ENROLLED BILL
(EXTRAORDINARY SESSION, 1933)

Senate Bill No. 3
(By Mr. Mathews, Mr. President)

Passed May 22, 1933

In Effect from Passage
AN ACT to amend and reenact sections one and three, article one; to repeal section four, article one; to amend and reenact sections one to eleven, inclusive, article four; to amend and reenact sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, twenty-one, twenty-five, thirty-one, thirty-two and thirty-three, article five; to repeal sections twenty-six to thirty, inclusive, article five; to amend and reenact sections one, two, six, seven and eight, article six; to amend and reenact sections five, ten, eleven, twelve and forty, article seven; to add section two-(a) to article nine, and to amend and reenact section three, article nine, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to the organization of the
school system so as to permit the establishment of the county unit plan of school organization.

Be it enacted by the Legislature of West Virginia:

That sections one and three, article one, are amended and reenacted; section four, article one, is repealed; sections one to eleven, inclusive, article four, are amended and reenacted; sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, twenty-one, twenty-five, thirty-one, thirty-two and thirty-three, article five, are amended and reenacted; sections twenty-six to thirty, inclusive, article five, are repealed; sections one, two, six, seven and eight, article six, are amended and reenacted; sections five, ten, eleven, twelve and forty, article seven, are amended and reenacted; section two-(a) is added to article nine, and section three, article nine, is amended and reenacted, all of chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to the school system so as to permit the establishment of the county unit plan of school organization.

ARTICLE I.

Section 1. The following words used in this chapter and in any proceedings pursuant thereto shall, unless the context
clearly indicate a different meaning, be construed as follows:

(a) "School" shall mean the pupils and teacher or teachers assembled in one room;

(b) "District" shall mean county school district and shall include any independent school district heretofore established by special act or acts of the legislature;

(c) "Teacher" shall mean teacher, supervisor, principal, superintendent, public school librarian or any other person regularly employed for instructional purposes in a public school in this state;

(d) "State board" shall mean the state board of education;

(e) "Board" shall mean the county board of education;

(f) "State superintendent" shall mean the state superintendent of free schools;

(g) "Superintendent" shall mean the county superintendent of schools.

Sec. 3. A school district shall include all the territory in one county. Existing magisterial school districts and subdistricts and independent districts are abolished.

Sec. 4. This section is repealed.
ARTICLE IV.

Section 1. The county superintendent shall be elected by the county board of education. The president of the board, 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: Provided, however, that the county superintendent in office at the time of the passage of this act shall exercise only such of the duties of the county superintendent designated in this article as the board may prescribe. The board may designate a teacher or teachers to perform the remaining duties, if any, required of the superintendent by this article: Provided further, That the foregoing provision shall apply only during the present term of the superintendent in office at the time of the passage of this act, or that part of the term as such superintendent may serve, and not thereafter.

Sec. 2. The superintendent, at the time of his election, shall have a bachelor’s degree, including at least eight hours’ credit in school administration from a college or university for the training of teachers; and at least two years’ of experience in public
5 school teaching, or, in lieu of two years' teaching experience,
6 shall have served at least one term as county superintendent in
7 this state.
8 He shall file with the president of the board, before entering
9 upon the discharge of his duties, a health certificate from a repu-
10 table physician certifying that he is physically fit for the duties
11 of his office and that he has no infectious or contagious disease.

Sec. 3. The board may remove the superintendent for cause
2 in its judgment and discretion.

Sec. 4. The board shall fix the annual salary of the superin-
2 tendent, but in no case shall the salary be less than eight hun-
3 dred dollars per year nor more than three thousand dollars per
4 year, exclusive of state aid. The board shall pay the salary
5 from the elementary teachers' fund or the high school teachers'
6 fund, or from both.

Sec. 5. The board shall pay the compensation of the superin-
2 tendent monthly upon orders drawn in the same manner as
3 other bills of the district.

Sec. 6. The office of county financial secretary is abolished.
2 The sheriff or school treasurer shall honor orders on the school
3 fund only as prescribed by section three, article nine of this
4 chapter. The sheriff or treasurer shall also report to the board, 5 at the end of each month, a complete statement of the finances 6 of the district together with the number and amount of each 7 school bond and interest coupon paid during the month.

Sec. 7. The board shall provide the superintendent with a 2 suitable office at the county seat, which office shall also be the 3 office of the board. The board shall supply the office with janit- 4 tor service and with the necessary equipment and supplies.

Sec. 8. The superintendent, with the consent of the board, 2 may appoint clerical assistants necessary for efficient operation 3 of his office. Their salaries shall be paid monthly by the board 4 from the maintenance fund.

Sec. 9. The board may reimburse the superintendent from the 2 maintenance fund, in a sum not to exceed three hundred dollars 3 per year, for traveling expenses incurred in the performance of 4 his duties. But no allowance shall be made except upon sworn 5 itemized statements.

Sec. 10. The county superintendent shall:
2 (1) Act as the chief executive officer of the board, and ex- 3 ecute under the direction of the state board all its educational 4 policies;
5 (2) Receive applications for teachers and submit them to
6 the board together with his recommendation;
7 (3) Assign, transfer, suspend, promote or dismiss teachers,
8 subject to the approval of the board;
9 (4) Organize and attend district institutes; organize and
10 direct reading circles and boys' and girls' clubs;
11 (5) Close temporarily any school when conditions are detri-
12 mental to the health, safety or welfare of the pupils;
13 (6) Certify all expenditures and monthly payrolls of
14 teachers and employees;
15 (7) Be the secretary of the board and attend all meetings
16 of the board or its committees, except when his tenure, salary or
17 administration is under consideration;
18 (8) Administer oaths and examine under oath witnesses in
19 any proceedings pertaining to the schools of the district, and
20 have the testimony reduced to writing;
21 (9) Exercise all other authority granted by this chapter or
22 required by the board or state board;
23 (10) Act in case of emergency as the best interests of the
24 school demand.

Sec. 11. The county superintendent shall:
2 (1) Visit the schools as often as practical; observe and make
3 suggestions concerning the instruction and classroom manage-
4 ment of the schools and their sanitary conditions;
5 (2) Report to the board cases of incompetence, neglect of
6 duty, immorality or misconduct in office of any teacher or em-
7 ployee;
8 (3) Recommend for condemnation buildings unfit for school
9 use;
10 (4) Direct the taking of the school census;
11 (5) Call, at his discretion, conferences of principals and
12 teachers to discuss the work of the schools of the district;
13 (6) Report to the board the progress and general condition
14 of the schools;
15 (7) Make such reports as are required by the state superin-
16 tendent. In case the superintendent fails to report as required,
17 the state superintendent may direct that the superintendent’s
18 salary be withheld until an acceptable report is received;
19 (8) Perform all other duties prescribed in this chapter or re-
20 quired by the board or the state board.

ARTICLE V.

Section 1. Each county school district shall be under the
2 supervision and control of a county board of education. The
3 board shall consist of five members, citizens of the county, and
4 elected by the voters of the county for a term of four years
5 or until their successors have been elected and qualified: Pro-
6 vided, however, That no more than two members shall be elected
7 from the same magisterial district.
8 At the next general election after this act goes into effect
9 three members shall be elected for a term of four years, and two
10 shall be elected for a term of two years. The three candidates
11 receiving the highest number of votes shall be declared elected
12 for the four-year terms and the two candidates receiving the
13 next highest number of votes shall be declared elected for the
14 two-year terms. As the terms provided above expire the offices
15 shall be filled for four-year terms.
16 The board shall meet on the first Monday in July next after
17 their election and organize by electing from among their own
18 members a president for a two-year term.
19 On or before the first day of July, nineteen hundred thirty-
20 three, the state superintendent of schools shall appoint a county
21 board for each county, whose members shall be residents of the
22 county in which they are appointed, and who shall serve until
their successors shall be elected and qualified, as hereinbefore
provided in this section. Such interim board shall take office
on July first, nineteen hundred thirty-three.

Sec. 2. The board shall fill by appointment within thirty days
any vacancy that occurs in its membership. Such appointments
shall continue until the next general election, when the voters
shall elect a successor for the unexpired term. In the event
that the board does not fill the vacancy within thirty days the
state superintendent shall appoint a person to the vacancy.

Sec. 3. Every board member shall take the oath prescribed by
section five, article four of the constitution, before performing
any of the duties of his office. The oath shall be filed with the
secretary of the board.

Sec. 4. The board shall meet on the first Monday of July and
on the first and third Tuesdays in August and at such other
times as the board may fix upon its records. The board shall
meet at the court house of the county on the first Monday in
May in each year and shall appoint the teachers for their dis-
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6 At which time, it shall be the duty of the superintendent
7 of schools to furnish each member of the board an approved
8 list of all qualified teachers for the schools of said district for
9 the ensuing year.

10 Special meetings may be called by the president or any three
11 members, but no business shall be transacted other than that
12 designated in the call.

13 A majority of the members shall constitute the quorum neces-
14 sary for the transaction of official business.

15 Board members shall receive compensation at the rate of five
16 dollars per meeting. But they shall not receive pay for more
17 than twelve meetings in any one year.

18 Members shall also be paid, upon the presentation of an
19 itemized sworn statement, for all necessary traveling expenses
20 incurred on official business, at the order of the board.

Sec. 5. The county board of education shall be a corporation
2 by the name of "The board of education of the county of .......,''
3 and as such may sue and be sued, plead and be impleaded, con-
4 tract and be contracted with. It shall succeed and be subro-
5 gated to all the rights of former magisterial and independent
6 district boards and may institute and maintain any and all ac-
7 tions, suits and proceedings now pending or which might have
8 been brought and prosecuted in the name of any former board
9 for the recovery of any money or property, or damage to any
10 property due to or vested in the former board, and shall also be
11 liable in its corporate capacity for all claims legally existing
12 against the board of which it is a successor. The board shall,
13 according to law, hold and dispose of any real estate or personal
14 property belonging to the former corporation or its predeces-
15 sors, or that may hereafter come into its possession.
16 The board, according to law and the intent of the instrument
17 conferring title, shall receive, hold and dispose of any gift, grant
18 or bequest.
19 All public school property used for school purposes shall be
20 exempt from execution or other process, and free from lien or
21 distress for taxes or municipal, county or state levies.

Sec. 6. The county board shall have title to any land or school
2 site which for five years has been in the undisputed possession
3 of the county board or any board of education of a magisterial
4 district, or subdistrict, or independent district, and to which
5 title cannot be shown by any other claimant. Such land shall be
Sec. 7. The board shall ascertain at the beginning of each school year the buildings to be retained for school purposes, and the buildings which because of their condition or location should be sold. The board may sell the undesirable buildings and the land on which they are located, at public auction, after proper notice, and on such terms as it orders, to the highest responsible bidder. But in rural communities the grantor of the lands, his heirs or assigns, shall have the right to purchase at the sale, the land, exclusive of the buildings thereon, and the mineral rights, at the same price for which it was originally sold. The board by the same method prescribed for the sale of school buildings and lands, may also lease for oil or gas or other minerals any lands or school sites owned in fee by it. The proceeds of such sales and rentals shall be placed to the credit of such fund or funds of the district as the board may direct.

Sec. 8. The board shall purchase by condemnation, or otherwise, the lands necessary for school buildings, playgrounds, experiments in agriculture, and other educational purposes, and

6 held and used for school purposes, as provided by section eight of this article.
may make necessary expenditures for the improvement of the land.

The board may petition the circuit court to condemn land necessary for educational purposes if the owner refuses to sell, demands an unreasonable price, is non compos mentis, a minor, or a nonresident.

Condemnation proceedings shall be in the name of the board and according to the provisions of chapter fifty-four of the code.

Sec. 9. The board shall provide:

1. By purchase, lease, building or otherwise, a sufficient number of suitable school houses and other buildings to meet the educational needs of its district;

2. The necessary furniture, fixtures, apparatus, fuel and all necessary supplies for the schools;

3. For the health and cleanliness of the pupils;

4. For the repair and good order of the school grounds, buildings and equipment.

The board may also provide for medical and dental clinics.

Sec. 10. The state board may require all plans and specifications for the erection of school buildings to comply with the
requirements of law. They may require all county boards to submit all plans and specifications for their approval.

Sec. 11. The boards of two or more adjoining counties may jointly establish and maintain schools. The title to the school shall be vested in the board of the county in which the school is located. The agreement by which the school is established shall be reduced to writing and entered of record in the minutes of each board.

The boards of the several districts shall determine the site of the proposed school and the amount to be expended for its establishment and equipment. The cost shall be apportioned upon the basis of the respective valuations of the taxable property in each district.

The board in the district in which the building is located shall be vested with the control and management of the school.

The annual operating cost shall be apportioned among the districts on the basis of the average daily attendance of pupils from each district.

Sec. 12. Boards shall require all persons contracting for the building or repairing of school property, where the contract
Sec. 13. The board, subject to the provisions of this chapter and the rules and regulations of the state board, shall have authority to:

1. Control and manage all of the schools and school interests of the county;
2. To establish needed high schools;
3. To close any school which is unnecessary and to assign the pupils thereof to other schools;
4. To consolidate schools;
5. To close any elementary school whose average daily attendance falls below twenty pupils for two months in succession, and send the pupils to other schools in the district or to schools in adjoining districts. The compensation of teachers in schools so closed, shall cease;
6. To provide at public expense adequate means of transportation for all children of school age who live more than two miles distant from school by the nearest available road or path. The board of any district may expend under such regulations as it establishes, for each child an amount not to exceed the proportion
20 of all school funds of the district that each child would be en-
21 titled to receive if all the funds were distributed equally among
22 all the children of school age in the district upon a per capita
23 basis. No changes in textbooks except those provided by
24 general law shall be made as a result of the passage of this
25 act. *Provided, however,* That at least one year of instruction
26 in the history of the state of West Virginia shall be given
27 prior to the eighth grade.

Sec. 14. White and colored pupils shall not receive instruc-
2 tion in the same school, or in the same building. The board shall
3 establish one free school, or more if necessary, in any part of the
4 county where there are ten or more colored children of school
5 age living within two miles of a point where a school might be
6 established. And when such schools are established for colored
7 children, the teachers thereof shall be supplied from members of
8 their own race. The board may, if practical, establish a school
9 in a part of the county where there are less than ten colored
10 children of school age.
11 The board, for the purpose of carrying out the provision of
12 this section, may transfer pupils from one county to another as
13 provided in section sixteen of this article.
Whenever, in any district, the benefit of a free school education is not secured to the colored children of school age residing therein in the manner mentioned in this section, the funds applicable to the support of the free schools in the district shall be divided by the board in the proportion which the number of colored children bears to the number of white children therein, according to the last enumeration made for school purposes, and the share of the former shall be set apart for the education of colored children of school age in the district, and applied for the purpose from time to time in such manner as the board may deem best.

Sec. 15. The board shall provide a term for its schools. The term shall be computed as follows:

1. As many months as the revenues supplied by the state will provide;
2. And, in addition, as many months as the regular levies authorized by law will support;
3. The minimum term for both elementary and high schools shall be nine months or such part thereof as the maximum levy as provided by law and the equalization fund of the state will permit.
11 If the state revenues and regular levies authorized above are insufficient to enable the board of education to provide the minimum term, the board may at any general or special election, if petitioned by at least five percent of the qualified voters in the district, submit the question of additional levies to the voters.

17 If at the election sixty per cent of the qualified voters cast their ballots in favor of the additional levy, the board shall fix the term and lay a levy necessary to pay the cost of the additional term. The additional levy fixed by the election shall not continue longer than three years without submission to the voters. The additional rate shall not exceed by more than fifty per cent the maximum school rate prescribed by article eight, chapter eleven of the code, as amended.

25 The school shall be open to youths between the ages of six and twenty-one for the full school term provided in each district.

Sec. 16. The board may divide its territory into such sub-districts as are necessary to determine the schools the pupils of its district shall attend. But upon the written request of any parent or guardian, or person legally responsible for any pupil,
or for reasons affecting the best interests of the schools, the superintendent may transfer pupils from one school to another within the district. Any aggrieved person may appeal the decision of the superintendent to the board, and the decision of the board shall be final.

Transfers of pupils from one county to another may be made by the board of the county in which the pupil desiring to be transferred resides; but the transfer shall be subject to the approval of the board of the county to which the pupil wishes to be transferred, except such approval shall not be a condition precedent to the transfer of a pupil resident in a municipality comprised of parts of two or more counties in this state, or resident in an independent school district as the same existed prior to the time this became effective, made up of parts of two or more counties and whether or not within its limits now defined is located a municipality or part thereof, but such pupil shall be considered and treated as transferred, as the case or the situation may be, with the right unimpaired to attend the school or schools now established and maintained (if not continued) in such municipality and/or independent school district. In all cases of transfer by the act of the board or by
operation of law, either to elementary schools or to high schools, the board making the transfer shall pay to the board to which such transfer is made, reasonable tuition fees, which for elementary schools shall not exceed two and one-half dollars a month, and for junior and senior high schools shall not exceed ten dollars a month. The fee, to be paid out of the teachers' fund, shall not exceed the actual cost of the instruction. No parent, guardian or person acting as parent or guardian shall be required to pay for the transfer or for the tuition of the pupil after the transfer. The board of the district to which the pupil has been transferred shall promptly, at the first of each month, certify to the board of the district from which the pupil was transferred the correct amount of all tuition fees due and payable for the next preceding month. All tuition fees shall be paid within thirty days of certification, to the district maintaining the school by the district to which the fees are certified. All tuition fees shall be paid out of the teachers' fund of the one district to the teachers' fund of the other.

Transfer of pupils from this state to another shall be upon such terms as shall be mutually agreed upon by the board of
47 the transferring district and the authorities of the school to
48 which the transfer is made, and shall be based upon the aggre-
49 gate per capita student cost of the preceding year, of the
50 school to which the transfer is made.

Sec. 21. The board of education of every county may pur-
2 chase the necessary textbooks prescribed to be used in the free
3 schools by the pupils thereof and shall provide such books for
4 the pupils whose parents, in the judgment of the board are
5 financially unable to provide same. If the board of education
6 determines to purchase and furnish such free textbooks to all
7 the pupils of its district it shall waive all right to supplemental
8 state aid as provided in subsection five, section six, article nine
9 of this chapter. The board shall enter an order to that effect
10 upon its records and shall cause such books to be purchased and
11 kept in charge by the superintendent and furnished to the pupils
12 of free schools of its district as hereinafter provided. All such
13 books shall be purchased by the board as prescribed by law, and
14 at the net wholesale price. In such case at the commencement
15 of every term the superintendent shall deliver to the teachers
16 thereof such books as may be necessary for the use of the several
17 pupils therein for the ensuing term of school and take from them
18 receipts showing the number and kind of books so received. It
19 shall be the duty of such teachers to take charge of such books
20 and to distribute them among the pupils of their schools as
21 needed, and such teachers shall have and exercise general con-
22 trol of such books, and at the close of such term and before
23 receiving an order for salary for the last month of such term,
24 shall collect and gather together all the books so used and
25 deliver them to the superintendent.

26 If any of the books delivered to any pupil shall be unneces-
27 sarily injured or destroyed they shall be replaced by the pupil
28 who injured or destroyed them.

Sec. 25. The superintendent as secretary of the board shall:

2 (1) Take the oath prescribed in the constitution before per-
3 forming any of the duties of his office;
4 (2) Attend all board meetings and record its official pro-
5 ceedings in a book kept for that purpose;
6 (3) Record the number of each order issued, the name of the
7 payee, the purpose for which the order was issued, and the
8 amount thereof. Every order shall be signed by the secretary
9 and the president of the board;
10 (4) Care for and keep all papers belonging to the board,
11 including evidences of title, contracts and obligations. They
12 shall be kept in the secretary's office, accessibly arranged for
13 reference;
14 (5) Record and keep on file all papers and documents per-
15 taining to the business of the board;
16 (6) Make a tabular report to the board on or before the
17 twentieth day of July, annually, showing all the statistics and
18 facts required by the blanks furnished by the state superinten-
19 dent. He may collect his material from the annual report of
20 the sheriff, the teachers' register and such other sources as he
21 thinks desirable, and he may accompany his report with such
22 explanation and comment as he deems pertinent;
23 (7) Keep the accounts and certify the reports required by
24 law or requested by the board;
25 (8) Administer oaths to school officers, teachers, and others
26 making reports;
27 (9) Deliver in proper condition to his successor all records
28 and property pertaining to his office;
29 (10) Exercise such other duties as are prescribed by law.

Sec. 26. This section is hereby repealed.
Sec. 27. This section is hereby repealed.
Sec. 28. This section is hereby repealed.
Sec. 29. This section is hereby repealed.
Sec. 30. This section is hereby repealed.
Sec. 31. The board may employ janitors, and such other employees as may be necessary. The board shall fix their duties and compensation. Their wages shall be paid from the building fund.
The board may also appoint a custodian for each school building. The custodian shall report the condition of the building and grounds to the board whenever he thinks it necessary. The custodian shall serve without pay.
The board shall have no authority to appoint district trustees.

Sec. 32. The board, upon the recommendation of the superintendent, may employ assistant superintendents for a term of one year. The salary of the assistant superintendent shall be paid from the teachers' fund in monthly installments, and in addition thereto the assistant shall be reimbursed for his necessary traveling expenses when a sworn, itemized monthly statement is presented. An assistant shall not receive more than
three hundred dollars in any year for traveling expenses.

The board shall not employ more than one assistant for each
two hundred teachers: Provided, however, That in such dis-

triets in which assistants are employed and fifty or more negro
teachers are employed therein, the board may employ one negro
assistant superintendent.

The superintendent shall direct the work of the assistant
superintendents and define their duties.

The assistant superintendent, at the time of his appointment,
shall hold a bachelor's degree from an accredited college or

normal school and must have had at least two years' experience
as a public school teacher. In no case shall the board of educa-
tion have authority to employ a supervisor, whether by that
name or any other name, any provision of law to the contrary
notwithstanding.

The board may also cooperate with the extension division of
the college of agriculture in employing an agricultural club
agent for the organization and direction of boys' and girls'
agricultural clubs.

Sec. 33. The board may fix special salary schedules for the
superintendent, assistant superintendents, teachers and other
3 employees so long as the salary schedule does not conflict with
the general provisions of this chapter.

ARTICLE VI.

Section 1. The board in any district may establish and main-
tain a reasonable number of high schools, junior high schools
and the buildings properly connected therewith.

They may also employ principals, teachers, janitors and em-
ployees as may be required to conduct and operate the schools
they have established.

Sec. 2. The boards of two or more adjoining counties may
jointly establish and maintain a high school. The building for
the joint high school and the site therefor shall be owned jointly
in proportion to the amounts contributed by the respective
districts.

The boards of the districts shall determine the site of the
proposed school and the amount to be contributed toward its
establishment by the districts concerned. The total cost shall
be apportioned on the basis of respective valuations of the tax-
able property in each district.

All records and agreements concerning the establishment and
The maintenance of such schools shall be reduced to writing and entered on the minute books of the respective boards.

The board in the district in which the building is located shall have the control and management of the school.

The annual operating costs shall be apportioned among the districts on the basis of the average daily attendance of pupils from each district.

Sec. 6. The board of a district maintaining a high school which is not accessible to all the pupils eligible to attend, shall either transport them to a high school within the district or pay their tuition fees in high schools of adjoining counties. The tuition shall not exceed ten dollars per month per pupil, or in any case more than the actual cost of instruction. Tuition shall not be paid for more than four years for any pupil.

The district in which the pupil resides shall pay the tuition fees from its teachers' fund. No payment shall be made, however, except upon the presentment of a certificate indicating the name of the pupil, the amount of the fees, the months of attendance, and signed by the president of the board and the principal of the school charging the tuition.

The tuition or fee for transferring shall not be charged to the
Sec. 7. Any board of education desiring to establish and conduct a self supporting dormitory for the accommodation of the pupils attending a high school under its supervision, and of persons employed to teach therein, shall have authority, subject to the approval of the state superintendent of free schools, to do so.

7 The board of education shall place a reputable and responsible person, or persons, in charge of such dormitory to conduct the same and furnish meals and lodging to pupils and teachers therein and shall determine the rate that shall be charged pupils and teachers for such accommodations, and shall require of such person a bond in the sum of one thousand dollars for the proper accounting of all money and property coming into their hands and for the proper performance of their duties.

Sec. 8. The board may discontinue any high school which is no longer necessary for the accommodation of the pupils of the county.

ARTICLE VII.

Section 5. All teachers and employees whose salaries are
2 payable out of the teachers' fund shall be paid for their services monthly by orders drawn on the sheriff or treasurer and
duly signed by the president and secretary of the board.

5 The board may withhold the monthly salary of any teacher
or employee until he has made the reports required by the
board or the state superintendent.

Sec. 10. The superintendent shall require a school census to
be taken on or before the twentieth of October of each year.
The enumeration shall distinguish between males and females
and white and colored. The enumeration shall be made by the
teachers of the district; but they shall receive no compensation
therefor.

Sec. 11. The enumeration shall be taken and reported in
separate classes as follows:

3 (1) All youths who on the first day of July following,
will be not less than six nor more than twenty years of age;
(2) All youths who on the above date will be not less than
six nor more than sixteen years of age;
(3) All youths who on the above date will be not less than
seven nor more than sixteen years of age;
All youths who on the above date will be over fourteen and under sixteen years of age.

The person making the report shall verify it and accompany it with an affidavit that he used all reasonable diligence in its preparation and that he believes it to be accurate. He shall deliver the report to the secretary not later than the twentieth day of October. If he fails to do so or the report is not complete and accurate, the secretary shall deduct from his month's salary an amount sufficient to defray the expenses of a proper enumeration.

Sec. 12. When a proper report is not received on the date prescribed the secretary shall employ a competent person to make the proper report. The person making the enumeration and report shall receive reasonable compensation for the time actually necessary to prepare the report. Payment shall be made from the teachers' fund by an order of the board drawn on the sheriff.

Sec. 40. The board of any district may approve the attendance of its teachers at educational conventions, teachers' round tables, or teachers' meetings on school days when in the judgment of the superintendent it is necessary or desirable.
5 Attendance at such meetings may be substituted for an equal amount of teaching.

ARTICLE IX.

Section 2-(a). The board, as provided by section nine, article eighty of chapter eleven, shall impose a levy for the maintenance and operation of all schools in the county. This levy shall be uniform throughout the county and the funds shall be distributed and expended without regard to the locality from which collected: Provided, however, That if a majority of the voters of any political subdivision of the county shall file with the board of education of the county of which such political subdivision is a part, at their meeting on the first Tuesday in August, a petition praying for increased salaries, funds for the support and maintenance of libraries, medical and dental clinics, supervision, and/or an extension of the school term therein for a given number of months, the board shall extend the term of school for the number of months requested in such petition and shall lay levies sufficiently high on each one hundred dollars' valuation of taxable property within such political subdivision according to the last assessment thereof for such purpose as specified in the petition, which levies
19 shall be separated and designated as a special maintenance fund
20 levy and a special teachers' fund levy of the political unit for
21 which such levies are laid.
22 All additional levies so authorized shall be made as pro-
23 vided by law and shall in no case exceed the statutory limita-
24 tion or maximum for the various classes of property of the po-
25 litical subdivision authorizing the same.
26 Upon a petition of one hundred taxpayers of any political
27 subdivision of a county to the board of education of the county
28 of which such political subdivision is a part, the board of edu-
29 cation shall call an election within said political subdivision for
30 the purpose of authorizing the county board of education to
31 lay special increased rates of levy on the property of said po-
32 litical subdivision, as provided by law, for educational purposes
33 as may be set forth in the petition and in the call for the elec-
34 tion.
35 The bonded indebtedness incurred by former magisterial
36 school district boards and independent district boards shall re-
37 main the debt of the property originally pledged as security for
38 the payment of the obligation.
39 The county board shall impose separate levies in the manner
provided by sections nine and thirteen, article eight, chapter
eleven, upon the property in former magisterial districts and
independent districts for the payment of current requirements
of principal and interest of bonded indebtedness incurred prior
to the creation of the county school districts.

Sec. 3. The sheriff shall receive, collect and disburse all
levies and other school money for the district. He shall keep
accounts of the money belonging to the several funds and shall
credit and charge every amount to the fund to which it belongs.
The sheriff shall pay money only upon the order of the board.
The order shall specify the amount to be paid, the purpose for
which it is paid, and the fund to which it shall be charged. The
order shall be signed by the president and shall be counter-
signed by the secretary.

Any high school which has been established and maintained
for teacher training and other educational purposes by any
board or boards of education, in connection with state insti-
tutions of higher learning, shall be continued and maintained
in the manner provided by the act authorizing such school;
except, that the advisory authority formerly vested in the dis-
trict board or boards of education is hereby transferred to the
county board of education; and that the levy for the support
of such school, formerly laid by the district board or boards of
education, shall be laid on all the assessed property of the
county, by the county board of education. All expenditures
from such fund shall be paid on requisition issued by the county
board.

If a part of this act is for any reason declared unconstitu-
tional the decision of the court shall not affect the validity of
any remaining portion.

All existing provisions of law inconsistent with this act are
hereby repealed.
B. M. Sherer
Speaker of the House of Delegates

Geo. S. Hall
Clerk of the House of Delegates.

H. E. Manlove
President of the Senate.

H. A. Adams
Clerk of the Senate.

The within is approved

this 26th day of May, 1933.

Filed in the office of the Secretary of State of West Virginia.
MAY 27, 1933
Wm. S. O'Brien,
Secretary of State

H. E. Kemper
Governor.