

Rec., June 3

#17

ENROLLED BILL

(EXTRAORDINARY SESSION, 1933)

House Bill No. 4

(By Mr. Speaker McHenry)

Passed June 3, 1933

In Effect from Passage

Originated in the.....*House*.....Takes effect.....*from*.....Passage

Pro St. Ball
Clerk House of Delegates.

CORRECTLY ENROLLED

James L. Smith
Chairman House Committee.

James A. Smith
Chairman Senate Committee.

Cbn

ENROLLED BILL

(H. B. No. 4)

[Passed June 3, 1933; in effect from passage.]

AN ACT to amend and reenact section six, article nine, section seventeen, article five; and section three, article six, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, to provide for the distribution of general school funds.

Be it enacted by the Legislature of West Virginia:

That section six, article nine; section seventeen, article five; and section three, article six, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended and re-enacted to read as follows:

ARTICLE IX.

Section 6. A separate school fund to be called the "general 2 school fund" shall be set apart for the support of the free

CORRECTLY ENROLLED

James L. Smith
Chairman House Committee.
Henry A. Hays
Chairman Senate Committee.

3 schools of the state and the revenue from the following sources

4 and not otherwise appropriated shall be paid into it:

5 (1) The proceeds from the capitation tax;

6 (2) The income of the school funds;

7 (3) The net proceeds of all fines and forfeitures which accrued
8 to the state during the previous year, except fines referred to in
9 section six of article eight of this chapter;

10 (4) All moneys arising from the sources named in section four
11 of article twelve of the constitution heretofore going to the
12 "school fund" but as now amended going to the "general school
13 fund;"

14 (5) All interest on public moneys received from state deposi-
15 tories;

16 (6) State license tax on marriages;

17 (7) State tax on forfeitures;

18 (8) State tax on state licenses, except on motor vehicles and
19 on owners, chauffeurs, operators and dealers in motor vehicles,
20 hunting and fishing licenses and state licenses paid directly
21 to the state auditor and secretary of state;

22 (9) All funds from any source paid into the treasury for
23 school purposes and not otherwise appropriated.

CORRECTLY ENROLLED

James L. Smith
Chairman House Committee.
Henry D. Henry
Chairman Senate Committee.

Enrolled H. B. No. 4]

3

24 This fund shall be used for the following purposes accord-
25 ing to the order and preferences indicated below:

26 (1) To pay the salary of the state superintendent of free
27 schools, his necessary traveling expenses not to exceed five hun-
28 dred dollars per year, and the contingent and other expenses
29 of his office;

30 (2) To pay toward the salary of each county superintendent
31 on the basis of twenty cents per pupil in average daily attend-
32 ance for the preceding year, but the maximum amount supplied
33 by the state for the salary of any county superintendent shall
34 not exceed two thousand dollars;

35 (3) To pay to each district a sum sufficient to supplement
36 materially the elementary teachers' fund by paying for each
37 needed teacher for a period of four months, the following
38 amounts:

39 (a) For each teacher holding a third grade certificate,
40 forty dollars per month;

41 (b) For each teacher holding a second grade certificate,
42 fifty-five dollars per month;

43 (c) For each teacher holding a first grade certificate,
44 seventy dollars per month;

CORRECTLY ENROLLED

James L. Smith
Chairman House Committee.
Henry A. Jones
Chairman Senate Committee.

4

[Enrolled H. B. No. 4

45 (d) For each teacher holding a short normal certificate,
46 seventy-five dollars per month;

47 (e) For each teacher holding a standard normal certificate,
48 eighty-five dollars per month;

49 (f) For each teacher holding a certificate of higher grade,
50 ninety dollars per month.

51 The total number of needed teachers in any subdistrict estab-
52 lished by the board shall be determined by dividing the number
53 of pupils in average daily attendance during the preceding year
54 by eighteen, in districts with an average daily attendance of
55 one to five per square mile; by twenty-two, in districts having
56 an average daily attendance of six to nine per square mile; by
57 twenty-five, in districts having an average attendance of ten to
58 nineteen per square mile; by thirty, in districts having an aver-
59 age daily attendance of twenty to thirty-nine per square mile;
60 and by thirty-eight, in districts with an average daily attendance
61 of forty or more per square mile;

62 (4) To pay to each district a sum sufficient to supplement
63 materially the junior and senior high school teachers' fund by
64 paying for each needed teacher for a period of four months, the
65 following amounts:

CORRECTLY ENROLLED

James L. Smith
H. B. No. 4

Chairman Senate Committee.

Chairman House Committee.

Enrolled H. B. No. 4]

5

66 (a) For each teacher holding a standard normal certificate,
67 eighty dollars per month;

68 (b) For each teacher holding a bachelor's degree approved
69 by the state superintendent, ninety dollars per month;

70 (c) For each teacher holding a master's degree approved
71 by the state superintendent, one hundred ten dollars per month.

72 The total number of teachers needed in any district shall be
73 determined by dividing the average daily attendance in junior
74 and senior high schools in the district during the preceding year
75 by twenty-three.

76 (5) To supplement the elementary and high school funds in
77 districts where the maximum levy and the aid granted in sub-
78 sections three and four will not maintain the school and pay the
79 minimum basic salaries to the number of needed teachers for the
80 minimum term, each district may petition the state superin-
81 tendent for aid and must affirmatively show by sworn statement
82 that:

83 (a) The maximum levy on lawfully assessed valuations has
84 been laid in the district;

85 (b) The maximum levy is insufficient, together with the state

CORRECTLY ENROLLED

James L. Smith
Anna A. Hyatt

Chairman Senate Committee.

Chairman House Committee.

86 aid granted by subsections three and four of this section, to
87 maintain the school for the minimum term;

88 (c) The proportion of teachers to pupils is proper;

89 (d) The schedule of teachers' salaries is reasonable;

90 (e) The budget of contingent expenses and building enter-
91 prise is commensurate with the actual needs of the district.

92 Thereupon the state superintendent may, in his discretion,
93 grant so much aid as he thinks reasonable, in view of the con-
94 dition of the district and the request for aid from other districts.

95 (6) State aid granted by subsections three, four and five of
96 this section may be withheld from full time schools in case the
97 average daily attendance falls below twenty, or in case the board
98 fails, or refuses to consolidate when, in the judgment of the
99 state superintendent, consolidation is wise, and when the board
100 fails to meet the standards established by the state board.

101 The auditor, on or before the twentieth day of July in each
102 year, after first deducting the aggregate salary of the state
103 superintendent, his necessary traveling expenses not to exceed
104 five hundred dollars, the contingent and other expenses of his
105 office, and the salaries of the county superintendents, shall
106 ascertain the amount of the general school fund available for

CORRECTLY ENROLLED

James L. Smith
Henry A. Rogers

Chairman House Committee.

Chairman Senate Committee.

Enrolled H. B. No. 4]

7

107 distribution and shall certify the same to the state superin-
108 tendent.

109 The state superintendent on or before the first day of August,
110 shall ascertain the needs for the various purposes in the order
111 and preference enumerated, and shall have deposited in the
112 manner prescribed by law, with the sheriff or treasurer of each
113 district the amounts to which the district is entitled.

114 When the state superintendent determines that a district is
115 entitled to supplemental aid under the provisions of subsection
116 five, he shall make requisition upon the state auditor for the
117 necessary amount and the auditor shall issue warrants to the
118 district entitled to receive the supplemental aid.

ARTICLE V.

Section 17. A standard school shall be any one-room or con-
2 solidated school which meets the requirements fixed by the state
3 board of education.

4 The state board of education shall fix the requirements for the
5 standardization of schools and the state superintendent shall
6 publish the requirements and forward them to the district
7 boards of education, the county superintendent, and other school
8 officers.

CORRECTLY ENROLLED

James L. Smith
Anna A. Hyman

Chairman Senate Committee.

Chairman House Committee.

9 The state superintendent shall classify the schools that meet
10 the requirements as, standard one-room schools, first class and
11 second class; and standard consolidated schools, first class and
12 second class.

ARTICLE VI.

Section 3. All junior high schools and senior high schools
2 which are a part of the school system of the state and all sec-
3 ondary school departments of state supported institutions shall
4 be approved, classified and rated by the state superintendent ac-
5 cording to the rules and regulations prescribed by the state
6 board.

7 If a part of this act is for any reason declared unconstitutional
8 the decision of the court shall not affect the validity of any
9 remaining portion.

10 All existing provisions of law inconsistent with this act are
11 hereby repealed.

CORRECTLY ENROLLED

James O. Smith
Chairman Senate Committee

James O. Smith
Chairman House Committee

Wm. M. Stines
Speaker of the House of Delegates.

Frank Hall
Clerk of the House of Delegates.

H. M. Mainwaring
President of the Senate.

Frank D. Smith
Clerk of the Senate.

The within is... *approved*

this... *9th* ... day of... *June* ... 1933.

H. S. Kump
Governor.

Filed in the office of the Secretary of State
of West Virginia. *JUN 12 1933*
Wm. S. O'BRIEN,
Secretary of State