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May 23-

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# ENROLLED BILL

(EXTRAORDINARY SESSION, 1933)

Senate Bill No. 3

(By Mr. Mathews, Mr. President)

Passed May 22, 1933

In Effect from Passage

Originating in the Senate Takes effect from Passage.  
Spencer Clerk of the House of Delegates.

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James H. Smith  
Chairman House Committee.

Quaid  
Chairman Senate Committee.

ENROLLED BILL

(S. B. No. 3)

[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

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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That sections one and three, article one, are amended and re-enacted; section four, article one, is repealed; sections one to eleven, inclusive, article four, are amended and reenacted; sections one, two, three, four, five, six, seven, eight, nine, ten, eleven,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and thirty-three, article five, are amended and re-enacted; sections twenty-six to thirty, inclusive, article five, are repealed; sections one, two, six, seven and eight, article six, are amended and reenacted; sections five, ten, eleven, twelve and forty, article seven, are amended and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 re-enacted, 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 2 any proceedings pursuant thereto shall, unless the context

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3 clearly indicate a different meaning, be construed as follows:

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

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

9 (c) "Teacher" shall mean teacher, supervisor, principal,  
10 superintendent, public school librarian or any other person regu-  
11 larly employed for instructional purposes in a public school in  
12 this state;

13 (d) "State board" shall mean the state board of educa-  
14 tion;

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

16 (f) "State superintendent" shall mean the state superin-  
17 tendent of free schools;

18 (g) "Superintendent" shall mean the county superin-  
19 tendent of schools.

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

Sec. 4. This section is repealed.

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Chairman House Committee.

**ARTICLE IV.**

Section 1. The county superintendent shall be elected by  
2 the county board of education. The president of the board, im-  
3 mediately upon the election of the superintendent, shall certify  
4 the election to the state superintendent. The superintendent  
5 in office at the time of the passage of this act shall continue in  
6 office until the expiration of his present term: *Provided, how-*  
7 *ever,* That the county superintendent in office at the time of the  
8 passage of this act shall exercise only such of the duties of the  
9 county superintendent designated in this article as the board  
10 may prescribe. The board may designate a teacher or teachers  
11 to perform the remaining duties, if any, required of the superin-  
12 tendent by this article: *Provided further,* That the foregoing  
13 provision shall apply only during the present term of the super-  
14 intendent in office at the time of the passage of this act, or that  
15 part of the term as such superintendent may serve, and not  
16 thereafter.

Sec. 2. The superintendent, at the time of his election, shall  
2 have a bachelor's degree, including at least eight hours' credit in  
3 school administration from a college or university for the train-  
4 ing of teachers; and at least two years' of experience in public

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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

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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 jani-  
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;

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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:



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2 (1) Visit the schools as often as practical; observe and make  
3 suggestions concerning the instruction and class room 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

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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

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23 their successors shall be elected and qualified, as hereinbefore  
24 provided in this section. Such interim board shall take office  
25 on July first, nineteen hundred thirty-three.

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

7 If a member of the board moves out of the district or accepts  
8 a position as teacher in any district, he shall immediately vacate  
9 his office.

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

Sec. 4. The board shall meet on the first Monday of July and  
2 on the first and third Tuesdays in August and at such other  
3 times as the board may fix upon its records. The board shall  
4 meet at the court house of the county on the first Monday in  
5 May in each year and shall appoint the teachers for their dis-

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6 trict. 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-

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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

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6 held and used for school purposes, as provided by section eight  
7 of this article.

Sec. 7. The board shall ascertain at the beginning of each  
2 school year the buildings to be retained for school purposes, and  
3 the buildings which because of their condition or location should  
4 be sold. The board may sell the undesirable buildings and the  
5 land on which they are located, at public auction, after proper  
6 notice, and on such terms as it orders, to the highest responsible  
7 bidder. But in rural communities the grantor of the lands, his  
8 heirs or assigns, shall have the right to purchase at the sale, the  
9 land, exclusive of the buildings thereon, and the mineral rights,  
10 at the same price for which it was originally sold. The board  
11 by the same method prescribed for the sale of school buildings  
12 and lands, may also lease for oil or gas or other minerals any  
13 lands or school sites owned in fee by it. The proceeds of such  
14 sales and rentals shall be placed to the credit of such fund or  
15 funds of the district as the board may direct.

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

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4 may make necessary expenditures for the improvement of the  
5 land.

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

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

Sec. 9. The board shall provide:

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

5 (2) The necessary furniture, fixtures, apparatus, fuel and  
6 all necessary supplies for the schools;

7 (3) For the health and cleanliness of the pupils;

8 (4) For the repair and good order of the school grounds,  
9 buildings and equipment.

10 The board may also provide for medical and dental clinics.

Sec. 10. The state board may require all plans and specifi-  
2 cations for the erection of school buildings to comply with the

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3 requirements of law. They may require all county boards to  
4 submit all plans and specifications for their approval.

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

7 The boards of the several districts shall determine the site of  
8 the proposed school and the amount to be expended for its  
9 establishment and equipment. The cost shall be apportioned  
10 upon the basis of the respective valuations of the taxable prop-  
11 erty in each district.

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

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

Sec. 12. Boards shall require all persons contracting for the  
2 building or repairing of school property, where the contract



3 exceeds one hundred dollars, to execute a bond, with approved  
4 security, in double the amount of the contract price.

Sec. 13. The board, subject to the provisions of this chapter  
2 and the rules and regulations of the state board, shall have  
3 authority to:

4 (1) Control and manage all of the schools and school in-  
5 terests of the county;

6 (2) To establish needed high schools;

7 (3) To close any school which is unnecessary and to assign  
8 the pupils thereof to other schools;

9 (4) To consolidate schools;

10 (5) To close any elementary school whose average daily at-  
11 tendance falls below twenty pupils for two months in succession,  
12 and send the pupils to other schools in the district or to schools  
13 in adjoining districts. The compensation of teachers in schools  
14 so closed, shall cease;

15 To provide at public expense adequate means of transporta-  
16 tion for all children of school age who live more than two miles  
17 distant from school by the nearest available road or path. The  
18 board of any district may expend under such regulations as it  
19 establishes, for each child an amount not to exceed the proportion

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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.

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14 Whenever, in any district, the benefit of a free school educa-  
15 tion is not secured to the colored children of school age residing  
16 therein in the manner mentioned in this section, the funds appli-  
17 cable to the support of the free schools in the district shall be  
18 divided by the board in the proportion which the number of  
19 colored children bears to the number of white children therein,  
20 according to the last enumeration made for school purposes, and  
21 the share of the former shall be set apart for the education of  
22 colored children of school age in the district, and applied for the  
23 purpose from time to time in such manner as the board may  
24 deem best.

Sec. 15. The board shall provide a term for its schools.

2 The term shall be computed as follows:

3 (1) As many months as the revenues supplied by the state  
4 will provide;

5 (2) And, in addition, as many months as the regular levies  
6 authorized by law will support;

7 (3) The minimum term for both elementary and high  
8 schools shall be nine months or such part thereof as the maxi-  
9 mum levy as provided by law and the equalization fund of the  
10 state will permit.

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11 If the state revenues and regular levies authorized above are  
12 insufficient to enable the board of education to provide the  
13 minimum term, the board may at any general or special  
14 election, if petitioned by at least five percent of the qualified  
15 voters in the district, submit the question of additional levies to  
16 the voters.

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

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

Sec. 16. The board may divide its territory into such sub-  
2 districts as are necessary to determine the schools the pupils of  
3 its district shall attend. But upon the written request of any  
4 parent or guardian, or person legally responsible for any pupil,



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5 or for reasons affecting the best interests of the schools, the  
6 superintendent may transfer pupils from one school to another  
7 within the district. Any aggrieved person may appeal the de-  
8 cision of the superintendent to the board, and the decision of  
9 the board shall be final.

10 Transfers of pupils from one county to another may be made  
11 by the board of the county in which the pupil desiring to be  
12 transferred resides; but the transfer shall be subject to the  
13 approval of the board of the county to which the pupil wishes  
14 to be transferred, except such approval shall not be a condition  
15 precedent to the transfer of a pupil resident in a municipality  
16 comprised of parts of two or more counties in this state, or  
17 resident in an independent school district as the same existed  
18 prior to the time this became effective, made up of parts of two  
19 or more counties and whether or not within its limits now de-  
20 fined is located a municipality or part thereof, but such pupil  
21 shall be considered and treated as transferred, as the case or  
22 the situation may be, with the right unimpaired to attend the  
23 school or schools now established and maintained (if not dis-  
24 continued) in such municipality and/or independent school  
25 district. In all cases of transfer by the act of the board or by

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26 operation of law, either to elementary schools or to high schools,  
27 the board making the transfer shall pay to the board to which  
28 such transfer is made, reasonable tuition fees, which for  
29 elementary schools shall not exceed two and one-half dollars  
30 a month, and for junior and senior high schools shall not ex-  
31 ceed ten dollars a month. The fee, to be paid out of the  
32 teachers' fund, shall not exceed the actual cost of the instruc-  
33 tion. No parent, guardian or person acting as parent or  
34 guardian shall be required to pay for the transfer or for the  
35 tuition of the pupil after the transfer. The board of the dis-  
36 trict to which the pupil has been transferred shall promptly,  
37 at the first of each month, certify to the board of the district  
38 from which the pupil was transferred the correct amount of  
39 all tuition fees due and payable for the next preceding month.  
40 All tuition fees shall be paid within thirty days of certification,  
41 to the district maintaining the school by the district to which  
42 the fees are certified. All tuition fees shall be paid out of the  
43 teachers' fund of the one district to the teachers' fund of the  
44 other.

45 Transfer of pupils from this state to another shall be upon  
46 such terms as shall be mutually agreed upon by the board of

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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

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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 ;



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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.

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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  
2 employees as may be necessary. The board shall fix their  
3 duties and compensation. Their wages shall be paid from the  
4 building fund.

5 The board may also appoint a custodian for each school build-  
6 ing. The custodian shall report the condition of the building  
7 and grounds to the board whenever he thinks it necessary. The  
8 custodian shall serve without pay.

9 The board shall have no authority to appoint district  
10 trustees.

Sec. 32. The board, upon the recommendation of the super-  
2 intendent, may employ assistant superintendents for a term of  
3 one year. The salary of the assistant superintendent shall be  
4 paid from the teachers' fund in monthly installments, and in  
5 addition thereto the assistant shall be reimbursed for his neces-  
6 sary traveling expenses when a sworn, itemized monthly state-  
7 ment is presented. An assistant shall not receive more than

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8 three hundred dollars in any year for traveling expenses.

9 The board shall not employ more than one assistant for each  
10 two hundred teachers: *Provided, however,* That in such dis-  
11 tricts in which assistants are employed and fifty or more negro  
12 teachers are employed therein, the board may employ one negro  
13 assistant superintendent.

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

16 The assistant superintendent, at the time of his appointment,  
17 shall hold a bachelor's degree from an accredited college or  
18 normal school and must have had at least two years' experience  
19 as a public school teacher. In no case shall the board of educa-  
20 tion have authority to employ a supervisor, whether by that  
21 name or any other name, any provision of law to the contrary  
22 notwithstanding.

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

Sec. 33. The board may fix special salary schedules for the  
2 superintendent, assistant superintendents, teachers and other

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3 employees so long as the salary schedule does not conflict with  
4 the general provisions of this chapter.

#### ARTICLE VI.

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

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

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

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

11 All records and agreements concerning the establishment and

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12 maintenance of such schools shall be reduced to writing and  
13 entered on the minute books of the respective boards.

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

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

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

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

14 The tuition or fee for transferring shall not be charged to the

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15 parent, guardian, or person legally responsible for the pupil  
16 transferred.

Sec. 7. Any board of education desiring to establish and  
2 conduct a self supporting dormitory for the accommodation of  
3 the pupils attending a high school under its supervision, and  
4 of persons employed to teach therein, shall have authority,  
5 subject to the approval of the state superintendent of free  
6 schools, to do so.

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

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

# ARTICLE VII.

Section 5. All teachers and employees whose salaries are

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Chairman House Committee.

2 payable out of the teachers' fund shall be paid for their serv-  
3 ices monthly by orders drawn on the sheriff or treasurer and  
4 duly signed by the president and secretary of the board.

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

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

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

3 (1) All youths who on the first day of July following,  
4 will be not less than six nor more than twenty years of age;

5 (2) All youths who on the above date will be not less than  
6 six nor more than sixteen years of age;

7 (3) All youths who on the above date will be not less than  
8 seven nor more than sixteen years of age;

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9 (4) All youths who on the above date will be over fourteen  
10 and under sixteen years of age.

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

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

Sec. 40. The board of any district may approve the at-  
2 tendance of its teachers at educational conventions, teachers'  
3 round tables, or teachers' meetings on school days when in the  
4 judgment of the superintendent it is necessary or desirable.



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5 Attendance at such meetings may be substituted for an equal  
6 amount of teaching.

**ARTICLE IX.**

Section 2-(a). The board, as provided by section nine, article  
2 eight of chapter eleven, shall impose a levy for the maintenance  
3 and operation of all schools in the county. This levy shall be  
4 uniform throughout the county and the funds shall be dis-  
5 tributed and expended without regard to the locality from  
6 which collected: *Provided, however,* That if a majority of the  
7 voters of any political subdivision of the county shall file with  
8 the board of education of the county of which such political  
9 subdivision is a part, at their meeting on the first Tuesday in  
10 August, a petition praying for increased salaries, funds for the  
11 support and maintenance of libraries, medical and dental clin-  
12 ics, supervision, and/or an extension of the school term therein  
13 for a given number of months, the board shall extend the term  
14 of school for the number of months requested in such petition  
15 and shall lay levies sufficiently high on each one hundred dol-  
16 lars' valuation of taxable property within such political sub-  
17 division according to the last assessment thereof for such pur-  
18 pose of/or purposes as specified in the petition, which levies

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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

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40 provided by sections nine and thirteen, article eight, chapter  
41 eleven, upon the property in former magisterial districts and  
42 independent districts for the payment of current requirements  
43 of principal and interest of bonded indebtedness incurred prior  
44 to the creation of the county school districts.

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

10 Any high school which has been established and maintained  
11 for teacher training and other educational purposes by any  
12 board or boards of education, in connection with state insti-  
13 tutions of higher learning, shall be continued and maintained  
14 in the manner provided by the act authorizing such school;  
15 except, that the advisory authority formerly vested in the dis-  
16 trict board or boards of education is hereby transferred to the

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17 county board of education; and that the levy for the support  
18 of such school, formerly laid by the district board or boards of  
19 education, shall be laid on all the assessed property of the  
20 county, by the county board of education. All expenditures  
21 from such fund shall be paid on requisition issued by the county  
22 board.

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

26 All existing provisions of law inconsistent with this act are  
27 hereby repealed.

*James A. Smith*  
Chairman Senate Committee.

*B. M. Hiner*  
Speaker of the House of Delegates

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

*J. B. M. Mainwaring*  
President of the Senate.

*Franklin*  
Clerk of the Senate.

The within is *approved*

this *26<sup>th</sup>* day of *May*, 1933.

CORRECTLY ENROLLED

*James A. Smith*  
Chairman House Committee.

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

*H. S. Kump*  
Governor.