

**GENERAL SCHOOL LAWS.
WITH AN APPENDIX OF
BLANK FORMS**

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General school laws. With an appendix of blank forms by Various

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VARIOUS

**GENERAL SCHOOL LAWS.
WITH AN APPENDIX OF
BLANK FORMS**

REVISION OF 1915

STATE OF MICHIGAN

GENERAL SCHOOL LAWS

WITH AN APPENDIX OF BLANK FORMS

COMPILED UNDER THE SUPERVISION OF
COLEMAN C. VAUGHAN
SECRETARY OF STATE



BY AUTHORITY

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NOTE.—The section numbers in parentheses (), are compiler's sections, and are consecutive throughout this compilation. Section numbers of the compiled laws of 1897 precede each section, and are indicated by the section mark (§). Notes following the sections indicate the amendments, supreme court decisions, etc. Annotated with supreme court decisions to and including the 182nd Mich. report. The character / is used in citing cases, to avoid the repetition of Mich.

GENERAL

SCHOOL LAWS OF MICHIGAN.

CONSTITUTIONAL PROVISIONS.

ARTICLE X.

FINANCE AND TAXATION.

(1) SECTION 1. All subjects of taxation now contributing to the primary school interest fund under present laws shall continue to contribute to that fund, and all taxes from such subjects shall be first applied in paying the interest upon the primary school, university and other educational funds in the order herein named, after which the surplus of such moneys shall be added to and become a part of the primary school interest fund.

(2) SEC. 2. The legislature shall provide by law for an annual tax sufficient with other resources to pay the estimated expenses of the state government, the interest on any state debt and such deficiency as may occur in the resources.

Under the sections of the constitution providing for uniformity of taxation and conferring power on the legislature to levy a state tax, etc., on cash valuation of property (Art. 10, §§ 2, 3, 7), the state may authorize the review of valuations and assessments by the board of state tax commissioners.—Attorney General v. Board of Supervisors of Midland County, 178 / 513.

ARTICLE XI.

EDUCATION.

(3) SECTION 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

It was the intent of the constitution to separate the school organization from the general municipal government. Though municipal corporations, organized for the same purposes, with like powers and duties, cannot exist in the same territory, those having different purposes, rights and duties, may, and often do, occupy the same territory.—Attorney General v. Thompson, 168 / 511. The language of this section is from the ordinance of 1787. The re-assertion of this doctrine after the lapse of more than a century and a quarter, coupled with the fact that legislation in this state upon the subject of education has from the beginning been of the most liberal character, indicates a settled purpose on the part of the state to provide, foster and protect educational facilities for all.—Dennis v. Wrigley, 175 / 621, 625.

(4) SEC. 2. A superintendent of public instruction shall be elected at the regular election to be held on the first Monday in April, nineteen hundred nine, and every second year thereafter. He shall hold office for a period of two years from the first day of July following his election and until his successor is elected and qualified. He shall have general supervision of public instruction in the state. He shall be a member and secretary of the state board of education. He shall be ex-officio a member of all other boards having control of public instruction in any state institution, with the right to speak but not to vote. His duties and compensation shall be prescribed by law.

(5) SEC. 3. There shall be a board of regents of the university, consisting of eight members, who shall hold the office for eight years. There shall be elected at each regular biennial spring election two members of such board. When a vacancy shall occur in the office of regent it shall be filled by appointment of the governor.

(6) SEC. 4. The regents of the university and their successors in office shall continue to constitute the body corporate known as "The Regents of the University of Michigan."

(7) SEC. 5. The regents of the university shall, as often as necessary, elect a president of the university. The president of the university and the superintendent of public instruction shall be ex-officio members of the board of regents, with the privilege of speaking but not of voting. The president shall preside at the meetings of the board and be the principal executive officer of the university. The board of regents shall have the general supervision of the university and the direction and control of all expenditures from the university funds.

Under this provision the board of regents has independent control of the affairs of the university.—Regents v. Auditor General, 167/444. Neither the legislature, nor any officer or board of this state, may interfere with the control and management of the affairs and property of the university, although in making appropriations for its support the legislature may attach any conditions it may deem expedient and wise, and the appropriation cannot be received without complying with the conditions.—Aglar v. Mich. Agricultural College, 181/559.

(8) SEC. 6. The state board of education shall consist of four members. On the first Monday in April, nineteen hundred nine, and at each succeeding biennial spring election, there shall be elected one member of such board who shall hold his office for six years from the first day of July following his election. The state board of education shall have general supervision of the state normal college and the state normal schools, and the duties of said board shall be prescribed by law.

(9) SEC. 7. There shall be elected on the first Monday in April, nineteen hundred nine, a state board of agriculture to consist of six members, two of whom shall hold the office for two years, two for four years and two for six years. At every regular biennial spring election thereafter, there shall be elected two members whose term of office shall be six years. The members thus elected and their successors in office shall be a body corporate to be known as "The State Board of Agriculture."

(10) SEC. 8. The state board of agriculture shall, as often as necessary, elect a president of the agricultural college, who shall be ex-officio a member of the board with the privilege of speaking but not of

voting. He shall preside at the meetings of the board and be the principal executive officer of the college. The board shall have the general supervision of the college, and the direction and control of all agricultural college funds; and shall perform such other duties as may be prescribed by law.

The state board of agriculture has exclusive control of the general funds of the Michigan agricultural college.—*Bauer v. State Board of Agriculture*, 164/415.

The constitutional powers of the state board of agriculture with respect to the college and its funds are the same as those of the board of regents of the university with respect to the university and its funds.—*State Board of Agriculture v. Auditor General*, 180/349, 359; *Agler v. Mich. Agricultural College*, 181/559, 561. See note to section 7.

(11) SEC. 9. The legislature shall continue a system of primary schools, whereby every school district in the state shall provide for the education of its pupils without charge for tuition; and all instruction in such schools shall be conducted in the English language. If any school district shall neglect to maintain a school within its borders as prescribed by law for at least five months in each year, or to provide for the education of its pupils in another district or districts for an equal period, it shall be deprived for the ensuing year of its proportion of the primary school interest fund. If any school district shall, on the second Monday in July of any year, have on hand a sufficient amount of money in the primary school interest fund to pay its teachers for the next ensuing two years as determined from the pay roll of said district for the last school year, and in case of a primary district, all tuition for the next ensuing two years, based upon the then enrollment in the seventh and eighth grades in said school district, the children in said district shall not be counted in making the next apportionment of primary school money by the superintendent of public instruction; nor shall such children be counted in making such apportionment until the amount of money in the primary school interest fund in said district shall be insufficient to pay teachers' wages or tuition as herein set forth for the next ensuing two years.

As proposed by concurrent resolution No. 1, Public Acts of 1911, pages 537-8; ratified April 3, 1911.

(12) SEC. 10. The legislature shall maintain the university, the college of mines, the state agricultural college, the state normal college and such state normal schools and other educational institutions as may be established by law.

(13) SEC. 11. The proceeds from the sales of all lands that have been or hereafter may be granted by the United States to the state for educational purposes and the proceeds of all lands or other property given by individuals or appropriated by the state for like purposes shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation.

(14) SEC. 12. All lands, the titles to which shall fail from a defect of heirs, shall escheat to the state, and the interest on the clear proceeds from the sales thereof shall be appropriated exclusively to the support of the primary schools.

(15) SEC. 13. The legislature shall appropriate all salt spring lands

now unappropriated, or the money arising from the sale of the same, where such lands have already been sold, and any funds or lands which may hereafter be granted or appropriated for such purpose, for the support and maintenance of the agricultural college.

(16) Sec. 14. The legislature shall provide by law for the establishment of at least one library in each township and city; and all fines assessed and collected in the several counties, cities and townships for any breach of the penal laws shall be exclusively applied to the support of such libraries.

(17) Sec. 15. Institutions for the benefit of those inhabitants who are deaf, dumb, blind, feeble-minded or insane shall always be fostered and supported.