

ARTICLE III.

PUBLIC INSTRUCTION.

[Sections thirty to thirty-five are repealed by the following Act, approved April 27, 1863.]

An Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said City and County.

SECTION 1. The Board of Education of the City and County of San Francisco, shall consist of the School Directors elected for the several election districts of said city and county. The said Board shall organize annually, on the first Tuesday in July, by electing a President from among its members, and shall hold meetings monthly thereafter, and at such other times as the Board may determine. A majority of all the members elect shall constitute a quorum to transact business, but a smaller number may adjourn from time to time. The Board may determine the rules of its proceedings. Its sessions shall be public, and its records shall be open to public inspection.

SEC. 2. The Board of Education shall have sole power—

First. To establish and maintain Public Schools, and to establish School Districts, and to fix and alter the boundaries thereof.

Second. To establish Experimental and Normal Schools, either separately or in connection with the State Normal School.

Third. To employ and dismiss Teachers, Janitors, and School Census Marshals, and to fix, alter, allow, and order paid, their salaries or compensations; and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the Board; and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Fourth. To make, establish, and enforce all necessary and proper rules and regulations, not contrary to law, for the government and progress of Public Schools within the said city and county, the teachers thereof, and the pupils therein, and for carrying into effect the laws relating to education; also, to establish and regulate the grade of schools, and determine what text books, course of study, and mode of instruction shall be used in said schools.

Fifth. To provide for the School Department of said city and county fuel and lights, at an expense not exceeding twelve hundred dollars per annum; water, not exceeding seven hundred and fifty dollars per annum; blanks, blank books, books, printing, and stationery, not exceeding twelve hundred dollars per annum; and to incur incidental expenses not exceeding twelve hundred dollars per annum.

Sixth. To build, alter, repair, rent, and provide school houses, and furnish them with proper school furniture, apparatus, and school appliances, and to insure any and all school property.

Seventh. To lease, for a term not exceeding ten years, any unoccupied property of the School Department not required for school purposes.

Eighth. To receive, purchase, lease, and hold in fee, in trust for the City and County of San Francisco, any and all real estate, and to hold in trust any personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the Public Schools of said city and county; *provided*, the lots to be purchased under the provisions of this section do not exceed ten in number, and all conveyances heretofore made to the said Board of Education are hereby legalized and declared valid, and the property therein conveyed vested in the said Board in trust as aforesaid.

Ninth. To sell or exchange the following lots of land, or any part thereof, to wit: Fifty vara lot number three hundred and forty-five, on California Street, between Powell and Mason streets; fifty vara lot number four hundred and sixty-two, on the corner of Filbert and Kearny streets; fifty vara lot number seven hundred and thirty-two, on the corner of Harrison and Fremont streets; one half of one hundred vara lot number one hundred and twenty-eight, corner of Market and Fifth streets; and one hundred vara lot number one hundred and seventy-four, corner of Harrison and Fourth streets, in said city and county, and good and valid deeds therefor to make and execute; *provided*, that no real estate shall be sold or exchanged without the consent of seven members of the Board of Education, and seven members of the Board of Supervisors of said city and county; and, *provided*, further, that the proceeds of such sales shall be applied exclusively to the purchase of other lots or the erection of school houses.

Tenth. To grade, fence, and improve school lots, and in front thereof to grade, sewer, plank, or pave, and repair streets, and to construct and repair sidewalks.

Eleventh. To sue for any and all lots, lands, and property belonging to or claimed by the said School Department, and to prosecute and defend all actions, at law or in equity, necessary to recover and maintain the full enjoyment and possession of said lots, lands, and property, and further, to do any and all lawful acts necessary thereto.