

Rec., Feb. 22, 1934

278

ENROLLED BILL
(SECOND EXTRAORDINARY SESSION, 1933)

House Bill No. 278

(By Mr. Pelter)

Passed February 21, 1934

In Effect from Passage

Originated in the House of Delegates Takes effect Passage
Geo. A. Hall Clerk of House of Delegates

CORRECTLY ENROLLED

James L. Smith Chairman House Committee
A. B. Abbot acting Chairman Senate Committee

ENROLLED BILL

(H. B. No. 278)

[Passed February 21, 1934; in effect from passage.]

AN ACT to amend and reenact section six, article nine, chapter nine, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, to provide for the distribution of general school funds, authorizing the state to pay for basic salaries for eight months, and changing teacher-load in densely populated territories from thirty-eight to thirty-five.

Be it enacted by the Legislature of West Virginia:

That section six, article nine, chapter nine, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

ARTICLE IX.

Section 6. A separate school fund, to be called the "general

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Chairman House Committee.

James A. Hays

Chairman Senate Committee.

2 school fund'', shall be set apart for the support of the free
3 schools of the state, and the revenue from the following
4 sources 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
8 accrued to the state during the previous year, except fines re-
9 ferred to in section six, article eight of this chapter;

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

14 (5) All interest on public moneys received from state de-
15 positories;

16 (6) State license tax on marriages;

17 (7) State tax on forfeitures;

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

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Chairman Senate Committee.

Chairman House Committee.

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

24 This fund shall be used for the following purposes according
25 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
28 hundred dollars per year, and the contingent and other ex-
29 penses 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 sup-
33 plied by the state for the salary of any county superintendent
34 shall 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 eight months, the following
38-40 amounts:

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

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

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James L. Smith
Anna A. Hays

Chairman House Committee.

Chairman Senate Committee.

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

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

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

51 The total number of needed teachers in any district shall
52 be determined by dividing the number of pupils in average
53 daily attendance during the preceding year by eighteen, in
54 districts with an average daily attendance of one to five per
55 square mile; by twenty-two, in districts having an average
56 daily attendance of six to nine per square mile; by twenty-
57 five, in districts having an average attendance of ten to nine-
58 teen per square mile; by thirty, in districts having an average
59 daily attendance of twenty to thirty-nine per square mile;
60 and by thirty-five, 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 eight months the
65 following amounts:

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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
72 month.

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

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

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

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

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

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

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

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

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

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

104 The auditor, on or before the twentieth day of July in each
105 year, after first deducting the aggregate salary of the state
106 superintendent, his necessary traveling expenses not to exceed
107 five hundred dollars, the contingent and other expenses of his

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D. Boyer

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108 office, and the salaries of the county superintendents, shall
109 ascertain the amount of the general school fund available
110 for distribution and shall certify the same to the state super-
111 intendent.

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

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

B. M. Stiner

 Speaker of the House of Delegates.

H. B. Abbot

 Chairman Senate Committee.

W. H. Hall

 Clerk of the House of Delegates.

A. B. Mainwaring

 President of the Senate.

Samuel M. Smith

 Clerk of the Senate.

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James L. Smith

 Chairman House Committee.

The within is.....

this.....day of....., 1934.

.....
 Governor.

Filed in the office of the Secretary of State
 of West Virginia. MAR 1 1934

Wm. S. O'BRIEN,
 Secretary of State