

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1941

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ENROLLED

SENATE BILL No. 52

(By Mr. Smith, by request)

PASSED March 4 ..... 1941

In Effect 90 days from ..... Passage



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AN ACT to amend and reenact sections one, two, nine, and ten, article four, and section thirty-two, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to election, qualifications, term, traveling expenses, and duties of county superintendents and assistant county superintendents.

*Be it enacted by the Legislature of West Virginia:*

That sections one, two, nine, and ten, article four, and section thirty-two, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

**Article IV.**

Section 1. *Election and Term.* The county superintendent shall be elected by the county board of education for a term of not less than one nor more than four years. Such elections shall be held on the first Monday in July, the superintendent taking office immediately thereafter. A superintendent who fills a vacancy caused by an incomplete term, shall be appointed to serve till the following first Monday in July. The president of the board of education, immediately upon the election of the superintendent, shall certify the election to the state superintendent. The superintendent in office at the time of the passage of this act shall continue in office until the expiration of his present term.

Sec. 2. *Qualifications; Health Certificate.* The superintendent at the time of his election shall hold a certificate valid in West Virginia and an approved bachelor's degree including at least twelve semester hours in school administration and supervision, and at least five years experience in public school teaching and/or supervision: *Provided,* A superintendent who held office during the

8 school year of one thousand nine hundred forty—one thou-  
9 sand nine hundred forty-one may be elected to succeed  
10 himself in office.

11 Before entering upon the discharge of his duties the  
12 superintendent shall file with the president of the board a  
13 health certificate from a reputable physician, on a form  
14 prescribed by the state superintendent of schools, certify-  
15 ing that he is physically fit for the duties of his office and  
16 that he has no infectious or contagious diseases.

Sec. 9. *Reimbursement for Travelling Expense;*  
2 *Voucher.* The board may reimburse the superintendent  
3 from the current expense fund for traveling expenses,  
4 not to exceed five hundred dollars, incurred in the per-  
5 formance of his duties. But no allowance shall be made  
6 except upon sworn itemized statements.

Sec. 10. *Duties.* The county superintendent shall:  
2 (1) Act as the chief executive officer of the board, and  
3 execute under the direction of the state board all its edu-  
4 cational policies;  
5 (2) Nominate all teachers, principals, and assistant  
6 superintendents to be employed; in case the board of edu-  
7 cation refuses to appoint any or all of the persons nomi-

8 nated, the superintendent shall nominate others and  
9 submit the same to the board of education at such time as  
10 the board may direct but no teacher, or principal, or  
11 assistant superintendent, shall be employed except on  
12 the nomination of the county superintendent;

13 (3) Assign, transfer, suspend, promote, or dismiss  
14 teachers and all other school employees of the district,  
15 subject only to the approval of the board;

16 (4) Organize and attend district institutes; organize  
17 and direct reading circles and boys' and girls' clubs;

18 (5) Close temporarily a school when conditions are  
19 detrimental to the health, safety or welfare of the pupils;

20 (6) Certify all expenditures and monthly payrolls of  
21 teachers and employees;

22 (7) Be the secretary of the board and attend all meet-  
23 ings of the board or its committees, except when his  
24 tenure, salary or administration is under consideration;

25 (8) Administer oaths and examine under oath wit-  
26 nesses in any proceedings pertaining to the schools of the  
27 district, and have the testimony reduced to writing;

28 (9) Exercise all other authority granted by this chap-

29 ter or required by the board or state board;

30 (10) Act in case of emergency as the best interests of  
31 the school demand.

**Article V.**

Section 32. *Assistants; Term; Number; Qualifications;*

2 *Board May Employ Agricultural Club Agents.* The board,  
3 upon the recommendation of the county superintendent  
4 may employ an assistant whose term of office shall not be  
5 less than one nor more than four years; provided, such  
6 term shall not exceed that of the incumbent county super-  
7 intendent. The salary of the assistant superintendent  
8 shall be paid in monthly installments, and in addition  
9 thereto the assistant shall be reimbursed for his necessary  
10 traveling expenses, not to exceed five hundred dollars,  
11 when a sworn itemized monthly statement is presented.

12 The board shall not employ more than one assistant for  
13 each two hundred teachers: *Provided, however,* That in  
14 such districts in which assistants are employed and fifty  
15 or more Negro teachers are employed therein, the board  
16 may employ one Negro assistant superintendent.

17 The superintendent shall direct the work of the assist-

18 ant superintendents and define their duties.

19 At the time of his appointment, the assistant superin-  
20 tendent shall hold a certificate valid in West Virginia,  
21 and an approved bachelor's degree including at least  
22 twelve semester hours in school administration and super-  
23 vision, with at least five years experience in one or any  
24 combination of the following types of work: public school  
25 teaching, supervision, or administration; provided, an  
26 assistant superintendent who held office during the school  
27 year 1940-41 may be appointed to succeed himself in  
28 office.

29 The board may also cooperate with the extension  
30 division of the college of agriculture in employing an  
31 agricultural club agent for the organization and direc-  
32 tion of boys' and girls' agricultural clubs.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*C. H. McKeown*  
Chairman Senate Committee

*Leon Rice*  
Chairman House Committee

Originated in the *Senate*

Takes effect *90 days from* passage

*W. Jace Williams*  
Clerk of the Senate

*J. Klipp*  
Clerk of the House of Delegates

*Byron B. Randolph*  
President of the Senate

*Malcolm R. Arnold*  
Speaker House of Delegates

The within *approved* this the *13<sup>th</sup>* day of *March*, 1941.

*Matthew M. Neely*  
Governor.



Filed in the office of the Secretary of State of West Virginia. **MAR 13 1941**  
Wm. S. O'BRIEN,  
Secretary of State