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# SCHOOLS

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## CHAPTER 218

S. B. No. 48—(Skarvold, Greene and Nelson of Barnes)

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### DUTIES CLERKS COMMON SCHOOL DISTRICTS

An Act to amend and re-enact Section 1164 of the Compiled Laws of the State of North Dakota for 1913, pertaining to the duties of the Clerks of common school districts, and repealing all Acts and parts of Acts in conflict herewith, and declaring an emergency.

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

§ 1. AMENDMENT.] Secton 1164 of the Compiled Laws of the State of North Dakota for 1913 is hereby amended and re-enacted as follows:

§ 2. DUTIES AND COMPENSATION OF THE CLERK.] The Clerk of the Board shall keep an accurate record of all proceedings of the Board, give or post all notices, make out all reports and statements and perform all other duties required by law or by the Board. He shall prepare an itemized financial report containing a statement of the receipts and expenditures from the beginning of the school year, up to and including the first Tuesday in June, and a statement of estimated receipts and expenditures to the end of the school year, which report shall be posted in the school polling place before the opening of the polls on school election day. The Clerk shall read or cause to be read such report immediately preceding opening of the polls. He shall receive such compensation as shall be fixed by the Board, not less than Ten Dollars (\$10.00) for one school and Five Dollars (\$5.00) for each additional school in his district; provided, that such salary does not exceed Fifty Dollars (\$50.00) in any one year, provided, further, that the Clerk shall receive such additional compensation for taking the annual school census as the Board may allow.

§ 3. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

§ 4. EMERGENCY. An emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval.

Approved February 15, 1937.

**CHAPTER 219****H. B. No. 105—(Schauss and Magill)****COMMON SCHOOL DISTRICT  
OFFICERS, ELECTION, QUALIFICATIONS**

An Act to amend and re-enact Section 1151 of the Compiled Laws of 1913 as amended and re-enacted by Chapter 237, Session Laws of 1927, relating to election of officers of common school districts, and prescribing qualifications therefor.

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

§ I. AMENDMENT.] That Section 1151 of the Compiled Laws of 1913 as amended and re-enacted by Chapter 237 of the Session Laws of 1927 be amended and re-enacted as follows:

§ 1151. OFFICERS TO BE ELECTED.] On the first Tuesday in June of each year there shall be elected one School Director for the term of three years and on the first Tuesday in June of each even numbered year a School Treasurer for the term of two years. Such officers shall hold their respective offices from the second Tuesday in July following their election for the number of years respectively for which they were elected, and until their successors are elected and qualified. At the first election for the organization of a new School District there shall be elected at large for such School District three Directors, one to serve until the first annual election, one to serve until the second annual election thereafter, and one to serve until the third annual election thereafter, the School Treasurer to serve until the annual election in the next even numbered year and until his successor is elected and qualified; provided, however, that where a Common School District is composed of six or more sections of land having within its boundaries an incorporated Village or City, at least one member of such Board of Directors shall reside upon a farm outside the corporate limits of said village or city.

Approved March 3, 1937.

**CHAPTER 220****H. B. No. 37—(Wolf)****ORGANIZATION OF COMMON SCHOOL DISTRICTS**

An Act to amend and re-enact Section 1160 of the Compiled Laws of the State of North Dakota for the year 1913 relating to the organization of common school districts.

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

§ I. AMENDMENT.] That Section 1160 of the Compiled Laws for the year 1913 be and the same is hereby amended and re-enacted, to read as follows:

§ 1160. ORGANIZATION, CLERK.] The School Board shall meet annually on the second Tuesday in July and organize by choosing one of its members, President, and a competent person, not a member of the Board, who shall be an actual resident within said School District, Clerk, who shall hold office during the pleasure of the Board.

§ 2. REPEAL.] All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 4, 1937.

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### CHAPTER 221

H. B. No. 19—(Peterson of Renville, Morland, Bjornson and Ritter)

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#### DISTRIBUTION OF FEDERAL FUNDS

An Act to provide for the distribution of all moneys received from the Treasury of the United States, under the provisions of the Act of Congress of February 25th, 1920 (Public Number 146) to place the same in the State Equalization Fund of the State of North Dakota, and to be distributed as provided by law.

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

§ 1. All moneys paid to the State of North Dakota, by the Secretary of the Treasury of the United States, under the provisions of that certain Act of Congress of February 25th, 1920, (Public No. 146) entitled "An Act to Promote the Mining of Coal, Phosphate, Oil, Oil Shale, Gas and Sodium on the Public Domain," shall be by the State Treasurer of the State of North Dakota, credited to the State Equalization Fund provided by Chapter 260 of the Laws of the State of North Dakota for 1935, and shall be distributed pursuant to the terms of said Act, and any and all amendments thereto.

Approved February 13, 1937.

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### CHAPTER 222

H. B. No. 160—(Solberg, Seibel, Ireland and C. T. Olson of Bowman)

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#### HIGH SCHOOLS DEFINED

An Act amending and re-enacting Chapter 242 of the 1931 Session Laws of the State of North Dakota; defining high schools and schools doing high school work, and providing that Superintendent of Public Instruction shall provide State course of study for high schools as herein defined.

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

§ 1. AMENDMENT.] That Chapter 242, Session Laws of 1931, be amended and re-enacted to read as follows:

All six year high schools shall consist of grade seven to twelve inclusive and shall employ a minimum of three full time high school teachers. All five year high schools shall consist of grades eight to twelve inclusive and shall employ a minimum of three full time high school teachers. All four year high schools shall consist of grades nine to twelve inclusive and shall employ a minimum of two full time high school teachers. All three year high schools shall consist of grades ten to twelve exclusive and shall employ a minimum of two full time high school teachers. A principal or superintendent who teaches at least four classes shall be considered a full time high school teacher. All other schools with high school departments shall be considered as graded schools doing high school work and the minimum number of teachers required shall be determined by the Superintendent of Public Instruction. No high school work shall be taught in one room rural schools in which any of the grades from one to eight inclusive are taught, unless conditions are such that the County Superintendent shall consider it proper for one or more years of high school work to be taught. Four units of high school work shall be considered the minimum number for any year from grades nine to twelve inclusive. All unit courses except natural science courses shall be taught a minimum of forty minutes a day for at least five days a week for thirty-six weeks. The length of the periods of all natural science courses shall exceed forty minutes as shall be determined by the Superintendent of Public Instruction. In all four year high schools and all schools doing high school work in which are any or all grades nine to twelve, it must be possible for each grade to complete four units of work each year. The work which is done by pupils in any school which violates the provisions of this Section shall not be accredited by the Department of Public Instruction through State high school examinations or otherwise.

§ 2. The content of all courses and the grade in which they are taught in all types of high schools and in the high school departments of all schools doing high school work shall follow the State course of study for high schools as outlined by the Superintendent of Public Instruction. The Superintendent of Public Instruction in said course of study for high schools shall provide for an elective course of instruction in co-operative marketing, and consumers' co-operatives, said course to be a half year course. No school which violates the provisions of this Section shall be accredited by the Department of Public Instruction through State high school examinations or otherwise.

§ 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 10, 1937.

## CHAPTER 223

H. B. No. 170 —(Committee on Education)

## SCHOOL CENSUS

An Act to provide that the school census in all types of school districts shall be conducted in odd numbered years only; repeal; and declaring an emergency.

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

§ 1. The enumeration of all unmarried persons of school age required to be made in School Districts shall be made between the first and twentieth days of June in each odd numbered year only, in all classes of School Districts, whether common, independent, special, or under special law.

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

§ 3. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 4, 1937.

## CHAPTER 224

H. B. No. 142—(Trydahl, Saumur and Peterson of Renville)

## SCHOOL DISTRICT VOTING PRECINCTS ESTABLISHED

An Act providing for the establishment of voting precincts in all special and independent school districts; requiring establishment of polling places for each 6,000 inhabitants; providing for appointment of election officials, fixing their powers, duties and compensation and repealing all Acts or parts of Acts in conflict herewith.

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

§ 1. ELECTIONS IN SPECIAL AND INDEPENDENT SCHOOL DISTRICTS.] That at all elections hereafter held in any special or independent School District in this State there shall be provided one polling place, and one set of election officials, for each 6,000 people or majority fraction thereof (as shown by the last available State or National census) residing in said School District, and upon taking effect of this Act, and thereafter as often as it shall be necessary, it shall be the duty of the School Board, or the Board of Education, in every special or independent School District in the State of North Dakota having a population of over 6,000 to divide said School District into voting precincts for school election purposes; said precincts to be formed by motion or resolution of the Board, and to be so arranged as to divide the voters in said School District as nearly equal as pos-

sible. None of said precincts shall have a population greater than six thousand.

§ 2. POLLING PLACES, HOW ESTABLISHED.] Upon such precincts being designated the School Board or Board of Education in all School Districts affected by this Act shall, by resolution or motion, designate one place as a polling place in each voting precinct, said place so designated to be as conveniently located as possible to the voters in such precinct and said place so designated shall remain the voting place until changed by subsequent action of the Board.

§ 3. ELECTION OFFICIALS DESIGNATED: POWERS AND DUTIES.] All election officials for said several voting precincts shall be appointed in the manner as now or hereafter provided by law for the appointment of school election officials in such school districts, and they shall have the same powers and receive the same compensation as now enjoyed or received by such election officials or as may hereafter be provided for.

§ 4. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved February 17, 1937.

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**CHAPTER 225**  
**H. B. No. 29—(Dalzell)**

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**SPECIAL SCHOOL DISTRICT OFFICERS, ELECTION  
AND QUALIFICATIONS**

**An Act amending and re-enacting Section 1245 of Compiled Laws of North Dakota for the year 1913 relating to the elections of officers of special school districts and prescribing qualifications therefor, and declaring an emergency.**

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

§ 1. AMENDMENT.] That Section 1245 of the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted to read as follows:

§ 1245. The Board of Education of each special School District shall consist of five members who shall be elected by the legal voters thereof and who shall hold their office for the term of three years and until their successors are elected and qualified, except as provided for the first election under this Article. Three members of the Board of Education shall constitute a quorum for the transaction of business at any legal meeting. Where a special School District is composed of six or more sections of land and has within its boundaries an incorporated Village or City and where the population of the School District does not exceed 2,000 people, at least two members

of such Board of Education shall reside on a farm outside the corporate limits of said Village or City.

§ 2. AN EMERGENCY.] Whereas an emergency exists this Act shall take effect and be in force from and after its passage and approval.

Approved March 1, 1937.

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## CHAPTER 226

H. B. No. 104—(Magill and Schauss)

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### OFFICIAL BALLOT SPECIAL SCHOOL DISTRICTS

An Act to amend and re-enact Section 1265 of the Compiled Laws of 1913 relating to candidates and the official ballot at elections in special school districts.

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

§ 1. AMENDMENT.] Section 1265 of the Compiled Laws of 1913 is hereby amended and re-enacted as follows:

§ 1265. CANDIDATES. OFFICIAL BALLOT.] Any person desiring to be a candidate at such election shall file his or her name with the Clerk not less than five days before such election, stating what position he or she desires to be a candidate for. At least three days before such election the Clerk shall prepare and have printed an official ballot containing all the names filed as hereinbefore provided. Such ballot shall be headed "Official Ballot," shall contain the name of the district and the date of such election, shall be non-partisan, and state the number of persons to be voted for for each office, shall contain blank spaces below for writing in other names. Provided, that in Special Districts where it is required by law that at least one of the members of the Board of Education be a person residing on a farm outside the incorporated limits of any City or Village, the official ballot at the election at which such member is chosen shall designate the candidates for the position on such Board of Education to be filled by such member residing on a farm as "Rural Candidates." Provided, further, that nothing herein shall prevent any person qualified as herein provided desiring to be a candidate at such election and who failed to file as hereinbefore provided, from providing stickers to be attached to the official ballot by the voter, such stickers to be not over one-half inch in width and have printed thereon one name only.

Approved March 4, 1937.

## CHAPTER 227

H. B. No. 168—(Committee on Education)

## STATE EQUALIZATION FUND

An Act to amend and re-enact Chapter 229 of the 1933 Session Laws of the State of North Dakota, as amended by Chapter 260 of the Session Laws of 1935; to provide for the distribution of the same upon the basis of need, in the payment of high school tuition in lieu of that now provided by law and in the payment of direct aid to school districts upon a teacher-unit basis; and to provide methods for the ascertainment and payment of the sums payable to school districts; and to provide for penalty for making false report; repeal all Acts in conflict herewith, and declaring an emergency.

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

§ 1. AMENDMENT.] Chapter 229 of the Session Laws of North Dakota for 1933, as amended by Chapter 260 of the Session Laws of 1935, is hereby amended and re-enacted to read as follows:

§ 2. 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 be the amount available in such fund for the current year.

All monies now in the State Equalization Fund as it was created by Chapter 229 of the Laws of 1933 and Chapter 260 of the Laws of 1935, are hereby transferred to and shall become a part of the State Equalization Fund as hereby amended and re-enacted.

§ 3. FIRST \$500,000 PER YEAR, OR SUCH PORTION THEREOF AS NECESSARY, TO BE SET ASIDE FOR DISTRIBUTION ON BASIS OF NEED.] The first \$500,000, 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 for distribution among the needy public schools of this State on the basis of need 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 and 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 desig-

nated 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. WHEN CERTIFICATES OF INDEBTEDNESS MUST ISSUE FOR AID GIVEN.] In determining whether or not a school district has made the maximum financial effort mentioned above, it must appear: (1) That the district shall have levied for the fiscal year, at a millage rate equal to that produced by the average of the prior five year millage levy for that School District; provided, however, said levy need not exceed that specified as a maximum under the provisions of Section 2163a3 of the 1925 Supplement to the Compiled Laws of 1913; (2) that revenues from local taxes, and from State and County sources have been exhausted; (3) that all teachers in the schools in such district have been duly certified by the State Superintendent of Public Instruction and are under contract to receive not less than the minimum salary provided by law, and (4) that such district is unable to sell in the manner now provided by law its certificates of indebtedness in an amount sufficient to permit said district to maintain adequate school facilities. Each district, except as hereinafter provided, receiving aid under the provisions of this Act, shall be required to issue a certificate of indebtedness equal in amount in each instance to the amount of the aid granted, payable to the State Equalization Fund, bearing interest at the rate of 4% per annum, due as the taxes pledged therefor are collected, and cause the same to be delivered to the State Treasurer. The certificates of indebtedness so issued shall be executed, certified, registered and collected, and the payment thereof shall be secured, in the manner now provided by law for certificates of indebtedness issued by any municipality under the provisions of Sections 2079b1 to 2079b13 inclusive, of the 1925 Supplement to the Compiled Laws of 1913, and amendments thereto, but shall not be subject to the provisions of Chapter 50A of the 1925 Supplement to the Compiled Laws of 1913, dealing with the advertisement for sale of certificates of indebtedness. Providing, however, that any district which is found by the Board to be unable under our Constitution or the laws of the State to issue certificates of indebtedness for any purpose shall not be required, to obtain aid under the provisions of this Act,

to issue any certificate of indebtedness, and shall be granted aid, if otherwise entitled thereto, in the same manner that said aid may be granted to a district legally authorized to issue a certificate of indebtedness therefor. The State Treasurer shall report monthly to the State Superintendent of Public Instruction the certificates of indebtedness to him delivered under the provisions of this Act and all collections, if any, made on each of them and shall generally attend to the collection of the said certificates of indebtedness, and the amount so collected shall be converted into the said State Equalization Fund.

No School District which has not complied with all of the terms of the definition of "Maximum Financial Effort" in this paragraph set forth, shall be entitled to any aid from said fund on the basis of need.

(d) SCHOOLS TO RECEIVE AID FOR NOT MORE THAN SEVEN MONTHS IN ANY ONE SCHOOL YEAR.] School Districts shall receive aid as in this Section for not more than seven months in any one school year.

(e) STATE AUDITOR.] The State Auditor shall issue his warrants monthly, in accordance with the certificates of the State Superintendent of Public Instruction, payable to the several School Districts in the amounts so directed by the State Superintendent of Public Instruction, to the County Superintendent of Schools. In case sufficient money for distribution on the basis of need shall not be available in any month, the State Auditor shall pro-rate the available funds among the districts in proportion to the amounts so certified to him.

(f) ADMINISTRATION.] In carrying out the provisions of this Chapter, all evidence, data, and records of transactions of the Superintendent of Public Instruction and of the School Board and County or District Treasurer, shall be open to inspection by the State Auditor and Attorney General.

(g) 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 2 of this Act dealing with the distribution on the basis of need, and there shall be set aside from such portion of the fund a sum not to exceed Five Thousand Dollars (\$5,000.00) per year for use in the necessary expenses incurred in the administration thereof.

(h) Any portion of the said sum of \$500,000.00 allocated for distribution upon the basis of need which shall at the end of any fiscal year remain unexpended shall be available for distribution on a teacher-unit basis as provided in Section 7 of this Act.

(i) The monies received from the State Equalization Fund on the basis of need shall be used only for the payment of teachers' salaries for the current year.

§ 4. HIGH SCHOOL TUITION: WHEN AND HOW PAYABLE.] After setting aside the sum hereinbefore provided for distribution on the basis of need, there shall be paid out of said State Equalization Fund to each Public School District 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 10th and June 30th 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 Superintendent 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 20th or on or before July 20th 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 the same 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 5th 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 20th for the first semester and not later than September 1st for the second semester, the State Superintendent of Public Instruc-

tion 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 as hereinafter set forth. Such high school tuition payment 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 guardians or the district of his residence, any tuition fee, registration fee, text-book 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.

§ 5. Whenever provisions are established for high school work by correspondence, the cost of such work shall be paid out of the Equalization Fund as determined by the Board of Administration, not in excess of Sixty-five Thousand Dollars (\$65,000.00) for the biennium.

§ 6. \$20,000.00 SET ASIDE FOR CO-OPERATION WITH FEDERAL PROGRAM FOR VOCATIONAL EDUCATION IN AGRICULTURE, HOME ECONOMICS AND DISTRIBUTIVE INDUSTRIES.] The sum of \$20,000.00 from said State Equalization Fund shall be set aside annually to be used for the purpose of co-operating with the Federal Program for Vocational Education in Agriculture, Home Economics and Distributive Industries. Not to exceed \$18,000.00 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 shall be used for the purpose of matching Federal grants for vocational education in distributive industries. Said sum of \$20,000.00 per year shall be paid by the State Auditor upon the certificate of the State Board of Administration to such school districts and in such manner as may be directed by such certificate. The State Board of Administration shall be charged with the duty of administering said funds through its 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 co-operate with the program of the so-called Smith-Hughes Act, George-Deen Act, and other Federal legislation for vocational education.

§ 7. REMAINDER TO BE DISTRIBUTED AMONG SCHOOLS ON TEACHER-UNIT BASIS.] After the payments for high school tuition and other proper charges against the fund have been provided for, the balance remaining in said State Equalization Fund shall be distributed among the Public School Districts and County Agricultural and Training Schools of the State upon the basis of \$120.00 for each grade or high school teacher-unit maintained by such School Dis-

tricts and County Agriculture and Training Schools during the preceding year.

§ 8. "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 apprise 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 effecting efficiency in the 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 a 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.

§ 9. 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 20th for the first semester and July 20th 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 school 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 5th 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 Superintendents of Schools, and in any event not later than March 20th for the first half of the school year and not later than September 1st 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 and for the second half of the school year one-half of the said sum of \$120.00 for each grade of high school teacher-unit so certified to him, which payment shall be made from the balance remaining in said State Equalization Fund after payment of the amount certified for payment on the basis of need, for high school tuition, high school correspondence, for vocational education and agriculture, home economics and distributive industries, 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.

§ 10. METHOD OF MAKING PAYMENTS.] Upon receipt of the certificates of the State Superintendent of Public Instruction as aforesaid the State Auditor shall make said payments on the basis of need, for high school tuition, high school correspondence, for vocational education in agriculture, home economics and distributive industries, and on the teacher-unit basis, by the Auditor's warrant upon the State Equalization Fund. Said warrants may be sent by the Auditor direct to the Clerks of the said School Districts or to the County Superintendent of Schools, whichever 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 treasurers, who shall deposit the same in the general funds of their respective districts, and the funds so received shall be available for use by the districts in the same manner as other general funds thereof unless otherwise specified in other Sections of this Act. The State Auditor may make the payments herein provided for by separate warrants, or combine such payments, as the convenience and efficiency of his office 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 to County Superintendents of Schools and to himself 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 in the State, and shall, on or before July 15th 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 districts in making up their budgets for the ensuing year.

§ 13. DISPOSITION OF SURPLUS.] If at the close of any bien-nium the amount remaining on hand exceeds \$100,000.00, the amount in excess of such sum shall be covered into the general fund of the State of North Dakota.

§ 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 made in connection with the administration of this fund.

§ 15. REPEAL.] Such portions of Sections 1438a1, 1438a2 and 1438a3 of the 1925 Supplement to the Compiled Laws of 1913; Chapter 231, Session Laws, 1933; Chapter 232, Session Laws 1933; Chapter 229, Session Laws 1933; and Chapter 260, Laws of 1935 and all other Acts or parts of Acts as may be in conflict herewith are hereby repealed.

§ 16. EMERGENCY.] An emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1937.

**CHAPTER 228**  
**S. B. No. 177—(Fine)**

**FEEES FOR TEACHERS' CERTIFICATES**

An Act to amend and re-enact Section 1376 of the Compiled Laws of North Dakota 1913 relating to fees for examination for teachers' certificates, and repealing all Acts or parts of Acts in conflict herewith.

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

§ 1. AMENDMENT.] Section 1376 of the Compiled Laws of North Dakota 1913 is amended and re-enacted to read as follows:

§ 1376. FEES FOR CERTIFICATES.] The State Superintendent of Public Instruction shall require a fee of Five Dollars from each applicant for a first grade professional certificate, and a fee of Three Dollars from each applicant for a second grade professional certificate or for a special certificate. The same fee shall be charged for a renewal of a professional or special certificate as is charged for its issuance. The County Superintendent shall collect a fee of Two Dollars from each applicant for an elementary certificate.

§ 2. REPEAL.] All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 10, 1937.

**CHAPTER 229**  
**S. B. No. 175—(Mutchler)**

**TEACHERS' CERTIFICATE REQUIREMENTS**

An Act to amend and re-enact Section 1373 of the Compiled Laws of North Dakota, 1913, relating to teachers' certificates and repealing all Acts or parts of Acts in conflict herewith.

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

§ 1. AMENDMENT.] Section 1373 of the Compiled Laws of North Dakota 1913 is amended and re-enacted to read as follows:

§ 1373. TEACHER MUST HOLD CERTIFICATE, TO BE RECORDED.] No person shall be employed or permitted to teach in any of the public schools of the State except those in cities organized for school purposes under special laws, or organized as independent districts under the general school laws, who is not the holder of a lawful certificate of qualification, and no teacher's certificate, issued by the State Superintendent of Public Instruction, shall entitle a person to teach in such public schools of any County, unless such certificate shall have been recorded in the office of the County Super-

intendent of the County in which the holder is engaged to teach, and it shall be the duty of the County Superintendent to record such certificate.

§ 2. REPEAL.] All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 10, 1937.

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CHAPTER 230  
S. B. No. 176—(Fine)

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TEACHERS' EXAMINATIONS, DATE

An Act to amend and re-enact Section 1370 of the Compiled Laws of North Dakota, 1913, as amended by Chapter 239 of the 1927 Session Laws relating to teachers' examinations for elementary certificates, repealing all Acts or parts of Acts in conflict herewith, and declaring an emergency.

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

§ I. AMENDMENT.] Section 1370 of the Compiled Laws of North Dakota 1913 as amended by Chapter 239 of the 1927 Session Laws is amended and re-enacted to read as follows:

§ 1370. TO CHANGE THE DATE OF TEACHERS' EXAMINATIONS FOR ELEMENTARY CERTIFICATES.] Under the direction of the State Superintendent of Public Instruction, the County Superintendent shall hold a public examination of all persons over eighteen years of age offering themselves as applicants for teachers' elementary certificates at the most suitable place or places in the County on the last Thursday and Friday of April of each year. The County Superintendent shall examine them by a series of written or printed questions, prepared under the direction of the State Superintendent of Public Instruction. The County Superintendent shall forward all these examination papers submitted by applicants immediately after the close of the examination to the office of the State Superintendent of Public Instruction for examination, marking, filing, and recording. The State Superintendent of Public Instruction shall grant to each applicant a certificate of qualification, if from the percentage of correct answers, required by the rules, said applicant is found to possess the requisite knowledge and understanding to teach, in the common schools of the State, the various branches required by law; provided, that sufficient evidence is furnished that the candidate is a person of good moral character and possesses the general qualifications and aptness to teach and govern as prescribed under Chapter 240 of the Session Laws of 1931.

§2. REPEAL.] All Acts and parts of Acts in conflict herewith are hereby repealed.

§ 3. EMERGENCY.] An emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval.

Approved March 5, 1937.

### CHAPTER 231

H. B. No. 133—(Committee on Education)

#### TRANSPORTATION CONSOLIDATED SCHOOLS

An Act to amend and re-enact Section 1190 of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, as the same was amended by Chapter 243 of the 1927 Session Laws of the State, relating to consolidation of schools and transportation of pupils; and repealing certain Acts in conflict.

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

§ 1. AMENDMENT.] That Section 1190 of the 1925 Supplement to the 1913 Compiled Laws, as the same was amended by Chapter 243 of the 1927 Session Laws of the State, 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, it shall be the duty of the school Board to 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 2¼ Miles. . . . . 5c per day

From $2\frac{1}{4}$ Miles to $2\frac{1}{2}$ Miles.....	10c per day
From $2\frac{1}{2}$ Miles to $2\frac{3}{4}$ Miles .....	15c per day
From $2\frac{3}{4}$ Miles to 3 Miles.....	20c per day
From 3 Miles to $3\frac{1}{4}$ Miles.....	25c per day
From $3\frac{1}{4}$ Miles to $3\frac{1}{2}$ Miles.....	30c per day
From $3\frac{1}{2}$ Miles to $3\frac{3}{4}$ Miles.....	35c per day
From $3\frac{3}{4}$ Miles to 4 Miles.....	40c per day
From 4 Miles to $4\frac{1}{4}$ Miles.....	45c per day
From $4\frac{1}{4}$ Miles to $4\frac{1}{2}$ Miles.....	50c per day
From $4\frac{1}{2}$ Miles to $4\frac{3}{4}$ Miles.....	55c per day
From $4\frac{3}{4}$ Miles to 5 Miles.....	60c per day
From 5 Miles to $5\frac{1}{4}$ Miles.....	65c per day
From $5\frac{1}{4}$ Miles to $5\frac{1}{2}$ Miles .....	70c per day
From $5\frac{1}{2}$ Miles to $5\frac{3}{4}$ Miles.....	75c per day
From $5\frac{3}{4}$ Miles to 6 Miles.....	80c per day

And for each one-quarter of one mile over and beyond such distance of six miles from such consolidated school the further sum of five cents. 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 route. Provided, also, that the school Board, at its option, and 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 by resolution provides for such payment, transportation, lodging or tuition, the compulsory attendance law shall apply to all children of school age residing in such district within six miles from the school if vehicular transportation is furnished. Provided, further, that in districts where vehicular by public conveyance is furnished, that resident children who are in the high school department, if such district maintains such high school department, shall be transported in such public conveyance.

Provided, also, that in case a patron is dissatisfied with the arrangement made by the school Board with regard to the transportation of his children, he may apply to the school Board for a Board of Arbitration consisting of one selected by the patron, one selected by the school Board and another chosen by the two already selected; the School District to pay all cost thereof; said cost not to exceed Three Dollars per diem per member of said Arbitration Board. The decision of said Arbitration Board shall be final and binding on the Board.

REPEAL.] All Acts and parts of Acts in conflict herewith are hereby repealed, provided, however, that Chapter 244 of the Session Laws of 1931 shall not be repealed hereby.

Approved March 10, 1937.