 15, 1939.

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**CHAPTER 210****S. B. No. 190—(Committee on Education)**

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**ACTUARY, TEACHERS INSURANCE AND RETIREMENT  
FUND**

**An act authorizing the board of trustees of the Teachers' Insurance and retirement Fund to employ an actuary and clerical assistance and making an appropriation therefor.**

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. The board of trustees of the Teachers' Insurance and Retirement Fund is hereby authorized to employ an actuary, and such other clerical assistance as may be necessary to make an actuarial survey of the State Teachers' Insurance and Retirement Fund, under the supervision and direction of the board.

§ 2. APPROPRIATION.] There is hereby appropriated out of the State Teachers' Insurance and Retirement Fund the sum of \$3,000.00 or so much thereof as may be necessary, to pay the necessary expenses of such actuarial survey.

Approved March 15, 1939.

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**CHAPTER 211****S. B. No. 283—(Committee on Delayed Bills)**

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**TEACHERS OATH**

**An act prescribing the oath to be taken and subscribed to by professors, instructors and teachers in public schools, colleges and universities of the State.**

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. That every person who applies for a certificate or any renewal thereof, to teach in any of the public schools of the State, shall subscribe to the following oath:

I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of North Dakota, and that I will faithfully discharge the duties of my position, according to the best of my ability.

Such oath or affirmation shall be executed in duplicate and one copy thereof shall be filed with the State Superintendent of Public Instruction at the time when the application for a certificate is made, and the other copy shall be retained by the person who sub-

scribed to such oath or affirmation. No certificate shall be issued unless such an oath shall have been filed.

§ 2. Every professor, instructor or teacher who shall be employed hereafter by any university, college or normal school in this State which is supported in whole or in part by public funds, shall, before entering upon the discharge of his or her duties subscribe to the oath as prescribed by Section 1 of this act, before some officer authorized by law to administer oaths. Such oath shall be filed with the Board of Higher Education and one copy shall be retained by the person who subscribed to such oath.

§ 3. Any person who is a citizen or subject of any country other than the United States, and who is employed in any capacity as a professor, instructor or teacher in any university, college or normal school in this State, which is supported in whole or in part by public funds, shall before entering upon the discharge of his duties, subscribe to an oath to support the institutions and policies of the United States during the period of his sojourn within the State.

§ 4. The several township supervisors, school directors, member of the Board of Higher Education, and members of school boards are hereby authorized to administer the oath required by this act to persons who apply for certificates to teach in the public schools of the State.

§ 5. All laws or parts of laws in conflict herewith are hereby repealed.

Approved March 13, 1939.

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## CHAPTER 212

S. B. No. 187—(Committee on Education)

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### TRANSPORTATION OF CERTAIN HIGH SCHOOL STUDENTS

An act to permit school districts, discontinuing high schools, to furnish for high school students, transportation to other school districts having high school facilities.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. TRANSPORTATION OF HIGH SCHOOL STUDENTS.] Any school district in the State, which for economy discontinues high school work may, at the option of the school board, provide for pupils, who are eligible to attend high school, and who reside in the district, transportation from their place of residence in the district

to a high school in such other school district in the county or in an adjoining county, as shall be determined by the board of the school district furnishing the transportation.

§ 2. REPEAL.] That all laws or parts of laws in conflict herewith are hereby repealed.

Approved March 14, 1939.

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## CHAPTER 213

S. B. No. 198—(Wog and Brant)

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### TREASURER'S REPORT, COMMON SCHOOL DISTRICTS

An act to amend and re-enact Section 1218 of the Supplement to the Compiled Laws for 1913 of the State of North Dakota, and relating to the report of the treasurer in common school districts; and repealing all acts or parts of acts in conflict therewith.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That Section 1218 of the Supplement to the Compiled Laws for 1913 of the State of North Dakota be amended and re-enacted to read as follows:

§ 1218. TREASURER'S ACCOUNTS ANNUAL SETTLEMENT.] The district treasurer shall open new accounts with each fund at the beginning of each school year, and the balance of each fund shall be brought down and become a part of the first entry in opening the account for the new year. On the second Tuesday in July, the school board shall make settlement with the district treasurer and shall carefully examine his books, accounts and vouchers, and shall ascertain if the amount of all warrants, bonds and coupons paid and redeemed or paid in part, together with the cash in his hands or under his control, is equal to the amount of cash on hand at the beginning of the school year, together with all money received by him from all sources for school purposes during the year. The district treasurer shall deliver to the board at such annual meeting, all warrants, bonds and coupons paid and redeemed by him during the school year and held by him as vouchers, taking the receipt of the board therefor, and such vouchers shall forthwith be filed with the district clerk. He shall at that meeting make his annual report in quadruplicate, one copy to be preserved in the treasurer's office, one to be filed with the clerk of the school board, one to the Bank of North Dakota, one to be transmitted to the county superintendent of schools, and the board shall cause to be published an itemized statement of the receipts and expenditures of the preceding year in the newspaper of the county nearest said school district; provided,



that if said board or treasurer shall have failed to publish said statement by the first of September following the presentation of the treasurer's annual report, then it shall be the duty of the county superintendent of schools to cause the publication of the same in the newspaper of the county nearest said school district. Such publication shall be paid for by the school district at the following rate: not to exceed seven dollars and fifty cents (\$7.50) if the district shall be free from bonded indebtedness and ten dollars (\$10.00) if the district shall have a bonded indebtedness. When such annual statement is transmitted to the newspaper for publication, the board of such school district may provide said newspaper with the names and addresses of not more than thirty (30) patrons and taxpayers in the school district and it shall be the duty of the publisher of said newspaper, accepting such report for publication, to mail to said patrons and taxpayers a copy of the newspaper containing such school treasurer's statement. The treasurer's reports shall show the following:

#### RECEIPTS

The balance at the close of the year.  
The amount received into the State tuition fund.  
The amount received into the special fund.  
The amount received into the county tuition fund.  
The amount received into the sinking fund.

#### EXPENDITURES

The amount paid for school houses, sites and furniture.  
The amount paid for apparatus and fixtures.  
The amount paid for teachers' wages.  
The amount paid for services and expenses of school officers.  
The amount paid for redemption of bonds.  
The amount paid for interest on bonds.  
The amount paid for incidental expenses.  
The cash on hand at the close of the school year.

Such report shall include such other items as may be required by the district board, or the Superintendent of Public Instruction, and shall be upon and in conformity with the blanks furnished him for that purpose.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 15, 1939.

## CHAPTER 214

S. B. No. 77—(Blaisdell)

TUITION FEES FROM NON-RESIDENTS  
INSTITUTIONS OF HIGHER EDUCATION

An act providing for reciprocity in fixing tuition fees of non-resident students attending institutions of higher education in the State of North Dakota and defining non-resident students, and fixing registration and tuition fees of non-resident students residing in foreign countries other than the Dominion of Canada.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. At all institutions of higher education in the State of North Dakota there shall be charged and collected from each non-resident student an amount equivalent to the amount charged students from North Dakota by similar schools in the State, Territory, or Province of which said non-resident student shall be a resident; said amount to be determined and fixed by the governing boards of the several institutions in which said non-resident student may register; but in no event shall such amount be less than that charged students resident in North Dakota.

§ 2. A non-resident student is hereby defined to be a student less than 21 years of age living away from his family and whose family resides in another State, Territory, or foreign country, or whose family has resided within the State of North Dakota for a period of less than 12 months immediately prior to the date of registration; or a student of the age of 21 years or over who resides out of the State of North Dakota or who has resided within the State of North Dakota for a period of less than 12 months after reaching his majority and prior to the date of registration.

§ 3. The provisions of this act shall apply to students who are residents of the various States and Territories of the United States of America and the Provinces of the Dominion of Canada.

§ 4. Non-resident students residing in any foreign country other than the Dominion of Canada shall pay a registration and tuition fee of one hundred dollars per semester.

Approved March 15, 1939.