

SCHOOL DISTRICTS

53-4-3

ere also regulated, but the fund-  
urpose and primary object of  
ture was the consideration of  
e of the children; this is the  
al fact which must not be lost  
1 construing legislation dealing  
educational system. Knicker-  
Redlands High School Dist., 49  
d 722, 122 P. 2d 289.

istrict is agency of state cre-  
w solely for operation of school  
public benefit; it derives its  
m statute and is limited to such  
ned necessary for that purpose.  
chool Dist. No. 61 in Twin Falls  
ills Bank & Trust Co., 50 Idaho  
d 342.

a school district is a mere  
the state, it is charged with the  
luty of maintaining the schools  
particular territory of the state  
eiving funds and property, and  
controlling, and expending the  
e interest of public education;  
istrict may maintain an action  
ther, where by either mistake  
inefficiency of public servants  
istrict has received and expended  
ional purposes in its territory  
its share of the public fund,  
her district by reason thereof  
ed less than its share. Inde-  
chool Dist. No. 1 et al. v. Com-  
l Dist. No. 1 et al., 56 Idaho  
2d 144.

for the consolidation of rural  
icts will be liberally construed,  
ntial compliance with its provi-  
fficient. State v. Rowe, 187  
175 N. W. 32.

lity of the organization of a  
l school district is not affected  
thorized acts of directors who  
cede land therein to an adjoin-  
ng, as such acts are illegal and  
ord v. Herrold, 189 Iowa 853,  
53.

idated school district may re-  
and enlarge its territories pro-  
ceedings are in accordance  
atute. State v. Thompson, 190  
181 N. W. 434.

a distinction between incor-  
es and towns and such corpo-  
counties and school districts,  
being quasi-corporations, and  
overnmental purposes. Larsen  
ent School Dist. of Kane Town-  
wa 691, 272 N. W. 632.

ement and maintenance of edu-  
stem through public schools is  
al function of state, which

should be so maintained as to keep abreast  
of the times; and although status of teach-  
ers is in a sense contractual nevertheless  
such status is dependent upon statute,  
which legislature may abolish. Talbott v.  
Independent School Dist. of Des Moines,  
230 Iowa 949, 299 N. W. 556.

— Montana.

The proper and reasonable construction  
to be placed upon proceedings relative to  
school matters, where the requirements  
are not made clear by statutes, was  
soundly expounded in State v. Peterson,  
55 Mont. 355, 177 P. 245, as follows: "The  
petition is not a pleading. Its sufficiency  
is not to be tested by subjecting its con-  
tents to analysis. \* \* \* Statutes such as  
the one here involved have been fash-  
ioned broadly and without regard to tech-  
nical nicety, the purpose being to serve

the vital interests of the public. \* \* \*"  
Swaim v. Redeen, 101 Mont. 521, 55 P.  
2d 1.

Collateral References.

Schools and School Districts—33.  
56 C.J. Schools and School Districts  
§ 96.  
School districts, 47 Am. Jur. 304, Schools  
§ 12 et seq.

Constitutionality and construction of  
statute which leaves to determination of  
private individuals the boundaries of ter-  
ritory to be erected into a school district  
or other political subdivision, or to be  
added to or detached from an existing dis-  
trict or subdivision, 70 A. L. R. 1062.

Discretion of administrative officers as  
to changing boundaries of school district,  
135 A. L. R. 1096.

**53-4-2. Procedure on creation of new districts.**—Upon the creation of  
any county school district the county commissioners of the county in which  
such district is located shall within two years thereafter designate the  
name by which such district shall be known, and shall divide such district  
into five representative precincts and appoint a member of the board of  
education from each representative precinct to serve on the district board  
of education until his successor shall be duly elected and shall have  
qualified; provided, that in case a city school district shall be made a  
county school district the members of the board of education of such  
city school district shall become members of the board of education of the  
county school district and serve during the terms for which they have been  
elected. If through the change of boundary lines or otherwise one or  
more school representative precincts are taken from a county school dis-  
trict, the county commissioners in the county in which such district is  
located shall within sixty days after such change divide such county school  
district into five school representative precincts

History: L. 1905, ch. 107, § 1; 1907, ch.  
113, § 1; C. L. 1907, § 1891x; L. 1911, ch.  
135, § 1; 1913, ch. 96, § 1; 1915, ch. 78,  
§ 1; C. L. 1917, § 4597; L. 1925, ch. 44,  
§ 1; R. S. 1933 & C. 1943, 75-9-2.

Cross-Reference.

Change of county boundaries, effect on  
school districts 17-2-5, 17-2-11, 17-3-6.

Former rule.

Formerly authority was given to the  
county courts of the respective counties  
to divide them into school districts and  
to change the boundaries thereof. King  
v. Utah Cent. Ry. Co., 6 U. 281, 22 P. 158.

Collateral References.

Schools and School Districts—34.  
56 C.J. Schools and School Districts  
§ 48.

Constitutionality and construction of  
statute which leaves to determination of  
private individuals the boundaries of ter-  
ritory to be erected into a school district  
or other political subdivision, or to be  
added to or detached from an existing  
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Discretion of administrative officers as  
to changing boundaries of school district,  
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**53-4-3. Board of education—Number—Election—Representative pre-  
cincts.**—The board of education of each county school district shall con-  
sist of five members, one member to be elected from and by each of said  
precincts. The board of county commissioners in which such county school

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