

[A copy of this volume will be furnished to the Clerk and Treasurer of each Board of Education, the Clerk of each Sub-district, the Clerk of each Board of School Examiners, and to each County Officer having duties to discharge under the school law, to be used by him during his term of office, and at the expiration thereof to be delivered to his successor.] *

OHIO SCHOOL LAWS.

AN ACT

FOR THE

REORGANIZATION AND MAINTENANCE

OF

COMMON SCHOOLS.

Passed May 1, 1873, Revised May, 1875,

AS AMENDED BY THE SIXTY-FIRST GENERAL ASSEMBLY.

COLUMBUS:
NEVINS AND MYERS, STATE PRINTERS:
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Western Reserve Hist. Society

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OHIO SCHOOL LAWS.

AN ACT

For the reorganization and maintenance of Common Schools.

CHAPTER I.

CLASSIFICATION OF SCHOOL DISTRICTS.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the state is hereby divided into school districts, to be styled respectively city districts of the first class, city districts of the second class, village districts, special districts, and township districts.

Different kinds of school districts.

SEC. 2. Each city having a population of ten thousand or more by the census of 1870, including the territory attached to it for school purposes, and excluding any territory within its corporate limits detached for school purposes, is hereby constituted a school district to be styled a city district of the first class.

What constitutes a city district of the first class.

SEC. 3. Each city of the second class, having a population of less than ten thousand inhabitants by the census of 1870, including the territory attached to it for school purposes, and excluding the territory within its corporate limits detached for school purposes, is hereby constituted a school district to be styled a city district of the second class.

What constitutes a city district of the second class.

SEC. 4. Each incorporated village, including the territory attached to it for school purposes, and excluding the territory within its corporate limits detached for school purposes, is hereby constituted a school district to be styled a village district.

Village districts.

SEC. 5. Municipal corporations hereafter created or advanced to a higher grade, shall, from and after their creation and advancement, be school districts corresponding to their grade as above provided.

Municipal corporations hereafter created or advanced to be school districts as above provided.

SEC. 6. Any school district now existing, other than those mentioned in the second, third, fourth and seventh sections of this act, which has been established by a vote of the people in accordance with any act of the general assembly, or which has been established by a general or local act of the general assembly, is hereby constituted a school district to be styled a special district.

All other school districts to be styled special districts.

SEC. 7. Each and every organized township, exclusive of any of its territory included in any city, village, or special district, shall constitute a school district to be styled a township district.

Every organized township constitutes a township district.

Sub-districts of townships remain as heretofore.

SEC. 8. The several sub-districts and joint sub-districts now existing within any township district shall continue, according to their respective boundaries, to be sub-districts or joint sub-districts thereof, subject to the provisions of this act.

CHAPTER II.

CITY SCHOOL DISTRICTS OF THE FIRST CLASS.

Number of members of boards of education in city districts of the first class.

Members of the board to be electors of the district.

[Supplemented March 30, 1874. See page 52.]

Board of education authorized to determine whether there shall be two members for each ward.

How chosen and length of term.

Board of education shall investigate and adjust limits of districts.

Where there are two members to each ward, how elected.

Terms of office.

Electors in the district but not in any ward, where to vote.

SEC. 9. The board of education of each city district of the first class shall consist of as many members as the city has wards, provided such district, at the time of the passage of this act, shall be organized under a general or local act requiring said board to be so constituted; otherwise the said board shall consist of twice as many members as the city has wards. The members of the board of education in a city district of the first class shall be residents of the district, and have the qualifications of electors therein.

SEC. 10. The board of education of any city district of the first class, consisting of one member for each ward, are hereby empowered to decide by a vote of a majority of the members of said board, that said board shall consist of twice as many members as the city has wards; and in case said board shall so decide, they shall proceed to choose one member for each ward, who shall be residents of the district, and the members shall hold their office until the next annual election, and until their successors are elected and qualified; and thereafter one member of the board of education shall be elected annually for each ward, as provided in section eleven of this act. And it shall be the duty of said board, as soon as they are organized under the provisions of this act, to ascertain whether the corporate limits are co-extensive with the limits of the said school district; and in case said school district includes territory without the corporate limits, then said board is hereby required to make or cause to be made a plat of said territory so attached for school purposes, designating thereon by metes and bounds the ward or wards to which said territory for school purposes is to be thereafter attached; which plat is to be recorded as a part of the proceedings of said board.

SEC. 11. At every annual election of city officers in each city constituted a city district of the first class by this act, there shall be elected in each ward of said city by the qualified electors thereof, one judicious and competent person to serve as a member of the board of education of such city district for two years from the third Monday in April succeeding his election, and until his successor shall be elected and qualified; Provided, that any elector residing in the city district, but not in any ward of the city, shall be entitled to vote in the ward to which he is attached by the board of education for school purposes, and that any elector residing in the city, but not in the city district, shall not be entitled to vote at any election provided for in this section; provided

further, that in each city district of the first class, in which the board of education consists of as many members as the city has wards, the election of members of the board of education in each ward shall be biennial; the election in wards designated by odd numbers shall be in a year designated by an odd number, and the election in wards designated by even numbers shall be in a year designated by an even number.

SEC. 12. It shall be the duty of the judges and clerks of city elections, in the wards to which any territory beyond the city limits has been attached by the board of education for school purposes to have two separate ballot boxes and two sets of poll-books. The electors residing on such attached territory are hereby authorized to vote at all regular and special elections of such wards when members of the board of education are to be elected, provided, however, that such electors are to vote only for members of the board of education; and the judges of said elections in such wards are hereby required to receive the ballots of the electors so residing on such attached territory, and deposit them in the ballot-box so provided for that purpose; and it is hereby made the duty of the clerks of said election to enter upon the separate poll-books provided for that purpose the names of such electors so voting for the members of the board of education. Said judges and clerks shall make due returns of such elections as provided by section thirteen of this act.

SEC. 13. The election provided for in section eleven shall be conducted by the judges and clerks of the city elections, and they shall make returns of such election to the board of education within five days from the time of holding such election.

SEC. 14. The board of education shall hold regular meetings once every two weeks, and such special meetings as they may deem necessary; they shall have power to fill all vacancies that may occur in their own body until the next annual election; and shall have power to make such rules and regulations for their own government as they may deem necessary; provided such rules and regulations are consistent with the constitution and laws of the state.

SEC. 15. A city district of the first class, having a population of less than twenty thousand inhabitants by the census of 1870, for the first time electing members of the board of education by wards, shall, at the first municipal election after the passage of this act, elect such members in the manner following: The qualified electors, resident in such district, shall, in the manner provided in section eleven of this act, elect one member of the board of education for each ward of said city, who shall serve for one year, and until his successor is elected and qualified, and one member who shall serve for two years as aforesaid, which time of service shall be respectively written or printed on each ballot cast; and annually thereafter there shall be elected in said city one member of the board of education for each ward, who shall serve for two years, and until his successor is elected and qualified.

Electors of the city but not of the district, where to vote.

Where there is one member for each ward, how elected.

Separate ballot-boxes and poll-books to be provided for electors residing outside of city limits, etc.

Elections under sec. 11, how conducted and returns made.

Boards of education to hold regular meetings, etc.

Power to make rules and regulations.

First election of certain city districts, how held.

CHAPTER III.

CITY DISTRICTS OF THE SECOND CLASS AND VILLAGE DISTRICTS.

Number of members of board of education of city districts of the second class.

SEC. 16. The board of education of each city district of the second class, and of each village district, shall consist of three or six persons, as hereinafter provided, who shall be residents of the city district or village district, as the case may be, and who shall have the qualifications of electors therein.

Of how many members the board shall consist.

SEC. 17. The board of education of each city district of the second class, and of each village district, shall consist of three members, provided such district at the time of the passage of this act is organized under a general or local act requiring said board to be so constituted; otherwise the said board shall consist of six members: Provided, that the board of education of each city district of the second class are hereby empowered to decide by a vote of a majority of the members of said board, that said board shall consist of as many members as the city has wards.

Members of the board of education, how elected.

SEC. 18. On the first Monday in April, annually, there shall be held between the hours of six o'clock in the forenoon and six o'clock in the afternoon, at the usual place of holding school meetings in each city district of the second class and in each village district, a meeting of the qualified electors resident within the limits of the district, who, when assembled, shall organize by the appointment of a chairman and secretary, and shall then choose by ballot, two competent and judicious persons, to serve as members of the board of education for the term of three years from the third Monday of April, succeeding their election, and until their successors are elected and qualified; provided, that in case the board of education consists of three members, one person shall be elected to serve as aforesaid; provided, that in case the board of education of a city district of the second class decide that said board of education shall consist of as many members as the city has wards, there shall be elected biennially in each ward as provided in the eleventh, twelfth and thirteenth sections of this act, one competent and judicious person to serve as a member of the board of education for the term of two years from the second Monday succeeding his election, and until his successor is elected and qualified; provided further, that at the first election held under this act one person shall be elected for each ward designated by an odd number, who shall serve for one year, or until his successor is elected and qualified.

Elections in cases where as many members are to be elected as there are wards

Notice of meeting, how given.

SEC. 19. The clerk of the board of education of each city district of the second class, and of each village district, shall publish a notice of the meeting provided for in the preceding section, in a newspaper of general circulation in the district, or post written notices of such meeting in five of the most public places in the district, at least ten days before the holding of the same, in which notice or notices the time and place of the meeting and the number of members to be elected shall be specified.

SEC. 20. The secretary of the meeting or clerks of the election provided for in section eighteen of this act, shall keep a poll book and tally-sheet, and shall return within five days after the election, to the clerk of the board of education of the district, said poll-book and tally-sheet duly certified.

Secretary to keep poll-book and tally-sheet.

SEC. 21. Whenever the electors of any city district of the second class, or any village district, whose board of education consists of three members, desire that said board shall consist of six members, they may make such change in the manner following: Written or printed notices shall be posted in at least five of the most public places in such district, signed by a majority of the members of the board of education, or by one member of said board and at least ten resident electors of such district, requesting the qualified electors of such district to assemble on a day and at an hour and place designated in said notices, which notices shall be posted at least ten days prior to the day designated in them, then and there to vote for or against such change. The electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall be judges of said election. The electors in favor of the proposed change shall have written or printed upon their ballots the words "Board—Change," and those opposed thereto the words "Board—No Change," and the ballots so cast shall determine the question whether the said change shall be made. Said judges shall make due return of said election to the board of education of said district, within ten days after the holding of the same; and if a majority of the votes cast shall be found to be in favor of said change, three additional members of said board of education shall be chosen at the next annual election of school officers, one to serve for one year, one for two years, one for three years, and annually thereafter two members of the board of education of such district shall be chosen to serve for three years, as provided in section eighteen of this act.

[Supplemented by act passed March 30, 1874. See page 52.]

Certain boards of education may change from three to six members.

Election, how held.

CHAPTER IV.

SPECIAL DISTRICTS.

SEC. 22. The board of education of each special district shall consist of three members, who shall be residents of the district and have the qualifications of electors therein.

Boards of education shall consist of three members.

SEC. 23. There shall be elected annually, by ballot, on the second Monday in April, in each special district, by the qualified electors thereof, at the usual time and place of holding school elections in such district, one judicious and competent person to serve as member of the board of education for three years from the first Monday succeeding his election, and until his successor is elected and qualified.

[As amended March 30, 1874.]

Election of members of board of education.

SEC. 24. The election provided for in the preceding sec-

[As amended March 30, 1874.]

How long polls to be kept open; notice of election to be posted, etc.

[As amended March 30, 1874.]

Organization of special districts; how abandoned, etc.

Return of election, etc.

School funds to be transferred to custody of the township board.

tion shall not continue for a less time than two hours, and it shall be the duty of the clerk of each special school district to post up written or printed notices in three or more conspicuous places in said district, at least six days prior to the day of election, designating the day and the hour of opening and closing said election. The election shall proceed in the same manner as provided for in section eighteen of this act.

SEC. 25. Whenever the electors of any special district desire to abandon their organization, and become a part of the township district of the township in which such special district is located, they may make such change in the manner following: Written or printed notices shall be posted in at least five of the most public places in said special districts, signed by a majority of the members of the board of education, or one of the board and at least six resident electors of such special district, requesting the qualified electors thereof to assemble on a day and at an hour and place designated in said notices, which notices shall be posted at least ten days prior to the day designated in them, then and there to vote for or against said change. The electors assembled at the time and place designated in said notices shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue for at least two hours. The electors in favor of the proposed change shall have written or printed upon their ballots the words "School—Change," and those opposed thereto the words "School—No change;" and a majority of the ballots so cast shall determine the question whether said change shall be made. Said judges shall make due return of such election to the board of education of said special district within five days after holding the same; and if a majority of the votes cast shall be found to be in favor of said change, said special district board shall immediately certify this fact to the proper township board, who shall at once assume jurisdiction of all the territory of said special district as a part of the township district, when said special district shall cease to exist; and it is hereby made the duty of all officers of said special district, having custody of any of its school funds or property, to transfer said custody to said township board; and the offices of said officers so surrendering their trusts are hereby abolished, so far as the same may relate to the special district so ceasing to exist: Provided, that the members of the board of education of said special district shall be local directors of the sub-district so created, each to serve the remainder of the term for which he shall have been elected to said special district board.

CHAPTER V.

TOWNSHIP DISTRICTS.

SEC. 26. The board of education of each township district shall consist of the township clerk and the local directors who have been appointed clerks of the sub-districts in said township; provided that the board of education of a

Board of education of whom composed.

township district, which is not divided into sub-districts, shall consist of the township clerk and the local directors of the district; and the board of education of a township district which is composed of not more than two sub-districts, shall consist of the township clerk and the local directors of the two sub-districts. The clerk of the township shall be clerk of the board, but shall not be entitled to a vote.

Township clerk to be clerk of board.

[As amended March 6, 1874.]

Local directors, how and by whom elected.

Must take oath of office.

SEC. 27. There shall be elected by ballot on the second Monday of April annually, by the qualified electors thereof, in each sub-district, one competent person having the qualifications of an elector therein, to be styled local director, who shall hold his office for three years from the first Monday succeeding his election and until his successor is elected and qualified. Said local director, within five days after his election, shall take an oath or affirmation to support the constitution of the United States and that of the state of Ohio, and faithfully and impartially to discharge the duties of his office, which oath or affirmation may be administered by any local director of any sub-district of the township, or by the clerk thereof; and it shall be the duty of the clerk of each sub-district to post up written or printed notices in three or more conspicuous places in their respective sub-districts, at least six days prior to the day of election, designating the day and hour of opening and the hour of closing said election.

Notices of election to be posted by clerk.

SEC. 28. The election required to be held in a sub-district, shall be at a meeting held at the usual place of holding school meetings in such sub-district or township district which is not divided into sub-districts. The meeting shall be organized by appointing a chairman and a secretary who shall act as judges of the election. The secretary shall keep a poll-book and tally-sheet, which shall be signed by the judges and delivered within five days to the clerk of the township. It shall be the duty of the local directors, two of whom shall constitute a quorum, to meet within five days after the second Monday of April of each year, at such place as may be most convenient in the sub-district, and organize by appointing one of their number clerk of the sub-district, who shall preside at the official meetings of the local directors, and record their proceedings in a book provided for that purpose, together with the minutes of the proceedings of the annual school meetings held in the sub-district by the qualified electors thereof, which shall be a public record; and all such proceedings when so recorded, shall be signed by the clerk of the proper sub-district. The local directors may meet as frequently as they may think necessary for the transaction of business, and fill any vacancies in the office of clerk which may occur in the sub-district; or in case of his absence either of the other directors may officiate temporarily in his place: Provided, that no business shall be transacted at a meeting, due notice of which has not been given to each of the local directors of the sub-district, either personally or by a written notice left at his residence or usual place of business.

Election to be held in sub-districts to be at the usual place of holding school meetings.

Clerk, how elected and his duties.

Local directors to be notified of all business meetings.

d of education to organize annually.

Township clerk ex-officio clerk of the board.

Special meeting of electors.

Vacancies, how filled, after failure to elect.

Regular sessions of township boards.

Have power to adjourn or hold special meetings.

Special meetings, how called.

Contracts must be made at a regular meeting.

[As amended March 3, 1875.]

Map of township.

SEC. 29. The board of education of each township shall organize on the third Monday of April of each year by appointing one of their number president, and in case of absence of the township clerk, who shall be ex-officio clerk of the board, by also appointing one of their number clerk pro tempore, who shall record their proceedings in a book provided for the purpose, which shall be a public record; and all such proceedings when so recorded shall be signed by the clerk and president.

SEC. 30. If the qualified electors of any sub-district shall fail to meet and elect a local director on the second Monday of April in any one year, as prescribed in section twenty-seven of this act, or if at any time a vacancy shall occur in the board of local directors, it shall be lawful for any three qualified electors of such sub-district to call a special meeting of the electors of such sub-district within ten days after such failure to elect, or the occurrence of such vacancy, for the purpose of electing a local director on first giving five days notice in writing of the time and place of holding such meeting by posting the same in three of the most public places in such sub-district, and the local director so elected at such special meeting shall hold his office for the unexpired term to be filled, and until his successor is elected and qualified, and if there shall be a failure to hold such general or special election, as provided for in this section, then it shall be the duty of the township clerk to appoint some suitable resident of said sub-district to act as local director until the next election and until his successor is elected and qualified.

SEC. 31. It shall be the duty of the township board of education to hold regular sessions on the third Monday of April and on the third Monday of September in each year, in the usual place of holding township elections, or at such place in the immediate neighborhood as may be convenient for the transaction of any business which may be necessary in relation to any one of the schools of the township district, with power to adjourn from time to time, or to hold special meetings at any other time and place within the township as they may think desirable for the transaction of business as aforesaid; which special meetings may be called by the township clerk, by the president of the board or by two or more members of the board, each member of the board being duly notified personally or by a written notice left at his residence or usual place of business; and at all such meetings, in case of the absence of the township clerk, they may appoint one of their own number to serve temporarily as clerk, and no contract shall be binding upon any board of education unless such contract shall have been made or authorized to be made at a regular or special meeting of said board.

SEC. 32. The said board shall prepare or cause to be prepared, a map of their township as often as they deem necessary, on which shall be designated the sub-districts of the township, which they may change or alter at any regular session, and the number assigned to each; but no sub-dis-

trict shall contain less than sixty resident scholars by enumeration, except in cases where, in the opinion of the board or General Assembly, it is necessary to reduce the number; whenever the board of education of any township district shall consolidate two or more sub districts, to form a new sub-district, or the General Assembly shall make a new sub-district, said board shall call a special meeting of the qualified electors resident in said new sub-district, for the purpose of electing three local directors for the same; at least five days before the time fixed for said meeting said board shall post, in three of the most public places in said new sub district, written or printed notices, stating the time, place, and object of holding said meeting; the election at such special meeting shall be conducted as provided in sections twenty-seven and twenty-eight of this act; Provided, that three local directors shall be elected, one to serve for one year, one to serve for two years, and one to serve for three years from the annual election next preceding the organization of said new sub district; and that the terms of office of the local directors of the sub districts so consolidated or made shall expire at the time such new district shall have been created; and any sub district which may be made or established by a general or local act of the General Assembly, shall be governed by the provisions of this act, except that it cannot be changed, altered or consolidated by the board of education until after the expiration of three years after it has been so made or established.

Size of sub-districts.

Consolidation of sub-districts.

Election of local directors.

Government of new sub-districts.

SEC. 33. It shall be the duty of the local director, who has been elected clerk in each sub-district, to take or cause to be taken annually, according to the provisions of section seventy-seven of this act, between the first and third Mondays of September, an enumeration of youth resident within such sub district, and return a certified copy thereof to the clerk of the said township district, and in case any such local director shall fail to take and return the enumeration in his sub-district, it shall be the duty of the township clerk to employ a competent person to take the same and allow him a reasonable compensation for his services, and to proceed to recover the amount so paid for such services in a civil action before any court having jurisdiction in the name of the state of Ohio against said local director; and in such suits said clerk shall be a competent witness; and the money so collected shall be applied to the use of common schools in the proper township; provided, that in a township district in which there is but one sub-district the president of the board shall be required to take or cause to be taken the enumeration, as aforesaid, and to return the same to the township clerk.

Enumeration of youth.

In case of failure, township clerk to employ a person to take enumeration.

SEC. 34. That whenever the better accommodation of scholars makes it desirable to form a sub-district composed of parts of two or more adjoining townships, by mutual agreement between the boards of education of such townships respectively, a transfer of territory for school purposes may be made to the township in which the school-house of

Joint sub-district, how formed.

Local directors
of joint sub-
districts.

Enumeration
of, how taken.

School control-
led by board of
education of
township in
which the
school-house
is situated.

[As amended
March 17, 1875.]

Joint sub-dis-
trict, how
changed or
dissolved.

Change of loca-
tion, etc., of
school-houses.

such joint sub-district is or may be situated; and the qualified electors resident within such joint sub-district so composed shall, at the same time and in the same manner as school elections are held in other sub-districts, proceed to elect three local directors, one for the term of one year, one for the term of two years, and one for the term of three years, who shall have the same powers, perform the same duties and be subject to the same penalties as local directors in sub-districts; provided, that in taking the enumeration of youth, it shall be the duty of the local director who has been elected clerk in said joint sub-district to return a certified copy of such enumeration to the clerk of the township in which the school-house is or may be situated, designating in each case the number of youth, male and female, residing in the respective parts of the several townships so united.

SEC. 35. The school in such joint sub-district shall be under the control of the board of education of the township in which the school-house is situated, of which board the local director who has been elected clerk of said joint sub-district shall be a member; but such school shall be supported from the school funds of the respective townships having territory in said joint sub-district in proportion to the enumeration of youth; and the board of education having charge of said joint school, shall make the proper estimates of the share of expenses, estimated pro rata by enumeration of every kind necessary to sustain it, to be paid by each of the said townships so united, and shall certify such estimates to the auditor of the proper county, who shall add the same to the annual estimates for school purposes made and certified by the boards of education of said townships respectively, and shall assess and collect the same as parts of such township estimates; and at the time of distributing the school funds, the county auditor shall transfer from the adjoining townships the amount assessed and collected for the support of said joint school to the township having control of said joint school, and certify to the clerk and treasurer of such township the amount due to the same, including state tax, sale or rent of school lands, township tax, or from other sources.

SEC. 36. No joint sub-district composed of the fractional parts of two or more townships which is now organized, or may hereafter be organized, shall be dissolved, changed or altered, unless by the concurrent action of the boards of education of the several townships which may have territory included in such sub-district. In all sub-districts whenever it shall become necessary to rebuild, or for the better accommodation of scholars to change the location of the school-house of any sub-district, the question of such rebuilding or change of location shall be determined by a majority vote of the board of local directors of such sub-district, and in such manner as to secure the better accommodation of the larger number of scholars in the same, and the funds which may be or shall have been assessed and collected for the rebuilding of such school-house shall be transferred to the custody

of the board of education of the township in which such location shall have been made, and such board of education shall proceed in all matters connected therewith in accordance with the provisions of this act. And the personal property belonging to such sub-district shall be transferred to the board of education of the township in which such new location is made, and the real property, should there be any belonging to such joint sub district in the township from which said location was changed, shall be sold by the board of education of such township, and the proceeds arising from such sale shall be turned over to the board of education of the township in which said location shall have been made. In cases where any parts of such joint sub-districts shall be in more than one county, the enumeration shall be made for each fraction, as provided in the seventy-seventh section of this act, and the assessment shall be made for each fraction, as provided in section thirty-five of this act, but returns of such assessment of taxes and enumeration of youth shall be made to the county auditors of the several counties interested of the amount belonging to such counties respectively, to be collected as above provided; and when so collected the amount shall be certified by each county auditor to the clerk and treasurer of the township, or the school district having control of said school, and the amount shall be paid to the treasurer of such township or school district by each county respectively.

Returns of assessments and enumeration, how made.

CHAPTER VI.

PROVISIONS APPLYING TO ALL SCHOOL DISTRICTS.

SEC. 37. The several boards of education of all school districts now organized and established, and all school districts organized under the provisions of this act, shall be and they are hereby declared to be bodies politic and corporate, and as such capable of suing and being sued, contracting and being contracted with, acquiring, holding, possessing and disposing of property, both real and personal, and taking and holding in trust for the use and benefit of such districts any grant or devise of land, and any donation or bequest of money or other personal property; and of exercising such other powers and having such other privileges as are conferred by this act; provided, that whenever any board of education shall dispose of any property, real or personal, held by said board in their corporate capacity, exceeding in value three hundred dollars, said board shall sell the same at public auction after giving at least thirty days' notice thereof by publication in some newspaper of general circulation or by posting notices in five of the most public places in the district to which such property belongs.

Boards of education; powers and duties.

SEC. 38. All conveyances made by a board of education shall be executed by the president and clerk thereof; and it shall be unlawful for any member of such board to have any pecuniary interest either direct or indirect in any contract of of said board, or to be employed in any manner for com-

Conveyances, how executed.

Members of board not to have pecuniary interest in contracts.

Power of board to hold real estate.

pensation by the board of which he is a member except as clerk.

SEC. 39. All property real or personal, which has heretofore vested in and is now held by any board of education, or town or city council, for the use of public or common schools in any district, is hereby vested in the board of education provided for in this act, having under this act jurisdiction and control of the schools in such district.

Transfer of territory for school purposes.

SEC. 40. A part or the whole of any school district may be transferred to an adjoining school district by the mutual consent of the boards of education having control of such districts; provided, that no such transfer shall take effect until a statement or map showing the boundaries of the territory transferred shall be entered upon the records of such boards, nor (except when the transfer is for the purpose of forming a joint sub-district,) until a copy of such statement or map, certified by the clerk of the board making the transfer, shall be filed with the auditor of the county in which the transferred territory is situated, and any person living within a district or the part of the district so transferred shall have the right to appeal to the county commissioners as provided for in section fifty-nine of this act.

Right of appeal.

Organization of board of education.

SEC. 41. Each board of education organized under any existing law, except township boards, shall reorganize on the third Monday of April after the passage of this act, and by vote or lot diminish the number of members, or by appointment increase the number, and determine, by vote or lot, the time each member of the board shall serve, so as to constitute the said board in strict accordance with the provisions of this act.

[As amended March 3, 1874.]

Oath of office of members of board of education.

SEC. 42. Each person elected as a member of a board of education, or elected or appointed to any other office under this act, shall, before entering upon the duties of his office, take an oath or affirmation to support the constitution of the United States and of the State of Ohio, and that he will faithfully perform the duties of his office. The oath or affirmation may be administered by the clerk or any member of the board. A majority of the board of education shall constitute a quorum for the transaction of business; provided, that upon a motion to adopt a resolution authorizing the purchase or sale of property, either real or personal, upon a motion to employ a superintendent, teacher or teachers, janitor or janitors, or other employe or employes (or to elect or appoint an officer), or upon a motion to pay any debt or claim, it shall be the duty of the clerk of said board to call, publicly, the roll of all the members composing the same, and to enter on the record authorized to be kept the names of those voting "aye," and the names of those voting "no;" and if a majority of all the members of said board shall have voted "aye," then the president shall declare the motion carried, and upon any motion or resolution any member of said board may demand the yeas and nays, and thereupon the clerk of said board shall call the roll and record the names of those voting "aye" and those voting "no." The proceedings of each board of educa-

Majority to constitute a quorum.

Vote by yeas and nays on purchase of property, etc.

tion shall be kept in a book provided for that purpose, and shall be open to the inspection of any resident of the district, or other persons having a legal or official interest in such proceedings.

SEC. 43. In all cases of tie votes, at any election for members of the board, the judges of election shall decide the election by lot, and in other cases of failure to elect, or in case of a refusal to serve, the board shall appoint. All vacancies in any board of education arising from death, non-residence, resignation, expulsion, gross neglect of duty, failure of a person elected or appointed to qualify within ten days after the annual organization, or after his appointment, or otherwise, the board shall fill without delay until the next annual election, occurring not less than fifteen days after such vacancy, when a successor shall be elected to fill the unexpired term; provided, that any vacancy which may occur in township board of education from any of the causes aforesaid, shall be filled by the election of a clerk by the local directors of the proper sub-district; and that in case of gross neglect of duty a member guilty of such neglect shall cease to be clerk of said sub-district, and a new election shall be held by the local directors thereof to fill such office.

SEC. 44. Each board of education shall organize on the third Monday of April in each year, by choosing a member of the board as a president, and a clerk, who may or may not be a member of the board; provided, that in each township district the clerk of the township shall be ex-officio clerk of the board. In each city district the treasurer of the city funds shall be ex-officio treasurer of the school funds of the school district, and in a township district the treasurer of the township funds shall be ex-officio treasurer of the school funds of such district, and in each village and special district the board of education shall choose its own treasurer; provided, that in the city districts of the first and second classes having no city treasurers other than the county treasurers, the boards of education of such city districts may choose their own treasurers, from their own number, who shall receive no compensation for their services.

SEC. 45. The clerk of each board of education shall execute a bond in an amount and with surety to be approved by the board, payable to the state of Ohio, conditioned that he shall faithfully perform all the official duties required of him. Said bond shall be deposited with the president of the board, and a copy thereof certified by said president shall be filed with the county auditor.

SEC. 46. Each school district treasurer or county treasurer, who is ex officio treasurer of any school district, shall, before entering upon the duties of his office, execute a bond with sufficient security, in double the probable amount of money that shall come into his hands, payable to the state of Ohio, to be approved by the board of education, conditioned for the faithful disbursement, according to law, of all such funds as shall from time to time come into his hands. Said bond when so executed and approved shall be filed with the

Tie vote.

Vacancies.

Vacancy in township board.

[As amended March 5, 1873.]

Organization.

Township clerk, ex-officio clerk of board.

City treasurer ex-officio treasurers of school funds.

Boards of education of village and special school districts choose their own treasurers. Certain city districts elect treasurers of school funds. Entitled to no compensation.

Clerk to execute bond.

Treasurers bond.

Treasurer to report to auditor.

[As amended Feb. 18, 1874.]

Treasurer's settlement with auditor.

To deliver books, etc., to successor.

Traveling expenses to be paid.

Penalty for failure to make settlement.

Surety, how released.

clerk of the board of education of said district, who shall immediately cause a certified copy thereof to be filed with the county auditor. Said treasurer shall report to the board of education within ten days after his settlement with the county auditor, the amount of funds in his hands for school purposes.

SEC. 47. The said treasurer shall, annually, between the first and tenth day of September, settle with the county auditor for the preceding year, and account to him for all moneys received, from whom and on what account, and the amount paid out for school purposes in his district; the auditor shall examine the vouchers for such payments, and, if satisfied with the correctness thereof, shall certify the same, which certificate shall be prima facie a discharge of such treasurer; and at the expiration of his term of service said treasurer shall deliver over to his successor in office all books and papers, with all moneys or other property in his hands belonging to said district, and also all orders he may have redeemed since his last settlement with the county auditor, and take duplicate receipts of his successor therefor, one of which he shall deposit with the clerk within ten days thereafter; and for making such annual settlement with the county auditor he shall be entitled to receive the sum of one dollar and five cents per mile for traveling to and from the county seat, to be paid out of the county treasury on the order of the county auditor. In case the treasurer of any school district shall wilfully or negligently fail to make such annual settlement within the time as prescribed in this section, he shall be liable to pay a fine of fifty dollars, to be recovered in a civil action in the name of the state of Ohio; which amount, when collected, shall be paid into the county treasury, and shall be applied to the use of common schools in the proper school district; and it is hereby made the duty of the county auditor to proceed forthwith in case of such failure, by suit against such treasurer, before any justice of the peace of his county, to recover the penalty aforesaid.

SEC. 48. It shall be lawful for any surety or sureties of any treasurer of school funds in any school district organized under the provisions of this act, at any time to notify the board of education of the proper district by giving at least five days' notice in writing that he or they are unwilling to continue as security for such treasurer, and will at a time therein named make application to said board of education to be released from further liability upon the bond of such treasurer; and shall also give at least three days' notice in writing to such treasurer of the time and place at which such application shall be made. It shall be the duty of the board of education upon such notice being given, to hear such application, and if in their opinion there is good reason therefor, they shall require such treasurer to give a new bond, conditioned according to law, and the sureties on said first bond shall be released and exonerated from further liability thereon; and thereupon said board of education shall require such treasurer to give a new bond conditioned according to law

and to the satisfaction of said board of education, within such time as they may direct; and if such treasurer shall fail to execute such bond as aforesaid, the office shall be deemed vacant and shall be immediately filled as other vacancies in said office; but such original surety or sureties shall not be released or discharged until the filing of the new bond, or the expiration of the time allowed therefor; provided, that the cost of such application shall be paid by the person or persons making such application.

New bond.

SEC. 49. The board of education may fix the compensation of the clerk and treasurer, but the allowance made to the treasurer shall not exceed one per centum of the money disbursed by him on orders from the board; provided, that the treasurer of a township district shall be allowed as his compensation one per centum on all school funds disbursed by him, to be paid on the order of the trustees of the township out of the township treasury; and that the treasurer of city funds shall be allowed no compensation unless otherwise provided for by law, for disbursing the school funds of the city districts.

Compensation of clerk and treasurer.

SEC. 50. Each board of education shall establish a sufficient number of schools to provide for the free education of the youth of school age within the district, at such places as will be most convenient for the attendance of the largest number of such youth, and also may establish one or more schools of higher grade than the primary schools whenever they deem the establishment of such school or schools proper or necessary for the convenience or progress in studies of the pupils attending the same, or for the conduct and welfare of the educational interests of such district; and the board shall continue each and every day school established by them for not less than twenty-four nor more than forty-four weeks in each school year; provided, that each township board of education shall establish at least one primary school in each sub-district of their township; and the boards of education of the districts in which a "Children's Home" is or may be established under an act entitled "An act for the establishment, support and regulation of Children's Homes in the several counties of the state," etc., passed April 7, 1867, and in districts in which a County Infirmary is or may be located, when requested by the board of trustees of such "Children's Home," or the directors of such County Infirmary, are hereby authorized and required to establish in such Home or Infirmary a separate school, so as to afford to the children therein, so far as practicable, the advantages and privileges of a common school education; and such school shall be continued in operation each year until the full share of all the school funds of the township or district belonging to said children, on the basis of the enumeration, shall have been expended; and all schools so established shall be under the control and management of the board of education or other school officers who have charge of the common schools of such district: Provided, that in the establishment of said schools the county commissioners of the county in which

Duty to provide for free education.

May establish schools of a higher grade.

Schools to be continued in session twenty-four weeks.

School in each sub-district.

Schools in children's homes and county infirmaries.

Length of session.

Under the management of the board of education.

County commissioners shall provide school room, etc.

Liability of board.

[As amended Feb. 4, 1875.]

Evening schools to be provided.

Purchase of books,

And philosophical instruments.

Board to determine studies, text-books, etc.

Change of text-books.

When German must be taught.

All branches must be taught in the English language.

Boards' powers to appoint superintendents, teachers, etc.

such "Children's Home" or County Infirmary may be established, shall provide the necessary school room or rooms, furniture, apparatus and books, which they are hereby empowered to do; and provided further, that such boards of education shall incur no expense in supporting said schools except in the payment of the teachers.

SEC. 51. In any district composed in whole or in part of any city or incorporated village, the board of education may, at their discretion, provide a suitable number of evening schools for the instruction of such youth as are prevented by their daily vocations from attending day schools, subject to such regulations as said board, from time to time, may adopt for the government thereof. And in any district, except a township district, the board of education may, at their discretion, appropriate money from the local school funds for the purchase of books, other than school books, as said board may deem suitable for the use and improvement of the scholars and teachers of said district: Provided, that in no one year shall said appropriation exceed as follows, viz: In city districts of the first class, three hundred dollars; in city districts of the second class, one hundred and fifty dollars; and in other districts, seventy-five dollars; and all books so purchased shall constitute a school library, the control and management of which shall be vested in the board of education: Provided, that one-half of the amount above authorized may, at the discretion of such board of education, be expended in the purchase of philosophical or other apparatus, for the demonstration of such branches of education as may be taught in such schools.

SEC. 52. Each board of education shall determine the studies to be pursued and the text books to be used in the schools under their control, and no text-book shall be changed within three years after its adoption without the consent of three-fourths of the members of the board of education given at a regular meeting; and it shall be the duty of the boards of education to cause the German language to be taught in any of the public schools of this state when demanded by seventy-five freeholders residents of said school district, representing not less than forty pupils, who shall in good faith desire and intend to study the German and English languages together: Provided, that nothing herein contained shall be construed as preventing said boards of education from causing the German or other languages to be taught in said schools; and provided further, that all branches taught in the common schools of this state shall be in the English language.

SEC. 53. The board of education of each school district shall have the management and control of the public schools of the district which are or may be established under the authority of this act, with full power in respect to such schools, to appoint a superintendent and assistant superintendents of the schools, a superintendent of buildings, teachers, janitors and other employes, and fix their salaries or pay, which salary or pay shall not be increased or diminished during the term for which the appointment is made:

Provided, that no person shall be appointed for a longer time than that for which a member of the board of education is elected; and such board shall have power to dismiss any appointee for inefficiency, neglect of duty, immorality or improper conduct; provided further, that in each township district the local directors shall employ or dismiss for sufficient cause the teacher or teachers of the school or schools in the sub-district in which they reside, and shall also have power to fix the salaries or pay of said teachers, which salaries or pay may be increased but not diminished in amount by the township board, and shall not in any year exceed in aggregate amount the school moneys distributed pro rata by enumeration, and the amount which shall be apportioned to such sub-district of the fund raised by local levy to continue the schools in session twenty-four weeks each year as required by law; and in case the local directors of any sub district shall fail to employ a teacher or teachers as aforesaid, the township board of education shall employ a teacher or teachers for such sub district school or schools, and fix the salaries or pay of the same. The local directors shall certify the amount due any teacher for services, to the township clerk, who shall draw an order on the township treasury for the amount, when said teacher shall file with him this certificate, the term report prescribed by the state commissioner of common schools, together with such other reports as may be required by the rules of the board, and a copy of his or her certificate of qualifications from the county examiners, as required by section ninety-four of this act.

Power to dismiss.

Power of local directors to employ teachers.

How limited.

When board may act as local directors.

Payment of teachers.

SEC. 54. The board of education of any district are hereby authorized and required to make such rules and regulations as they may deem expedient and necessary for the government of the board, their appointees and the pupils; and no meeting of a board of education not provided for by the rules of the board or by law, shall be legal unless all the members thereof shall have been notified, as provided in section thirty-one.

Board to make rules and regulations.

SEC. 55. The board of education of any district are hereby empowered to build, enlarge, repair and furnish the necessary school-houses, purchase or lease sites therefor, or rent suitable school-houses, and make all other necessary provisions for the schools under their control; and it shall be the duty of the local directors, under such rules and regulations as the township board of education may prescribe, to provide fuel for schools, build, enlarge, repair and furnish school-houses, purchase or lease sites therefor, rent school-houses, and make all other provisions necessary for the convenience and prosperity of the schools within their sub-districts; and the township board, in its corporate capacity, shall be held responsible for all contracts made by such local directors, when such contracts are made in accordance with the rules and regulations of said township board, or in accordance with any resolution thereof; provided, that whenever any board of education shall build, enlarge, repair or furnish a school house or houses, or make any improvement or repair provided for in this act, the cost of which will exceed five hundred dollars, except in

Further powers and duties of boards of education.

Local directors to act under rules of the board.

Proceedings to build or repair school house when exceeding certain limits.

city districts of the first and second class, in which the cost shall not exceed fifteen hundred dollars, except in cases of urgent necessity, or for the security and protection of school property, said board shall proceed as follows:

To advertise for bids.

1. Said board shall advertise for bids for the period of four weeks in some newspaper in general circulation in said district, and two if there are so many; and if no newspaper is published therein, then by posting up such advertisements in three public places therein, which advertisement shall be entered in full by the clerk on the record of the proceedings of said board.

Bids, how made.

2. The bids, duly sealed up, shall be filed with the clerk by twelve o'clock at noon of the last day, as stated in the advertisement.

When read.

3. The bids shall be opened at the next meeting of the board, and publicly read by the clerk and entered in full on the records of the board.

Notice of bid.

4. Each bid shall contain the name of every person interested in the same, and shall be accompanied by a sufficient guarantee of some disinterested person, that if the bid is accepted a contract will be entered into and the performance of it properly secured.

Labor and materials separately stated.

5. If the work bid for embraces both labor and materials, each must be separately stated with the price thereof.

What bids accepted.

6. None but the lowest responsible bid shall be accepted, but the board may in their discretion, reject all the bids, or they may in their discretion, accept any bid for both labor and material, which shall be the lowest aggregate cost of such improvement or repairs.

May accept part of a bid and reject the residue.

7. Any part of a bid which is lower than the same part of any other, shall be accepted, whether the residue of the bid is higher or not, and if it is higher such residue shall be rejected.

Contract between board of education and bidder.

8. The contract shall be between the board of education and the bidders; and said board shall pay the contract price for the work when it is completed, in cash, and may pay monthly estimates as the work progresses if they deem best.

Either of two equal bids may be accepted.

9. If two or more bids are equal in the whole or any part thereof, and are lower than any others, either may be accepted, but in no case shall the work be divided between them.

Bids rejected.

10. When there is reason to believe that there is any collusion, or combination among the bidders, or any number of them, the bids of those concerned therein shall be rejected.

Estimates for school purposes by board of education.

SEC. 56. Each board of education, at a regular or special meeting held between the third Monday in April and the first Monday in June of each year, shall determine by estimate as nearly as practicable, the entire amount of money necessary as a contingent fund to be expended for prolonging the several schools of the district for the purchase of suitable sites for school houses; for leasing, purchasing, erecting and furnishing school houses; and for all other school expenses, not exceeding seven mills on the dollar of the taxable property of the district, as valued for taxation.

And any board of education of any city district of the first class are hereby authorized to issue bonds to obtain or improve public school property, and in anticipation of income from taxes for such purpose levied or to be levied, may, from time to time, as occasion shall require, issue and sell bonds, under the restrictions and bearing the rate of interest specified in section sixty-three, and shall pay such bonds and the interest thereon when due, but shall so provide that no greater amount of such bonds shall be issued in any one year than would equal the aggregate of a tax at the rate of two mills, under this section for the year next preceding such issue; provided, that the order of such board to issue such bonds, be made only at a regular meeting thereof, and by a vote of a majority of all the members of such board, taken by yeas and nays and entered on the journal of the board.

Bonds may be issued by boards of city districts of the first class.

Order to issue bonds, made only at a regular meeting.

SEC. 57. The amount so estimated the board shall certify, in writing, on or before the first Monday in June in each year, to the auditor of the county to which such district belongs, who shall thereupon assess the entire amount of such estimate upon all the taxable property of the district, and enter it upon the tax duplicate of the county, and the county treasurer shall collect the same at the same time and in the same manner as state and county taxes are collected; and when collected, he shall pay the same over to the proper school treasurer, upon a warrant from the county auditor.

Proceedings thereon, and levy and collections.

SEC. 58. Said county treasurer, unless he receives a fixed salary, shall be entitled to receive one per centum on all moneys so collected by him for school purposes, and no more.

Allowance to county examiners.

SEC. 59. If any board of education shall in any one year fail to estimate and certify the levy as required in this act, or to provide sufficient school privilege for all the youth of school age in the district, or to provide for the continuance of any school in the district for at least six months in the year, or to provide for such school an equitable share of school advantages as required by this act, or to provide a suitable school house or houses in each sub district, it shall be the duty of the county commissioners of the county to which such district belongs, upon being advised and satisfied thereof, to do and perform any or all of said duties and acts, in as full a manner as said board of education are by this act authorized to do and perform the same; and the members of said board causing said failure, shall be each severally liable in a penalty not exceeding fifty dollars, nor less than twenty-five dollars, to be recovered in a civil action in the name of the state of Ohio, upon complaint of any elector in said district, which sum shall be collected by the prosecuting attorney of said county, and when so collected shall be paid into the treasury of said county for the benefit of the school or schools of said district.

[As amended March 17, 1875.]

County commissioners to act in certain cases.

Penalty of board of education for delinquency.

SEC. 60. So much of the fund raised by local levy as may be set apart for the continuation of the schools after the state funds have been exhausted, shall be so apportioned that the schools in all the sub-districts of the township shall be continued the same length of time each year. In case this fund

Township levy, how apportioned.

be apportioned by any township board in a manner not satisfactory to the local directors of any sub district, or a majority of them, said local directors may give notice thereof to the county commissioners of the proper county, who, at their first regular meeting for the transaction of business after such notice shall have been given, shall revise said apportionment, and the funds aforesaid shall be apportioned in the manner determined by said county commissioners.

May appeal to commissioners.

[As amended May 5, 1873.]

When vote may be taken to authorize board of education to issue bonds and purchase sites and build school-houses.

See act passed February 3, 1873, page 51.

Notice of election.

Levy to be made from year to year.

Levy and collection.

Issue of bonds to anticipate moneys.

SEC. 61. Whenever the board of education of any school district, except a city district of the first class, shall determine that it is necessary for the proper accommodation of the schools of such school district to purchase a site or sites, and erect a school-house or school-houses thereon, or to do either, and such board shall be of opinion that the purchase of such site or sites, and erection and furnishing of such school-house or school houses, or either of said purposes, will require a greater tax upon the property of such school district than such board is authorized by this act to levy, and that to provide the means therefor it will be necessary to issue bonds, such board shall make an estimate of the probable cost of such site or sites, and such school house or school-houses, or of either, and at a general election, or special election called for that purpose, of the qualified electors of the district over which such board has jurisdiction, giving ten days notice, by posting in five of the most public places in said district notices stating the time, place and object of said election, shall submit to said voters at such meeting the question of levying taxes for said purposes, or either of them; and the further questions whether the levy for such purposes shall be made from year to year thereafter, and what amount shall be levied in each year until the actual cost of such site or sites, and the erection of such school-house or school houses, or either, shall be raised.

SEC. 62. And if a majority of the qualified voters at such election shall vote in favor of levying taxes for said purposes, or either of them, of continuing the levy from year to year thereafter, and for the amount to be levied each year for the purpose or purposes aforesaid, said board of education shall certify the same, annually, to the county auditor of the proper county, who shall place the same upon the tax duplicate in the same manner that other taxes certified by such board of education are required to be placed on such tax duplicate. In case any part of the district is situated in an adjoining county, the levy in such part shall be certified, collected, and paid over as provided for in section thirty-five for levies made by the board of education.

SEC. 63. To enable such boards of education to anticipate the moneys to be raised by taxation, as provided for in the preceding section, and to purchase such site and erect such school-house, or to do either, they are hereby authorized to borrow the sum of money necessary for such purposes, or of either, not exceeding the amount so authorized to be levied, and to issue bonds therefor, payable as indicated by the vote provided for in section sixty-one of this act, after a certain

day to be named therein, bearing interest payable semi annually, at a rate specified therein, not exceeding eight per centum per annum; the bonds to be issued by such board under this act, shall be in such sums as the board may determine, be numbered consecutively, made payable to the bearer, bear date the day of sale thereof, and be signed by such board officially, and the clerk of the board shall keep a record of the number, date, amount, and rate of interest of each bond sold, and the sum for which each bond was sold, and the name of the person to whom sold, and the time when payable, which record shall at all reasonable times be open to the inspection of the public. The bonds so issued shall in no case be sold for a less sum than their par value, nor bear interest until the purchase money for the same shall have been paid by the purchaser thereof.

Nature of bonds.

SEC. 64. The board of education of any school district may contract with the board of any adjacent district for the admission of pupils into any school in such adjacent districts, and the expense so incurred shall be paid out of the school funds of the district sending such pupils.

Admission of pupils.

SEC. 65. In every case where it may be necessary to procure or enlarge a school-house site, and the board of education of any school district and the owner of such proposed site or addition shall be unable from any cause to agree upon the sale and the purchase thereof, the board shall make out an accurate survey and description of the parcel of land which the said board of education may desire to appropriate for school-house purposes, and file the same with the probate judge of the proper county, and thereupon the same proceedings of appropriation shall be had which are provided for by chapter forty-seven of an act entitled an act to provide for the organization and government of municipal corporations, passed May 6, 1869. (O. L., volume 66, page 234.)

Proceedings to appropriate land for school-house sites.

SEC. 66. The board of education of each district, except in city districts of the first class, are hereby authorized to require the clerk of said board annually, ten days prior to the election for members of said board, to make out and post up at the place or places of holding such election, or publish in some newspaper of general circulation in their district, an itemized statement of all moneys received and disbursed by said board within the school year last preceding.

Statement made by clerk.

SEC. 67. It shall be unlawful for any member of any board of education organized under any law of this state, to receive any compensation for his services as a member of said board, except as clerk of the board, or to apply any money coming into his hands for the benefit of schools to his own use; and any person violating either of the provisions of this section shall be prosecuted therefor, and punished as for obtaining money under false pretenses; and all moneys collected under the provisions of this section, shall be paid into the treasury of the county in which the action shall have originated, for the use of common schools in said district.

Members of board not entitled to compensation.

SEC. 68. The process in all suits against any board of education, shall be by summons, and shall be served by leaving

Process against school officers.

a copy thereof with the clerk or president of such board; and such board shall be required to appear and answer, as in other civil actions.

Duty of prosecuting attorney.

SEC. 69. It is hereby made the duty of the prosecuting attorney of the proper county, or in case of a city or district, the city solicitor, to prosecute all actions which by this act may be brought against any member or officer of any school board, in his individual capacity; and to act in his official capacity as such prosecutor, as the legal counsel of such boards or officers in all civil actions brought by them or against them in their corporate or official capacity; provided, no prosecuting attorney or city solicitor shall be a member of the board of education.

School year, week, and month.

SEC. 70. The school year shall begin on the first day of September of each year, and close on the thirty-first day of August of the succeeding year. A school week shall consist of five days, a school month of four school weeks.

What pupils admitted.

SEC. 71. The schools established by this act shall be free to all youth between six and twenty-one years of age who are children, wards or apprentices of actual residents of the school district, and no pupil shall be suspended therefrom except for such time as may be necessary to convene the board of education of the district or local directors of the sub-district, nor be expelled unless by vote of two-thirds of said board or local directors, after the parent or guardian of the offending pupil shall have been notified of the proposed expulsion, and permitted to be heard against the same; and no scholar shall be suspended or expelled from the privilege of schools beyond the current term: Provided, that each board of education shall have power to admit other persons, not under six years of age, upon such terms or upon the payment of such tuition as they may prescribe; and boards of education of city, village or special districts shall also have power to admit, without charge for tuition, persons within the school age who are members of the family of any freeholder whose residence is not within such district, if any part of such freeholder's homestead is within such district; and, provided further, that the several boards of education shall make such assignment of the youth of their respective districts, to the schools established by them as will, in their opinion, best promote the interests of education in their districts; and, provided further, that nothing contained in this section shall supersede or modify the provisions of section thirty one of an act entitled an act for the reorganization, supervision and maintenance of common schools, passed March 14, 1853, as amended March 18, 1864.

Suspension and expulsion.

Assignment of scholars.

Sec. 31 of act of March 14, 1853, retained.

School property exempt from tax, lien or execution.

SEC. 72. All property, real or personal, vested in any board of education, shall be exempted from tax and from sale on any execution or other writ or order in the nature of an execution.

Penalty for injuring school property.

SEC. 73. That if any person shall willfully and maliciously injure or deface any school-house, its fixtures, books or appurtenances, or shall commit any nuisance therein, or shall purposely and maliciously commit any trespass upon the enclosed grounds attached thereto, or any fixtures placed thereon, or

any enclosure or sidewalk about the same, such person shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars, or be imprisoned in the county jail not exceeding ninety days, or both, in the discretion of the court. Such fine, when collected, shall be paid to the treasurer of the proper county for the use of the school district in which the offense was committed.

SEC. 74. If any person or persons shall hereafter willfully disturb, molest or interrupt any school or society formed in such school for the intellectual improvement of its members, such person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than five nor more than twenty dollars, with cost of prosecution, and shall stand committed until such fine shall have been paid, or he shall have been discharged by due course of law; and, provided further, that the judgment for cost shall not be abated until such costs shall have been fully paid. Such fine when collected, shall be paid into the county treasury, for the use of common schools in the proper county.

Willful disturbance, how punished.

SEC. 75. The board of education of each district shall make a report to the county auditor on or before the first day of October in each year, containing a statement of the receipts and expenditures of said board, the number of schools sustained by them, the length of time such schools were sustained, the enrollment of pupils, the average monthly enrollment and average daily attendance, number of teachers employed, their salaries, the number of school-houses and school-rooms, and such other items as the state commissioner of common schools may require. These reports shall be made on blanks which shall be furnished by the said commissioner of common schools to the auditor of each county, and by such auditor to each school clerk in his county; and it shall be the duty of each board of education, or officer or employee thereof, or other school officer in any district or county of the state, whenever the state commissioner of common schools shall so require, to report to him direct upon such blanks as the said commissioner shall furnish, any statements or items of information that the said commissioner may deem important or necessary; and whenever the school commissioner, on examination of the enumeration of youth made and returned by any district under this act, shall be of opinion that the same is excessive in number or in any other way incorrect, he may require the enumeration for such district to be retaken and returned, and if he think it necessary he may for this purpose appoint one or more persons to perform this duty, who shall take the same oath and perform the same duties and receive the same compensation, and out of the same funds, as the person or persons who took the enumeration in the first instance, and the school fund shall be distributed on the corrected enumeration; and any officer through whose hands the enumeration required by this act to be returned, shall pass, who shall, by percentage or otherwise, add to or take from the number actually enumerated, shall be deemed guilty of a misdemeanor, and upon conviction of such offense,

Statement made to auditor by board of education.

When to report to school commissioner.

When enumeration may be retaken by state commissioner.

Penalty for fraudulently altering enumeration.

shall be fined in any sum not less than five dollars and not exceeding one thousand dollars, or imprisoned in the county jail not less than ten days nor more than thirty days, at the discretion of the court.

Teachers and
superintend-
ents to keep
school records.

SEC. 76. Each board of education shall require the teachers and superintendents appointed by them, to keep the school records in such a manner that the board may be enabled to report annually to the county auditor as required by the provisions of this act. Said board of education is hereby authorized to withhold the pay of such teachers as shall fail to file with the clerk the reports required of them by the board, and to require the superintendent to report each year such matters as said board may determine to be important or necessary for information in regard to the management and conduct of the schools, and to make such suggestions and recommendations as he may deem advisable relative to methods of instruction, school management or other matters of educational interest. And the board of education of each city district of the first class shall make and publish annually a report on the condition of the schools under their charge, as well as the fiscal and other concerns in relation thereto, and a particular account of the administration thereof.

What boards to
publish report
of condition of
schools.

[As amended
March 3, 1874.]

Enumeration
of youth of
school age.

SEC. 77. In every district in the state there shall be taken, between the first Monday in September and first Monday in October in each year, an enumeration of all unmarried youth, noting race and sex, between six and twenty-one years of age, resident within the district, and not temporarily there, designating also the number between sixteen and twenty-one years of age, the number residing in the Western Reserve, the Virginia Military District, the United States Military District, and in any original surveyed township or fractional township to which belongs section sixteen, or other land in lieu thereof, or any other lands for the use of schools or any interest in the proceeds of such land; provided, that in addition to the classified return of all the youths residing in the district, that the aggregate number of youths in the district resident of any adjoining county shall be separately given, if any such there be, and the name of the county in which they reside; and each person required or employed under this act to take said enumeration, shall be first sworn or affirmed to take said enumeration accurately and truly to the best of his skill and ability; and when making return of the same to the proper officers, he shall accompany said return by his affidavit duly certified that he has taken and returned said enumeration accurately and truly to the best of his knowledge and belief; and the officer to whom such return of enumeration is required to be made, is hereby authorized to administer such oath or affirmation, and to take and certify such affidavit. Each person so taking and returning said enumeration shall be allowed by the proper board of education, reasonable compensation for his services, which compensation in sub districts shall not exceed two dollars for each person authorized, required or appointed to take and return said enumeration.

Oaths of person
taking enumer-
ation.

Compensation
for services.

SEC. 78. It shall be the duty of the clerk of the board of education of each district in the state, other than township districts, to employ one or more competent persons to take and return to him the enumeration of said district in the manner prescribed in section seventy-seven of this act.

Clerk to employ person to take enumeration.

SEC. 79. The clerk of each board of education shall, on or before the second Monday of October in each year, make and transmit to the county auditor an abstract of the enumeration by this act required to be returned to him, according to the form prescribed by the state commissioner of common schools, with an oath or affirmation endorsed thereon, that it is a correct abstract of the returns made under oath or affirmation to him. The oath or affirmation of the clerk may be administered and certified to by any member of the board of education, or by the county auditor.

Abstract to be transmitted to auditor.

SEC. 80. If the clerk of any school district shall fail to return the annual enumeration herein required, to the county auditor of the proper county on or before the second Monday of October, the said auditor shall at once demand a duly certified abstract of such enumeration from said clerk, and in case such enumeration has not been taken as required in this act, or an abstract furnished at once as required in this section, the said auditor shall employ one or more competent persons to take such enumeration, which persons shall be subject to the legal requirements already specified, except that the returns shall be made directly to the auditor, who is hereby authorized to administer to each person employed the oath or affirmation required. The auditor shall allow the person or persons employed by him a reasonable compensation out of the general county fund, and shall proceed to recover the amount or amounts so paid for such services in a civil action before any court having competent jurisdiction, in the name of the State of Ohio against said clerk on his bond, and the amount so collected shall be paid into the general county fund.

When auditor shall take enumeration.

Compensation therefor.

SEC. 81. The county auditor of each county shall transmit to the state commissioner of common schools, on or before the fifth day of November in each year, an abstract of the enumeration returns made to him, duly certified. If the auditor shall willfully or negligently fail to perform any duty herein required, he shall be liable on his bond to twice the sum lost to the school districts of his county in consequence of any such neglect, which sum shall be recovered in a civil action before any court of competent jurisdiction, in the name of the State of Ohio against the said auditor on his bond, and the amount so collected shall be paid into the county treasury for the benefit of such districts.

Abstract to be transmitted to school commissioner.

Penalty for failure to certify abstract.

SEC. 82. The clerk of each board of education shall prepare the annual report of the receipts and expenditures of school moneys, and the statistical statement in reference to the schools required of the board of education, and transmit the same to the county auditor on or before the first day of October in each year; and immediately after the filing of a bond by the school treasurer of such board, transmit to the

Report of receipts and expenditures of school moneys to auditor.

county auditor a certified statement that said treasurer has executed and deposited the requisite bond according to the provisions of this act, and also state the amount of such bond.

[As amended
March 3, 1874.]

SEC. 83. No treasurer of a board of education, except in cases otherwise provided for in this act, shall pay out any school money, except on an order signed by the president and countersigned by the clerk of said board. No money shall be paid to the treasurer of a board of education other than that received from the county treasurer, except upon the order of the clerk of said board whose duty it shall be to report the amount of such miscellaneous receipts to the auditor of the proper county.

How certain
school funds are
received and
disbursed.

Auditor to fur-
nish blank
book for treas-
urers and
clerks.

SEC. 84. It shall be the duty of the auditor of each county in the state to furnish the clerk and treasurer of the several school districts in his county with a suitable blank book each, made according to the form prescribed by the state commissioner of common schools, in which it shall be the duty of said clerk and treasurer respectively to make a record of all school moneys received and disbursed within each school year, showing the amount of school moneys in the hands of the said treasurer on the first day of September of each year, and also at the time of the annual settlement of said treasurer with the board of education, and from what sources received; the amount received within the school year, and from what sources; the orders drawn or paid, as the case may be, from what funds and for what purpose, and the amount of school funds in the hands of said treasurer at the close of the school year; and at the expiration of his official service, said clerk shall deliver to his successor in office the aforesaid book, also the book in which is recorded the official proceedings of the board of education, all certificates and reports of teachers required by law to be filed in his office, and all other official books and papers in his hands relating to schools. The auditor shall in no case permit said treasurer to have in his hands at any one time, an amount of school funds over one-half the amount of the penalty in the bond of said treasurer. And to enable said auditor to ascertain the amount of such funds in the hands of said treasurer, the said treasurer shall be required to furnish a written statement from the clerk of his school district, exhibiting the amount of school funds in said treasurer's hands, as shown by said clerk's books, which statement the said treasurer shall present to the county auditor before an order is drawn on the county treasurer for any of said school funds, and it is hereby made the duty of such clerk to furnish such statement whenever it may be necessary for the purposes aforesaid.

Books, how
kept,

Books to be
delivered to
successors.

School funds in
hands of treas-
urers not to
exceed one-half
the penalty
of their bond.

CHAPTER VII.

EXAMINERS AND THEIR DUTIES—STATE BOARD OF EXAMINERS.

SEC. 85. It shall be the duty of the state commissioner of common schools to appoint a state board of examiners, to consist of three competent persons, resident in the state, who shall hold their office for two years, and until their successors are appointed; and all vacancies in said board which may thereafter occur by death, resignation or otherwise, shall be filled by appointment by said commissioner for the unexpired term.

State school commissioner to appoint board of examiners.

SEC. 86. The state board of examiners thus constituted are hereby authorized to issue life certificates of high qualifications to such teachers as may be found upon examination to possess the requisite scholarship, and who may also exhibit satisfactory evidence of good moral character, and of eminent professional experience and ability.

Powers of state board of examiners.

SEC. 87. All certificates issued by said state board of examiners shall be countersigned by the commissioner of common schools; and such certificates shall supersede the necessity of any and all other examinations of the persons holding them by county or local boards of examiners, and such certificates shall be valid in any school district in the state, unless revoked by said board of examiners for good cause.

Validity of state certificates.

May be revoked for cause.

SEC. 88. Each applicant for a state certificate shall pay to the board of examiners a fee of three dollars.

Examination fee.

COUNTY EXAMINERS.

SEC. 89. It shall be the duty of the probate judge of each county of this state, as soon after the election of school officers under the provisions of this act as practicable, to appoint a county board of school examiners, to consist of three competent persons, resident in the county, one for the term of one year, one for two years and one for three years, and annually thereafter one for three years, who shall hold their office for the term of three years, and until their successors are appointed; provided, that no person shall be appointed school examiner who, as principal or teacher is connected with or interested in any normal school, or school for the special education or training of persons for teachers; and if any school examiner shall after his appointment as such examiner, become so connected with any such normal school or school for the education or training of persons for teachers, his place shall thereby be held and become vacant, and the probate judge shall immediately fill such vacancy by appointing some suitable person not so connected with any such school; provided, the said probate judge may at any time revoke the appointment of any school examiner upon satisfac-

[Supplemented March 30, 1874. See page 52.]
Probate judge to appoint examiners.

No person connected with a normal school shall be an examiner.

Probate judge shall appoint a substitute.

tory proof that said examiner is inefficient, negligent or guilty of immoral conduct; and all vacancies in said board which may thereafter occur, whether from expiration of the term of office, refusal to serve, or otherwise, shall be filled by like appointment by said judge; and it shall be the duty of the probate judge, within ten days after the appointment of school examiners, to report the names and residence of the appointees to the state commissioner of common schools; provided, that in case there be no probate judge in said county, the judge or judges of the court of common pleas shall perform the duties by this section required of the probate judges.

When judges of common pleas may appoint examiners.

Powers and duties of board.

SEC. 90. It shall be the duty of the examiners to fix upon the time of holding the meetings for the examinations of teachers, in such places in their respective counties as will, in their opinion, best accommodate the greatest number of candidates for examination, notice of all such meetings being published in some newspaper of general circulation in their respective counties; and at such meetings any two of said board shall be competent to examine applicants and grant certificates; and as a condition of examination, each applicant for a certificate shall pay the board of examiners a fee of fifty cents.

Quarterly report of examiners.

SEC. 91. All such fees received by the examiners shall be paid over quarterly to the county treasurer, with a statement made to the auditor of the number of applicants, male and female, examined; and all moneys so paid over to the county treasurer by the board of examiners, shall, after paying on the order of the county auditor, the necessary traveling expenses of said examiners, which in no quarter shall exceed one-third of the amount so paid to the county treasurer as examination fees, be set apart as a fund for the support of teachers' institutes, as hereafter provided in this act, and shall be used for no other purpose; provided, that the number of meetings held by said board of examiners for the examination of teachers, shall not, in any one year, exceed eighteen.

Examination fees to be set apart to support teachers' institutes.

Validity of county certificates.

SEC. 92. A certificate granted by county examiners shall be valid only for six, twelve, eighteen, or twenty-four months from the day of examination, and in all the school districts of the county in which it shall be granted; provided, no such certificate shall be valid in a city district of the first class, in a city district of the second class, or in a village district, unless the same shall be endorsed by the president and secretary of the boards of examiners of such districts. If at any time the recipient of the certificate shall be found immoral, incompetent or negligent, the examiners, or any two of them, may revoke the same.

Certificates may be revoked.

[As amended April 18, 1874.]

Teachers must have certificates of qualification, etc.

SEC. 93. No person shall be employed as teacher in any common school, unless such person shall have first obtained from a board of examiners having competent jurisdiction, or a majority of them, a certificate of good moral character, and that he or she is qualified to teach orthography, reading, writing, arithmetic, geography, English grammar, and possesses an adequate knowledge of the theory and practice of teaching; and in case such person be required to

teach other branches than those herein specified, he or she shall first obtain a certificate of the requisite qualifications, in addition to the branches aforesaid: Provided, that persons desiring or expected to teach only one or more special studies, such as music, drawing, painting, penmanship, gymnastics, German or French, may be examined and tested only in regard to such study or studies, and having obtained from the said board a certificate of qualification, may be employed as teachers of the respective special study or studies.

SEC. 94. And it shall be unlawful for any clerk to draw an order on the treasurer for the payment of a teacher for services, unless said teacher shall have first filed with said clerk a legal certificate of qualification, or a true copy thereof, covering the entire time of the services for the payment of which such order is drawn, and the branches which such teacher has taught; provided, that orders may be drawn for special teachers of drawing, painting, penmanship, music, gymnastics, or any foreign language, on presentation of a certificate, signed by a majority of the examiners, covering the time for which said special teacher has been employed.

SEC. 95. The said board of examiners shall appoint one of their number to serve as clerk, who shall keep a record of their proceedings, noting the number and date of each certificate given, to whom, for what term of time, for what branches of study, and such other statistics relating to their examinations and proceedings as the state commissioner of common schools may require; and said board may make all needful rules and regulations for the proper discharge of their duties. The members of the board shall be entitled to receive each two dollars for every day necessarily engaged in official service, to be paid out of the county treasury, on the order of the county auditor, exclusive of blanks and stationery, which the county auditor shall furnish; and said board of examiners is authorized to obtain the use of suitable rooms in which to conduct examinations, and procure fuel and light, and employ janitors to take charge of such rooms and keep the same in order, and the expense of procuring such rooms, fuel and lights, and employing such janitors, is to be paid out of the county treasury on the order of the county auditor. The said auditor shall grant said order upon the certificate of the chairman of said board of examiners, countersigned by the clerk of said board. It shall be the duty of the clerk of said board of examiners to prepare and forward to the state commissioner of common schools, on or before the first day of October, a statement of the number of examinations held by the board, the number of applicants examined, the number of certificates granted, and for what length of time, the amount of fees received and paid over to the county treasurer, the amount received of the county by the board for their services, and such other important statistics and information in relation to their duties as the state commissioner of common schools may require. The clerk of the board shall deposit with the county auditor a bond, with surety, to be approved by him, in the sum of three hundred dollars, that he will faithfully pay into

When orders for teachers' pay illegal.

Payment of teachers for special branches.

[As amended May 5, 1873.]

Clerk of examiners and his duties.

Rules and regulations of board.

Compensation of examiners; how paid.

May provide rooms, fuel, etc., for examinations.

Cost of same to be paid out of county treasury.

Annual report of examiners.

Bond of clerk of examiners.

Quarterly report of examiners.

the county treasury, quarterly, the examination fees required by this act to be paid, and that he will faithfully make the statistical returns required and authorized by this act.

CITY EXAMINERS.

[As amended April 18, 1874.]

Board of education to appoint examiners; their duties, etc.

SEC. 96. The board of education of each city district of the first class shall, as soon as practicable after the first organization under this act, appoint a board of examiners, to consist of three, six or nine competent persons, as the board may determine, who shall have power to examine the schools established in such district, and shall examine all persons that desire to hold teachers' certificates valid in such district. One-third of said examiners shall be appointed for one, one-third for two, and one third for three years, and shall serve until their successors are appointed and qualified. The standard of qualifications of teachers shall be determined by the board of examiners, and the board of education are hereby empowered to fix the salary or pay of said examiners, and to pay the same from the general fund raised for school purposes. Section ninety-three, as hereby amended, and ninety-four shall be also applicable to city districts of the first and second class; and to secure a more thorough examination of teachers and pupils in the more difficult branches or special studies, the board of examiners may temporarily associate with themselves, for such purpose, one or more other persons of sufficient knowledge in such branches or studies respectively, who shall, in such case, promise by oath or affirmation that they will faithfully and impartially perform the duties of examiners. And the superintendents of education shall give to the examiners all the necessary information about the branches and special studies to be taught, and the grades and classes the persons appointed or to be appointed as teachers shall have to teach.

Applicable to city districts, etc.

Shall appoint annually.

SEC. 97. The said board of education shall annually thereafter appoint one, two or three examiners, as the case may be, who shall serve for three years and until their successors are appointed and qualified. And the board of education shall fill all vacancies in said board of examiners that may occur from refusal to serve, death, resignation or otherwise, for the unexpired term, and shall have power to revoke the appointment of any examiner upon satisfactory proof that said examiner is inefficient, negligent or guilty of immoral conduct. It shall be the duty of the clerk of each board of education to report to the state commissioner of common schools within ten days after the appointment, the names of the city school examiners appointed by such board, and also report in like manner the appointments made to fill vacancies.

Shall fill vacancies.

Names of examiners to be reported to state commissioner.

Organization of board.

SEC. 98. The board of examiners in each city district of the first class shall organize by appointing one of their own number as clerk, who shall give bond, with surety to be approved by the board of education, in the sum of five hundred dollars, conditioned that he shall pay to the school treasurer of his district the examination fees collected in pursuance of this act, and that he shall make, on or before

the first day of October in each year, such returns in reference to the examinations as may be required by the state commissioner of common schools of the clerk of the county board of examiners.

SEC. 99. Said board, or a majority of them, may grant certificates, which shall be valid only in the city school districts in which they are granted "for one, two or three years," except in cities in [of] the first class in which they shall be granted for two, five or ten years.

[As amended
March 29, 1875.]
Validity and
term of certi-
ficates.

SEC. 100. Said board of examiners shall have power to revoke the certificate of any person who shall be guilty of immorality or improper conduct, or shall prove to be inefficient, and if such person shall be employed in any school in the district, they shall have power to discharge such teacher, who shall, however, be entitled to pay for services to the time of such discharge. Every person applying to a city board of examiners shall pay to the examiners fifty cents before entering upon the examination, which money shall be paid quarterly to the school treasurer of the city, and shall be set apart as a teachers' institute fund, to be appropriated as provided for in this act.

Further powers
of examiners.

Examination
fees.

SEC. 101. The powers and privileges herein granted to city districts of the first class, with reference to boards of examiners, are hereby extended to city districts of the second class and village districts having a population not less than twenty-five hundred; provided, that the board of examiners in such districts shall consist of three members; and provided further, that in any city districts of the second class, and in village districts (except in those localities where associations have been or may hereafter be formed as provided for in section 119 of this act), the fee of fifty cents which is required to be paid to the board of examiners by every person applying for a certificate to teach, shall be paid by said examiners to the county treasurer for the use of county institutes, and be paid out as other funds for the same purpose are ordered to be paid. The boards of education of said city districts of the second class, in the matter of attaching the annexed territory for voting purposes, shall be governed by the provisions of this act conferring like powers upon city boards of education of the first class, as provided for in section ten.

Certain
privileges
extended.

CHAPTER VIII.

STATE COMMISSIONER.

SEC. 102. There shall be elected by the qualified electors of this state, at the annual election for state and county officers, in the year eighteen hundred and seventy-four, and every three years thereafter, a state commissioner of common schools, who shall hold his office for the term of three years from the second Monday in January succeeding his election, and until his successor is elected and qualified. The election of said commissioner, and the return thereof, shall be the same in all respects, as is provided for the election of judges

When commis-
sioner elected.

Term of office

Vacancy, how filled.

of the supreme court; and in case a vacancy shall occur in said office by death, resignation, or otherwise, the governor shall fill the same by appointment until the next annual election of state officers, occurring not less than ninety days after such vacancy, and until a successor shall be elected and qualified.

His official bond.

SEC. 103. Before entering upon the discharge of his official duties, the said commissioner shall give bond, in the penal sum of five thousand dollars, to the state of Ohio, with two or more sureties, to the acceptance of the secretary of state, conditioned that he will truly account for and apply all moneys or other property which may come into his hands in his official capacity for the use and benefit of common schools, and that he will faithfully perform the duties enjoined upon him according to law; and he shall also take and subscribe an oath or affirmation to support the constitution of the United States and of the state of Ohio, and diligently and faithfully discharge the duties of his office as prescribed by law, which bond, with the certificate of his oath, endorsed thereon, shall be filed with the treasurer of state.

—and oath.

Office, etc., at seat of government.

SEC. 104. The books and papers of his department shall be kept at the seat of government, where a suitable office shall be furnished by the state, at which he shall give attendance not less than ten months in each year, except when absent on public business.

His duties in visiting the several judicial districts.

SEC. 105. It shall be the duty of the commissioner to visit annually each judicial district of the state, superintending and encouraging teachers' institutes, conferring with boards of education or other school officers, counseling teachers, visiting schools, and delivering lectures on topics calculated to subserve the interests of popular education.

His supervision over school funds.

SEC. 106. He shall also exercise such supervision over the educational funds of the state as may be necessary to secure their safety and right application and distribution according to law. He shall have power to require of county auditors, boards of education, clerks and treasurers of boards of education or other local school officers, county treasurers and clerks of boards of education copies of all reports by them required to be made, and all such other information in relation to the funds and condition of schools, and the management thereof, as he may deem important.

May require reports from certain officers

To prepare forms, etc.

SEC. 107. He shall prescribe suitable forms and regulations for making all reports and conducting all necessary proceedings under this act, and shall cause the same, with such instructions as he shall deem necessary and proper for the organization and government of schools, to be transmitted to the local school officers, who shall be governed in accordance therewith.

Duties as to distribution of school laws, etc.

SEC. 108. He shall cause as many copies of the laws as may be necessary, relating to schools and teachers' institutes, with an appendix of appropriate forms and instructions for carrying into execution all such laws, to be printed in a separate volume, and distributed to each county with the laws, journals and other documents for the use of the school officers therein, as often after the first distribution as any change in

said laws may be made of sufficient importance, in the opinion of the commissioner, to require a republication and distribution thereof.

SEC. 109. It shall be the duty of said state commissioner of common schools to make an annual report, on or before the twentieth day of January in each and every year, to the general assembly, when that body shall be in session any such year; and when not in session in any one year, then the report shall be made to the governor, who shall cause the same to be published, and shall also communicate a copy thereof to the next general assembly.

His annual report.

SEC. 110. The state commissioner, in the annual report of his labors and observations, shall present a statement of the condition and amount of all funds and property appropriated to purposes of education; a statement of the number of common schools in the state, the number of scholars attending such schools, their sex, and the branches taught; a statement of the number of private or select schools in the state, so far as the same can be ascertained, and the number of scholars attending such schools, their sex, and the branches taught; a statement of the number of teachers' institutes, the number of teachers attending them, and the number of instructors and lecturers, and the amount paid to each; a statement of the estimates and accounts of the expenditures of the public school funds of every description; a statement of plans for the management and improvement of common schools, and such other information relative to the educational interests of the state as he may think of importance.

What it shall present.

[See supplementary act passed March 23, 1875, p. 51.]

SEC. 111. The said commissioner shall be entitled to receive for his services the sum of two thousand dollars annually, payable quarterly, out of the state treasury, on the warrant of the auditor of state: Provided, that the term of office of the state commissioner of common schools now in office shall continue until the second Monday in January, in the year eighteen hundred and seventy-five.

Salary of commissioner.

When his term of office shall commence.

CHAPTER IX.

TEACHERS' INSTITUTES—COUNTY INSTITUTES.

SEC. 112. In every county of this state, in which an association of teachers of common schools, called a teachers' institute, has been or may hereafter be formed, the treasurer of said county is hereby required to pay over to the committee of said institute, upon the order of the county auditor, such sum of money belonging to the fund arising from the means and sources as provided in the ninety first, one hundred and first, and one hundred and eighteenth sections of this act, as may not have been previously appropriated; and it shall be the duty of the said committee of every such teachers' institute to report, within thirty days after every meeting of the same, to the state commissioner of common schools, the number of teachers in attendance, the names of the instructors and lecturers, an account of the moneys received and expended by them, and such other information relating to the

What funds to be paid by county treasurer to committee of institute.

When funds
to be paid.

institute as the said commissioner may require: Provided, that no part of the said moneys shall be ordered by the county auditor to be paid over, except upon the petition of at least thirty practical teachers, residents of the county, who shall therein declare their intention to attend such institute, nor until the said committee shall file with the said auditor their bond, in double the amount of moneys to come into their hands, payable to the state of Ohio, for the use of the teachers' institute of said county, with sufficient sureties, to be approved by said auditor, conditioned for the faithful disbursement of said moneys, and that said committee shall make the report to the state school commissioner as hereinbefore provided; and in case the said committee shall fail to make said report as hereinbefore provided, they shall forfeit and pay to the state of Ohio the sum of fifty dollars for such failure, to be recovered in an action on said bond as herein-after provided; and on forfeiture of such bond, it shall be the duty of the prosecuting attorney of the proper county, in the name of the state of Ohio, to prosecute an action upon such bond and collect any such moneys which said committee may have failed to disburse according to law, or any penalty to which they may be liable under this act, or both, and pay the same into the county treasury for the use of such institute.

Bond of com-
mittee.

Duty of prose-
cuting attor-
ney.

Length of
session.

When state
commissioner
may hold insti-
tute.

SEC. 113. No institute held under the provisions of this act, shall continue for a period of time less than four days.

SEC. 114. Whenever there shall have been no teachers' institute held within two years in any county, the state commissioner of common schools may hold, or cause to be held in such county, a teachers' institute, and is authorized to defray the expenses of said institute out of the county institute fund, and the county auditor shall draw an order on the treasurer in favor of the committee chosen at such institute, said committee giving the same bond as required in this act.

Certain clerks
of boards of
education may
hold institute.

SEC. 115. The clerk of the board of education of a city district of the first class shall make the same report of any teachers' institute provided for by the board of education as is required of county teachers' institutes.

Holidays.

SEC. 116. Each teacher employed in the common schools of this state, shall have a right to dismiss his or her school without forfeiture of pay on New Year's day, the Fourth of July, Christmas, and on any day set apart by proclamation of the president of the United States, or the governor of Ohio, as a thanksgiving or fast day.

Teacher may
dismiss school
to attend insti-
tute.

SEC. 117. Any teacher in any public school is hereby authorized to dismiss the school under his or her charge for the week in which is held the county teachers' institute for the purpose of attending the same, and such teacher shall not forfeit his or her pay for such week; provided, such teacher shall deposit with the clerk of the board a certificate from the secretary of the institute that he or she has been present at such institute for not less than four days; provided, that this privilege is not extended to teachers in city districts of the first class without the consent of the board of education thereof, and that no union or graded school shall

be dismissed except when a majority of the teachers in such school are in favor of such dismissal.

CITY INSTITUTES.

SEC. 118. The board of education of any city district of the first class are authorized to provide for holding yearly an institute for the improvement of the teachers of the schools under their control, which institute shall continue not less than four days, and the board are hereby authorized in defraying the expenses of such institute to use the city institute fund arising from the examination fees of teachers, or any other moneys under their control; provided, that if said board shall not hold one institute in any school year, that said board shall cause an order to be issued on the treasurer in favor of the county treasurer for such institute fund, which the county treasurer shall place to the credit of the county institute fund, in which case the teachers of such city district shall be entitled to the advantages of the county institute.

City institute.

Length of session.

May unite with county institutes.

SEC. 119. Whenever a teachers' association, formed for the professional improvement of the teachers of several adjacent counties, shall organize a teachers' institute for the specific purpose of providing for the professional instruction of the teachers of the graded schools in such adjacent counties, any and all boards of education of city districts of the first and second class, village districts and special districts within said counties shall have power to contribute to such institutes from the institute and other funds under their control, and to permit the teachers employed by them to attend the same for one week without forfeiture of wages.

Teachers' association for special instruction.

CHAPTER X.

APPORTIONMENT OF SCHOOL FUNDS.

SEC. 120. The auditor of state shall, annually, apportion the common school funds among the different counties upon the enumeration and returns made to him by the state commissioner of common schools, and certify the amount so apportioned to the county auditor of each county, stating from what sources the same is derived, which said sum the several county treasurers shall retain in their respective treasuries from the state funds; and the county auditors shall, annually, and immediately after their annual settlement with the county treasurers, apportion the school funds for their respective counties, according to the enumeration and returns in their respective offices; and no district which shall have failed to make and return said enumeration, shall be entitled to receive any portion of the common school funds, and, in making such distribution, each county auditor shall apportion all moneys collected on the tax duplicate of any township, for the use of schools, to such township; all moneys received from the state treasury on account of interest on the money accruing from the sale of section sixteen, or other

State auditor to apportion school funds.

County auditors to apportion funds in counties, and how.

lands in lien thereof, to the school districts and parts of school districts in the original surveyed township, or fractional townships, to which such land belongs; all money received by the county treasurer, on account of the Virginia Military School Fund, United States Military District, and Connecticut Western Reserve, according to laws regulating the same; and all other moneys for the use of schools in the county, and not otherwise appropriated by law, to the proper school district; and he shall, immediately after making said apportionment, enter the same in a book, to be kept for that purpose, and shall furnish the school treasurers and school clerks each with a copy of said apportionment, and give an order on the county treasurer to each school treasurer for the amount of money belonging to his school district, and take a receipt from such treasurer for the amount thus received; and the said county auditor shall collect, or cause to be collected, the fines and all other moneys for school purposes, in his county, and pay the same over to the county treasurer; and he shall inspect all accounts of interest for section sixteen, or other school lands, whether the interest is paid by the state or by the debtors, and take all the proper measures to secure to each school district its full amount of school funds.

Should give orders to school treasurers on county treasurers.

When part of Sec. 16 lies in two counties.

SEC. 121. When any original surveyed township, in which section sixteen has been sold, shall lie in two or more counties, the auditors of the respective counties shall certify to the auditor of the county in which that portion of said township lies containing said section sixteen, the enumeration of youth of school age in that part of said township embraced within their respective counties; and the auditor of said county in which said section sixteen is situate shall apportion the fund derived from said section sixteen to the different portions of said township, according to said enumeration, and shall certify to the auditors of the other counties the amount belonging to the parts of said township situate in the school districts of their respective counties, and draw an order in favor of the treasurers of the other counties on the treasurer of his own county for the amount going to each; and the auditors of the respective counties shall apportion the same, in their respective counties, to such portions or parts thereof as may be entitled thereto.

Interest on section 16.

SEC. 122. The interest on the purchase of any such section sixteen belonging to any such original surveyed township so as aforesaid lying in two or more counties, shall be paid over on the order of the auditor of that county in which such section sixteen is embraced, to the treasurer of the same county, to be apportioned as is pointed out in the preceding section.

CHAPTER XI.

DUTIES OF COUNTY AUDITORS.

SEC. 123. The auditor of each and every county shall, on or before the 5th day of November, annually, make out and transmit to the commissioner of common schools at Columbus, an abstract of all the returns of school statistics made

Auditor to make abstract to state commissioner.

to him from the several school districts in his county according to the form that may be prescribed by the state commissioner, and a statement of the condition of the institute fund, and such other facts relating to schools and school funds as said commissioner may require; and he shall cause to be distributed all such circulars, blanks and other papers, including school laws and documents, in the several school districts in the county as said commissioner shall lawfully require; in case the county auditor should neglect to prepare and return any of the abstracts or reports as aforesaid, it shall be the duty of the county commissioners to withhold from him all compensation for his services under this act; and said auditor shall also be liable for such neglect on his bond in a sum not less than three hundred dollars nor more than one thousand dollars, on complaint of the state commissioner of common schools; and in case the clerk of the board of education of any school district shall fail to make the annual returns of school statistics to the proper county auditor required by this act, he shall be liable on his bond in a sum not less than fifty dollars nor more than three hundred dollars, on complaint of the county auditor or of the board of education, in either case, to be recovered in a civil action in the name of the State of Ohio, and when collected to be paid into the county treasury, and applied to the use of common schools in the proper district. And in case of the neglect or failure of the clerk of the board of education of any school district to make the reports as contemplated in this act, and by the time specified, then and in that case the county auditor shall appoint some suitable person, resident of the school district, to make such report, who shall receive his compensation in the same manner for said service as is allowed to those officers by law for like services.

Liabie on his bond for neglect of duties.

When clerks liable on their bond.

When auditor should appoint person to make report.

SEC. 124. The clerks and county auditors shall be responsible for all losses sustained by any school district or county, by reason of any failure on their respective parts to make and return the enumeration and abstracts thereof as herein provided, and shall each be liable for the same, in a civil action, at the suit of the State of Ohio; and the amount so recovered shall be apportioned in the same manner as the school funds would have been to the respective counties or school districts, as the case may be.

Auditor liable for losses.

SEC. 125. The county commissioners of each county in this state shall annually allow their county auditor a reasonable compensation for his services under this act, not to exceed ten dollars for each school district in his county, to be paid out of the county treasury; provided, that before such allowance shall be made for any one year, said auditor shall present to said county commissioners a statement, officially certified and signed by the state commissioner of common schools, that said auditor has duly made out and forwarded to said state commissioner all returns of statistics or reports for that year as required by this act.

Allowance to county auditor.

CHAPTER XII.

STATE COMMON SCHOOL FUND.

Tax for school fund, and how distributed.

SEC. 126. For the purpose of affording the advantages of a free education to all the youth of this state, the state common school fund shall hereafter consist of such sum as will be produced by the annual levy and assessment of one mill upon the dollar valuation, on the grand list of the taxable property of the state ; and there is hereby levied and assessed annually, in addition to the revenues required for general purposes, the said one mill upon the dollar valuation as aforesaid ; and the amount so levied and assessed, shall be collected in the same manner as other state taxes, and when so collected shall be annually distributed to the several counties of the state, in proportion to the enumeration of youth of school age, and be applied exclusively to the support of public or common schools.

CHAPTER XIII.

SCHOOL FUNDS AND SCHOOL LANDS.

Fund established.

SEC. 127. There is hereby constituted and established a fund, to be designated by the name of the "common school fund," the income of which shall be appropriated to the support of common schools in the State of Ohio, in such manner as shall be pointed out by law ; of which fund the auditor of state shall be superintendent.

Auditor of state to be superintendent.

And how to keep account of funds from sale of school lands.

SEC. 128. That whenever and so often as any moneys shall be paid into the state treasury, arising from the sale of any lands which heretofore have been or hereafter may be appropriated by congress for the use or support of schools in any original surveyed township, or other district of country in this state, the auditor of state shall forthwith open an account in a book or books to be provided for that purpose, and shall pass the said moneys to the credit of such township, or other district of country ; which said money shall constitute an irreducible fund, the proceeds accruing from which shall be paid over and appropriated in the manner which shall be pointed out by law, for the support of common schools within the township, or other district of country having credit for the same, and said funds shall be used for no other purpose whatever.

Irreducible.

Rate of interest and account thereof ;

SEC. 129. That all moneys paid into the state treasury as aforesaid, shall bear an annual interest of six per centum, which interest shall be cast from the time of the payment of any principal sum, up to the first day of January next succeeding such payment, and on the first day of January, annually, thereafter ; and where the same has not been done, the auditor of state shall, in a book or books to be provided for that purpose, open an interest account with every township, or other district of country to which a credit in the irreducible fund aforesaid shall have been passed ; and he shall, in such book or books, keep accurate accounts of the accrual and disbursement of all interest accruing from such fund, so as aforesaid belonging to any township or district

of country; and the faith of the state of Ohio is hereby pledged for the annual payment of the interest aforesaid to the person who and in the manner which shall be pointed out by law; which said interest shall be appropriated and expended for the support and maintenance of common schools within the township or other district of country entitled as aforesaid to the same.

Pledge for its payment;

Its appropriation;

SEC. 130. That for the payment of any interest that shall have accrued and be payable to and for any township or other district of country as aforesaid, the county auditor of the proper county shall, annually, on or after the first day of January, draw an order on the treasurer of state in favor of the treasurer of the proper county for the interest which shall be payable in such county; and upon such order being presented to the auditor of state, he shall thereupon certify an abstract of the amount of interest payable to each township or other district of country in such county; and thereupon, on presentation of said order, the treasurer of state shall pay the amount of interest appearing by said abstract to be due; and the said county treasurer, or the person presenting said order for him, shall indorse on said order a receipt for so much as shall be paid thereon, and shall also sign a duplicate receipt, which shall be lodged with the auditor of state, who shall credit the state treasurer therewith, and charge the several items constituting the aggregate of such abstract to the proper township or other district of country; and the money so drawn shall be paid out by the county treasurer on the order of the county auditor, in the proportion established by law, to the proper person or persons in each school district authorized to receive the same. And in all cases in which a county line shall divide any original surveyed township, or fractional part thereof, the interest payable in such township shall be received and disbursed in manner aforesaid, by the treasurer of the county wherein the greatest quantity of land belonging to such township shall be situate; but if it be uncertain in which county the greatest quantity of land in such township be situate, then the said interest shall be received and disbursed by the the treasurer of the oldest county in which any part of such township shall be situate.

Order therefor and payment

Receipts, etc

Distribution.

SEC. 131. That whenever any donation or devise shall be made by gift, grant, last will and testament, or in any other manner whatever, of any estate, either real, personal or mixed, to the state of Ohio, or to any person, or otherwise, in trust for the said common school fund, by any individual, body politic or corporate, the same shall be vested in said common school fund; and whenever the money arising from such gift, grant or devise, shall be paid into the state treasury, the proper accounts thereof shall be kept, and the interest accruing therefrom shall be appropriated according to the intent and design of such donor, grantor or deviser.

Donations and bequests to common school fund.

SEC. 132. The state is hereby pledged to pay, annually, the interest arising from the money paid into the state treasury from the sales of the lands commonly called the salt lands, and the said interest shall be annually distributed in

Salt lands; for interest on.

the same manner as is provided for the distribution of the state tax for the support of common schools.

CHAPTER XIV.

SALE OF SECTION SIXTEEN.

Section sixteen may be sold.

SEC. 133. That all those lands granted by the congress of the United States for school purposes, known as section sixteen, together with all such as have been granted in lieu of said section sixteen, may be sold, and such sale shall be regulated and conducted according to the provisions of this act.

Proceedings, when vote has not been taken.

SEC. 134. In cases where there has been no vote taken for the sale of any such land, the trustees of any original surveyed township to which such lands may belong, shall, at least thirty days prior to the taking of any such vote, cause not less than eight notices to be posted up in as many of the most public places of such township, notifying the legal voters resident therein to meet at some convenient place and time therein specified, and then and there cast their ballots for or against the sale of any such lands belonging to such township; and if such vote result in a refusal to sell said lands, the trustees may, in the same manner, authorize the taking of a subsequent vote or votes as often as they may deem proper; provided, that no such subsequent vote shall be taken until one year shall have elapsed since the last preceding vote.

Trustees may authorize subsequent vote.

Trustees of townships to preside at meeting.
Poll-book, how kept.

Poll-book to be deposited with auditor.

SEC. 135. The trustees of the township shall preside at the taking of such ballots, and shall appoint two clerks, who shall keep two poll-books, containing the names of the voters and the result of the ballot, which poll-books shall be signed by the trustees and clerks; and in case such ballots shall result in favor of a sale, the trustees shall, within ten days after such election, deposit one of said poll-books with the auditor of the county within which said lands (or the greater portion thereof) may be situated, with a copy of the notice given, and the affidavit of one or more of the trustees, stating the manner of giving said notices, and the time and place of putting up the same, which notices, affidavit and poll-book, shall be by said auditor copied into a book for that purpose to be provided, and when so recorded, such record shall be proof of the facts therein stated.

Trustees to petition court of common pleas.

SEC. 136. When such record has been made, the trustees of such township to which said lands belong, shall file a petition in the court of common pleas of the county within which said lands (or the greater portion of them) may be situated, setting forth the giving of said notice, the taking of said ballot, the result of the same, the filing and recording of the aforesaid papers in the office of the auditor of the proper county, and asking the court to appoint three disinterested freeholders, not resident of the township in which the land may be situated, to divide and value the same in money.

Appointment of appraisers.

SEC. 137. If such court shall be satisfied that the statements made in the petition are true, the court shall appoint three persons to divide and appraise the same according to

the prayer of such petition ; and said appraisers, after being first duly sworn before some officer authorized to administer oaths, and taking to their aid, if they think necessary, the county surveyor, shall proceed to divide said lands into such parcels or tracts as in their opinion will be best for the sale thereof, and return in writing such divisions, suitably numbered and described, to the said court, with a just valuation of each separate division in money.

SEC. 138. The court, on such return being made, and having been by said court examined, and found in all things regular, just and fair, shall certify the same, and order the same to be entered of record, together with the petition and all the proceedings therein had ; a copy of which the trustees shall cause to be filed in the office of the auditor of the proper county, who shall copy the same into a book containing the notice, affidavit and poll-book aforesaid, and immediately following the same.

Returns, etc.,
to be recorded.

SEC. 139. The auditor of the county, on the recording of said proceedings, shall forthwith cause a notice to be published in some newspaper of general circulation in said county, for five consecutive weeks before the day of sale ; and, at the same time, by posting up copies of such notice in six of the most public places in said county, two of which shall be in the township where the lands are situate, and one at the court house, containing a description of the lots or lands to be sold, the valuation thereof, and the time when said land shall be offered at public auction by said auditor, at the door of the court house, at not less than the appraised value thereof ; one-third of the purchase money to be paid at the time of sale, and the balance in two annual installments of equal amount, with interest payable annually thereon ; and said auditor shall, at such time and place, proceed to offer the same to the highest bidder, at or over the appraisal, and on the terms stated in said notice.

The sale.

SEC. 140. In case said lands, or any part thereof, shall not be sold as aforesaid, the auditor may continue to offer the same on the application in writing of the trustees of the township to which said lands may belong, at any future time or times, until they shall be sold, having first given the like notices herein provided to be given on the first sale thereof ; provided, that no sale shall be had on any valuation made more than two years prior to the day of the sale.

Same.

SEC. 141. The court of common pleas aforesaid is hereby required, on the petition of the trustees aforesaid, setting forth the former appraisal and the subsequent proceedings thereto, and that two years have elapsed, and the land remaining unsold, to direct a new valuation of the same to be made in the manner hereinbefore directed, unless said court, on testimony, shall be satisfied that the former appraisal is a just and fair valuation of said lands ; in that case, the court shall make an entry of the fact, which entry shall be certified to and recorded by the auditor in manner aforesaid, and shall have the same effect as the new appraisal.

Re-appraisal.
ment.

SEC. 142. In case said lands are held under permanent

In case of permanent leases, etc.

leases, or leases for ninety-nine years, the legal or equitable holder of such lease, wishing to surrender the same, and to purchase the fee of the premises so held by lease, may, with the consent of the trustees of the original township to which such lands belong, file his petition in the court of common pleas of the county in which the largest portion of such lands are situate, setting forth a description of the premises so held, the state of his lease, or his title thereto, that he is desirous of surrendering such lease and becoming the owner of the premises in fee, and asking the court to appoint three disinterested freeholders of the county, and not resident of the township wherein such lands are situate, to value the same; and the court on being satisfied of the truth of the fact set forth in such petition, shall appoint such appraisers, who shall proceed under oath, to make a just valuation of the premises in money, without reference to the improvements made thereon, under and by reason of said lease, and shall return such valuation in writing to said court; and the said court, if it shall be satisfied that said valuation is just, shall confirm the same, and order it, with the petition and other proceedings therein, to be recorded: Provided, that before the trustees of any original surveyed township shall consent to the surrender of any lease as provided in this act, they shall cause the proposition to be submitted to the electors of said township, at an election to be held and conducted in conformity with the provisions of sections one hundred and thirty-four and one hundred and thirty-five of this act; and, if at such election, a majority of the electors shall vote for such surrender, then, and not otherwise, said trustees shall consent to the surrender, in manner and form as herein provided.

Same.

SEC. 143. Any such lessee on producing to the auditor of the proper county, within one year after the making of the same, a certified copy of such petition and appraisalment and confirmation, shall be permitted by endorsement thereon, attested by the auditor, to release to the state of Ohio all his interest, title, and claim in and to such lease, for the benefit of the township to which the same may belong; which certified copy of said record and said release, shall be recorded in a book for that purpose to be provided.

Payments to county treasurers, etc.

SEC. 144. The purchaser of any such lands at any auditor's sale, or the lessee of any such land held under such lease, on executing his release as aforesaid, shall each forthwith pay to the treasurer of the county, one-third of the purchase money in the first case, and one-third of the valuation in the second, and take the treasurer's receipt therefor; and the auditor on receiving the treasurer's receipt for said first installment, shall give to said purchaser or lessee, a certificate, containing the name of the purchaser or lessee, a description of the premises, the number, amount, and the time of payment of the subsequent installments, and that said purchaser or lessee, his heirs or assigns, on the punctual payment of the sums still due, with annual interest up to the time of payment, shall be entitled to receive a final certificate from such auditor; provided, that such lessee shall produce

to the auditor the certificate of the proper officer, that all rents due on such premises have been paid up to the time of surrendering said lease.

SEC. 145. Any person wishing to pay any money under the provisions of this act, in part or full payment of any such lands, shall first obtain the certificate of the auditor of the amount due, or to be paid; and on the presentation of the same, the treasurer is authorized to receive the amount therein specified, and shall give to the person paying the same a certificate directed to the auditor, of the payment of said sum of money; and the auditor on the presentation of said certificate, shall give to such person a receipt therefor, credit him with the amount in his books, and charge the treasurer therewith.

Same.

SEC. 146. The county auditor shall keep an account with the county treasurer of all sales made and leases surrendered, and moneys paid thereon by each purchaser or lessee, and shall make a report of the same to the auditor of state on the first day of February, May, August and November in each and every year, which report shall distinguish between the amount paid in as principal and the amount paid in as interest, and from the time of such report the state shall be liable to pay interest on all such sums of principal so reported as paid, and the treasurer of state, on receiving a certified copy of the account from the auditor of state, shall be authorized immediately to draw said money paid in as principal, from the county treasurer; and the amount so reported as interest shall be retained in the county treasury and apportioned to the several civil townships and parts of civil townships in the original surveyed township, or fractional township to which said lands belong.

County auditor to report sales to auditor of state

SEC. 147. If any such purchaser or lessee shall fail to make any payment on any tract of land, for the space of twelve months after the time the same shall become due and payable, the auditor of the proper county shall forthwith proceed to sell such tract or tracts of land, with all the improvements thereon, at the door of the court house, to the highest and best bidder therefor, in cash, having first given notice of the time and place of such sale, containing a description of the lands, and the money due and to become due thereon, by publishing the same in some newspaper of general circulation in said county, for six consecutive weeks before the day of sale; and on such sale, no bid shall be entertained for a sum which will not be sufficient to pay all the purchase money due to the state, and all expenses incident to such sale; and in case the said premises can not be sold for that amount, they shall revert to the state, in trust for said township, and be sold in the manner hereinbefore provided for the sale of such lands not under permanent leases, or leases for ninety-nine years.

Enforcing payment by sale, etc.

SEC. 148. When said lands sell as aforesaid, the purchaser shall pay to the treasurer of the county the amount so bid for said premises; and on producing to the auditor the treasurer's receipt for such payment, the auditor shall give him a final certificate, stating the fact of such sale, the name of the

Same.

purchaser, the description of the lands sold, the amount for which sold, the payment of the same, and that the purchaser is entitled to receive from the state of Ohio, a deed in fee simple for the same, on producing to the proper officer this certificate.

Final certifi-
cate.

SEC. 149. When the purchaser or lessee, his heirs or assigns, shall have made payment in full, the auditor shall give to such person a final certificate, containing, in addition to the former one, the fact of the payment in full, and that said person is entitled to receive, from the state of Ohio, a deed in fee simple for said premises, on the presentation of this certificate to the proper officer or officers.

Deed from the
state.

SEC. 150. The auditor of state, upon the filing of any such final certificate in his office, shall make out the draft for a deed therefor, and deliver the same, with such final certificate, to the governor of the state, who shall sign said deed, and cause the same to be sealed with the great seal of the state, and by him delivered to the grantee on demand.

Excess of
money on delin-
quent sale.

SEC. 151. All excess of moneys made on any sale of delinquent lands as aforesaid, after paying all sums due, interest and costs, shall be paid on demand to such delinquent owner, his heirs or assigns, from the county treasury, on the order of the auditor, if such demand be made within one year from the time of such sale; and if not so demanded, it shall be paid into the state treasury; and unless the same shall be demanded within one year after the same shall have been paid into the state treasury, it shall be applied for the same uses as the lands are subject to.

Fees

SEC. 152. The fees for services under this act shall be as follows: The court shall tax such fees on any petition filed in the same, as are allowed for similar services on proceedings in chancery. The county auditor to be allowed one dollar and fifty cents on each sale made by him; for each certificate, fifty cents; for each receipt six cents, to be paid by the purchaser, and the same fees for recording as are allowed to county recorders, to be paid out of the first moneys paid in as interest or rents on such sale or surrender. All printers' fees for advertising, shall be paid out of the county treasury on the order of the auditor, and refunded out of the first moneys received on such sale as interest or rents. The cost in court shall, in case of a petition by the trustees, be paid out of the county treasury, on the order of the county auditor, and refunded out of the first moneys received from the sale as interest or rents; in case of a lessee being petitioner, all costs shall be paid by him.

Section twenty
nine.

SEC. 153. That all those lands granted by the congress of the United States for religious purposes, known as section twenty-nine, may be sold or the permanent leases thereto surrendered, and that said sale or surrender shall be regulated by and conducted according to the provisions of this act in relation to the sale of school lands and the surrender of permanent leases thereto.

Certain sales of
section sixteen
and twenty-
nine.

SEC. 154. That section sixteen, donated and set apart for the support of schools, and section twenty-nine, for the purpose of religion, or lands granted in lieu of either, by the

directors of the Ohio Company, on the seventh day of January, A.D. 1796, in the following original surveyed townships within the Ohio Company's purchase, to wit: Township number eight, in range number twelve; (township number seven, in range number thirteen; township number eleven, in range number fourteen; township number thirteen, in range number fifteen; and townships number eight, nine, ten, eleven, twelve and thirteen, in range number sixteen, may be sold, or the leases thereto, whether permanent or otherwise, surrendered) and that said sale or surrender shall be regulated by and conducted according to the provisions of this act, and the lessees of any of said lands holding leases for any term less than ninety-nine years, shall be permitted to surrender their said leases in the same manner, and be entitled to all the benefit of the said act as if their leases were for ninety-nine years.

CHAPTER XV.

MANNER OF CHANGING TOWNSHIP DISTRICTS.

SEC. 155. The board of education of any township school district may decide to submit, and on petition of one-third of the electors of the district are required to submit, at the first election of township officers after such decision is made or petition received, the question whether such township school district shall be governed by the provisions of this act relating to village school districts, and the board shall give notice of the vote to be taken by posting up written or printed notices in ten or more public places in the township at least twenty days prior to such annual election.

Township districts may adopt provisions of law for village districts.

SEC. 156. The election shall be conducted by the township trustees, who shall provide a separate ballot-box and poll-books, and make a return of the vote to the township clerk, and also to the state commissioner of common schools within five days after such election. The persons voting at such election in favor of such change shall have written or printed on their ballots—"School District," and those opposed to such change—"No School District."

How vote may be taken.

SEC. 157. At the annual organization of the township board after any such election, if it be found that a majority of the votes cast were in favor of the change, the board shall select, by vote or lot, six persons to serve as a township board of education, two of whom shall serve for three years, two for two years, and two for one year. Said board shall thereafter be governed by the provisions relating to the board of education in village school districts.

How board organized.

CHAPTER XVI.

ACTS REPEALED.

SEC. 158. That the act entitled "An act for the support and better regulation of the public schools in the town of Zanesville," passed March 12, 1839, and all acts amendatory or supplementary thereof; the act entitled "An act to divide the town of Lancaster into school districts," passed March

Acts repealed.

13, 1843, (40 vol., Stat. 216,) and the act entitled "An act for the support and better regulation of common schools in the town of Lancaster, Ohio," passed February 19, 1848, (46 vol., Stat. 199.) and all acts amendatory and supplementary thereof; the act entitled "An act for the support and better regulation of common schools in the city of Columbus," passed February 3, 1845, (47 vol., Stat. 230,) and all acts amendatory and supplementary thereof; the act entitled "An act to provide for the support and regulation of public schools in the city of Cleveland," passed March 26, 1850, (65 vol., Stat. 236,) and all acts amendatory or supplementary thereof; the act entitled "An act to provide for the maintenance and better regulation of common schools in the city of Cincinnati," passed January 27, 1853, (51 vol., Stat. 503,) and all acts amendatory or supplementary thereof; so much of the act entitled "An act in relation to taxes, schools and sewers in the city of Toledo," passed March 9, 1849, (47 vol. Stat. 205,) and all acts amendatory or supplementary thereof as may relate to common schools in said city; the act entitled "An act to provide for the reorganization, supervision and maintenance of common schools," passed March 14, 1853, (51 vol. Stat. 429,) and all acts amendatory or supplementary thereof, except section thirty-one of said act, as amended March 18, 1864; the act entitled "An act to establish a fund for the support of common schools," passed March 2, 1831, took effect June 1, 1831, (29 vol. Stat. 423,) and all acts amendatory or supplementary thereof; the act entitled "An act for the support and better regulation of common schools in the town of Akron," passed February 8, 1847, (45 vol. Stat. 187,) and all acts amendatory or supplementary thereof, or extending the provisions of the same; the act entitled "An act for the better regulation of the public schools in cities, towns, etc.," passed February 21, 1849, (47 vol. Stat. 22,) and all acts amendatory or supplementary thereof; the act entitled "An act relating to common schools," passed and took effect April 10, 1856, (53 vol. Stat. 200,) and all acts amendatory or supplementary thereof; the act entitled "An act to provide for the completion of certain contracts heretofore made by school directors," passed February 6, 1854, (52 vol. Stat. 17,) and all acts amendatory or supplementary thereof; the act entitled "An act to encourage teachers' institutes," passed February 8, 1847, (45 vol. Stat. 67,) and all acts amendatory or supplementary thereof or extending the same; the act entitled "An act to provide for the appointment of county superintendents of common schools, and defining the duties in certain counties therein named," passed February 8, 1847, (45 vol. Stat. 32,) and all acts amendatory or supplementary thereof or extending the same; the act entitled "An act further defining the duties of boards of education for incorporated cities, towns, villages, or independent school districts," passed and took effect April 4, 1861, (58 vol. Stat. 56,) and all acts amendatory or supplementary thereof; the act entitled "An act to authorize cities of the second class to receive donations of library buildings and libraries, and to keep up and maintain the same," passed and took effect Feb-

[See page 55.]

ruary 24, 1868, (65 vol, Stat. 12,) and all acts amendatory or supplementary thereof; the act entitled "An act to authorize certain cities therein described to borrow an additional amount of money for school purposes," passed May 4, 1869, (66 vol. Stat. 92,) and all acts amendatory or supplementary thereof; an act to incorporate school district number one, in Perry township, Stark county, passed February 21, 1848, (46 vol. Stat. 223,) and all acts amendatory thereof and supplementary thereto; the act entitled "An act for the support and better regulation of common schools in the Lebanon district, in Warren county," passed February 24, 1848, (46 vol. Stat. 237,) and all acts amendatory or supplementary thereof; the act entitled "An act for the support and better regulation of common schools in the town of Lithopolis, Fairfield county," passed February 18, 1848, (46 vol. Stat. 185,) and all acts amendatory or supplementary thereof; the act entitled "An act for the support and better regulation of common schools in district No. 4, in Washington township, Preble county, in this state," passed February 15, 1849, (47 vol. Stat. 224,) and all acts amendatory or supplementary thereof; the act entitled "An act to divide the town of St. Clairsville, Belmont county, into two school districts," passed February 23, 1849, (47 vol. Stat. 240,) and all acts amendatory or supplementary thereof; the act entitled "An act for the better support of common schools in Perrysburgh, Wood county," passed March 9, 1849, (47 vol. Stat. 245,) and all acts amendatory or supplementary thereof; section nine of the act entitled an act prescribing the rate of taxation for county, bridge, road and township purposes, passed May 1, 1871, (68 vol. Stat. 116,) and all acts amendatory or supplementary thereof; an act for the support and better regulation of schools in school district No. 1, in Ravenna, passed February 8, 1847, (O. L., vol. 40, p. 121,) and all other acts, whether general or local, so far as inconsistent with any of the provisions of this act, be and the same are hereby repealed; provided, that the obligations or liabilities incurred, and the rights acquired under the provisions of any of the acts hereby repealed, shall remain and be in nowise altered or affected, but may be enforced as if this act had not been passed. Each district that would be required by any act herein repealed to hold an election of members of a board of education, or to organize a board of education, between the time of the taking effect of this act, and the first Monday of April in the year eighteen hundred and seventy-four, if a city district of the first or second class, or a village district, and the second Monday of April, 1874, if a township or special district, shall hold such election or effect such organization the same as if this act had not been passed; and the school officers in the several school districts of the state shall hold their respective offices and perform their respective duties, until the school officers, their respective successors, herein provided for, shall have been elected, or appointed, as the case may be, and qualified.

Saving, etc.

SEC. 159. This act shall take effect on^{the} the first day of May, eighteen hundred and seventy-three.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed May 1st, 1873.

SUPPLEMENTARY ACTS.

AN ACT

Supplementary to an act entitled "An act for the re-organization and maintenance of common schools," passed May 1, 1873 (O. L., Vol. 70, page 195), and the several acts amendatory thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever a complaint shall be made to the state school commissioner, in writing, verified by the affidavit or affidavits of at least three freeholders and taxpayers, resident of any school district in this state, alleging that they have good reason to and do believe that any portion of the school fund of such district has been expended contrary to law, or has been fraudulently, unlawfully or corruptly used, or misapplied, by any of the officers of such district, or that there have been fraudulent entries in the books, accounts, vouchers or settlement sheets thereof, by any of such officers, or that any of such officers have not made settlement of their accounts as required by law, said state school commissioner is hereby authorized and required to appoint some trustworthy and competent accountant, for the purpose of investigating such complaint, who shall proceed forthwith to visit such school district and take possession of all the books, papers, vouchers and accounts of such district, and investigate the truth of the allegations of such complaint, and the condition of the school fund of such district; and it shall be the duty of the several officers of such school district, on the application of such examiner, immediately to place in his possession all their books, accounts, contracts, vouchers and other papers having reference to the receipt and disbursement of said school fund; and it shall be the duty of the county auditor and county treasurer to give such examiner free access to all the records, books, papers, vouchers and accounts in their respective offices having reference to the object of such investigation.

SEC. 2. That such examiner shall have authority to call before him forthwith, upon written notice, and examine witnesses, under oath, to be administered by such examiner; said examiner shall, immediately after completing such investigation, report in writing in duplicate setting forth the condition of the books, vouchers and accounts of such district, the amount of school funds received for any and all purposes, and from whatever source, the amount expended, and for what, and the amount actually in the treasury, one copy of which report he shall file in the office of the clerk of the court of common pleas of the county in which such dis-

Duty of commissioner on complaint of fraudulent use of money, etc.

Appointment of an accountant to investigate charges.

Powers and duties of examiner.

His compensa-
tion.

Payment
thereof.

Adverse report
of examiner to
be given in
charge to grand
jury.

Duty of prose-
cuting attor-
ney.

trict shall be situate, and the other copy he shall transmit to the state commissioner of common schools at Columbus; and such examiner so appointed and performing the duties required by this act, shall receive as compensation a per diem of three dollars for each day necessarily engaged in the performance of said duties, and shall also receive five cents for each and every mile by him necessarily traveled in that behalf; Provided, no mileage shall be allowed for a greater distance than from Columbus to such district. Such compensation and mileage shall be paid out of the county treasury upon the warrant of the county auditor, and if such investigation shall establish the truth of any material allegation in such complaint, then such amount so paid shall be assessed by the county auditor upon the taxable property of said district, to be collected as other taxes are for the use of such county treasury.

SEC. 3. That it shall be the duty of the judge of the court of common pleas of the proper county to examine the report so filed in the clerk's office, as provided in section two of this act, and if it shall appear therefrom that any part of the common or school fund has been fraudulently, unlawfully or corruptly used or misapplied, or that there has been fraud in any of the entries, accounts, vouchers, contracts or settlements, or that the settlements have not been made as required by law, or that there appears any defalcation or embezzlement on the part of any of the officers of such school district, he shall give said report specially in charge to the grand jury at the term of the court of common pleas next after the filing of said report; and it shall be the duty of the prosecuting attorney of such county to forthwith institute and carry forward such proceedings, civil or criminal, or both, against the delinquent officer or officers of such district as is authorized by law.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 23, 1875.

AN ACT

Supplementary to an act entitled "An act for the reorganization and maintenance of Common Schools," passed May 1, 1873. (O. L., Vol. 70, pp. 195-240.)

Election of
members of
board of educa-
tion in certain
wards.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in every city district of the first class, in which the board of education consists of one member for each ward, in each ward designated by an odd member [number], where the regular term of office of any member of the board of education expires during the month of April in the year

1874 or 1876, there shall be elected by the qualified electors thereof, at the annual election of city officers for that year, one member of such board for such ward, who shall hold his office for the term of one year and until his successor shall have been elected and qualified under the act to which this act is supplementary.

SEC. 2. In every such city district designated by an even number, when the regular term of office of any member of the board of education thereof expires during the month of April in the year 1875, there shall be elected by the qualified electors thereof, at the annual election of city officers for the year 1875, one member of such board for such ward, who shall hold his office for the term of one year and until his successor shall have been elected and qualified under the provisions of the act to which this act is supplementary.

The same.

SEC. 3. In a city district of the first or second class, a village district or a special district, organized prior to May 1, 1875, under a general or special act that would have authorized or required an election of a member or members of a board of education to be held between the time of the taking effect of said act of May 1, 1873, and the first Monday of April, in the year 1874, if a city district of the first or second class, or a village district, and the second Monday in April, 1874, if a special district, each member of the board of education shall be continued in office until the third Monday in April succeeding the day on which his term of office would expire according to the provisions of the act under which such district was organized as aforesaid, and until his successor shall be elected and qualified.

Continuance in office of members in certain cases.

SEC. 4. In a district having a population of less than twenty-five hundred, organized prior to the passage of said act of May 1, 1873, under an act authorizing the appointment of a board of examiners for such district, the certificates granted to teachers by such board of examiners subsequent to the passage of the act above entitled and prior to the passage of this act, shall be valid during the school year ending August 31, 1874: provided, that certificates granted to teachers by the board of examiners of the county in which such district is situated shall also be valid in such district.

Validity of teachers' certificates in certain cases.

SEC. 5. If any incorporated village has been or hereafter shall be created, as contemplated in the act to which this act is supplementary, the same may be organized as a village district in the following manner, to wit: Written or printed notices, signed by not less than five electors residing within the limits of said village, shall be posted in at least five of the most public places within said village, requesting the electors of such village to meet for the purpose of electing a board of education for such proposed village district, on a day and at an hour and place designated in said notices, which notices shall be posted at least ten days prior to the day designated in them for such meeting. The electors so assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall be judges of said election, and shall then choose by ballot six competent and judicious persons to serve as members of the board

Organization of new village districts.

of education of such proposed village district—two to serve for one year, two to serve for two years, and two to serve for three years from the annual school election next preceding the organization of such village district, and until their successors shall have been elected and qualified: Provided, that in case such election shall be held on the day of the annual election of school officers, the persons so elected shall hold their offices for the period of one, two and three years from that date, respectively, and until their successors shall have been elected and qualified according to the provisions of section 18 of the act to which this is supplementary.

Organization
of board
therein.

SEC. 6. The board of education so elected shall organize as is provided in section 44 of the act to which this act is supplementary. In case the election shall be held on the day of the annual election in village districts, the board shall organize on the third Monday in April succeeding such election; but if such election shall be held at any other time, the board shall organize on the Monday next succeeding such election.

SEC. 7. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

To authorize Boards of Education of incorporated villages and special school districts in the State of Ohio, to determine on places to pay interest and principal on bonds which they are authorized to issue and sell.

Relative to
place of pay-
ment of bonds
for school build-
ings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cases when boards of education of incorporated villages and special school districts within this state, are authorized to issue and sell bonds, to enable them to construct school buildings, the said boards shall be authorized to decide upon places of payment of the principal and interest of such bonds; and when so doing, the said boards shall make a minute of the same on their journal.

SEC. 2. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 3, 1875.

[Section thirty-one of "An act to provide for the reorganization, supervision and maintenance of common schools," passed March 14, 1853, and amended March 14, 1864, not having been repealed by the act of May 1, 1873, its provisions remain in force.]

Section 31. The township boards of education in this state, in their respective townships, and the several other boards of education, and the trustees, visitors and directors of schools, or other officers having authority in the premises, of each city or incorporated village shall be and they are hereby authorized and required to establish within their respective jurisdictions, one or more separate schools for colored children, when the whole number, by enumeration, exceeds twenty, and when such schools will afford them, as far as practicable, the advantages and privileges of a common school education; and all such schools so established for colored children, shall be under the control and management of the board of education, or other school officers who have in charge the educational interests of the other schools; and such schools for colored children shall be continued in operation each year until the full share of all the school funds of the township or district belonging to said colored children, on the basis of enumeration, shall have been expended; provided, that when the number of colored children residing in adjoining townships or districts, whether in the same or in different counties, shall exceed twenty, the boards of education of said townships or districts so situated, may form a joint district for the education of colored children, and said school shall be under the control and direction of the board of education of the township or district in which the school house is situated. When the whole number of colored children enumerated is less than twenty, or when owing to the great distance they reside from each other a separate school for colored children is impracticable, the board of education shall set apart the full share of school funds raised on the number of said colored children, and the money so set apart shall be appropriated each year for the education of such colored children, under the direction of the board.

Separate schools when the number enumerated exceeds twenty.

Joint district for colored youth.

Colored children entitled each year to their full share of all school funds.

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