

Rec., Mar. 11, 1933

564

ENROLLED BILL
(REGULAR SESSION, 1933)

House Bill No. 564

(By Mr. Craig)

Passed March 11, 1933

In Effect from Passage

passage

Takes effect.

Originated in the

Clerk of the House of Delegates.

Clerk.

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Chairman House Committee.

ENROLLED BILL

(H. B. No. 564)

[Passed March 11, 1933; in effect from passage.]

AN ACT to create the independent school district of Cross Creek,
in the county of Brooke.

Be it enacted by the Legislature of West Virginia:

Section 1. The magisterial district of Cross Creek, in the
2 county of Brooke, as now bounded and designated in the rec-
3 ords in the office of the clerk of the county court of said county,
4 shall be and is hereby created an independent school district,
5 to be known as the "Cross Creek independent school district."

Sec. 2. There shall be a board of education for said district
2 composed of a president and two commissioners who shall con-
3 stitute a board of education for said district and shall be desig-
4 nated as the "board of education of Cross Creek independent
5 school district." Each member of said board shall be a quali-
6 fied voter and a bona fide resident of said district and shall

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7 have been such for at least two years prior to his election, and
8 shall be the owner of real estate which shall have been charged
9 with taxes in his name on the tax records of Brooke county for
10 at least two years prior to his election.

Sec. 3. The now president and commissioners of the Cross
2 Creek district board of education shall be known and continued
3 as the Cross Creek district board of education up to and in-
4 cluding the day fixed by the board of education as hereinafter
5 provided for the submission to the voters of Cross Creek dis-
6 trict, as to whether or not the herein act shall be adopted.
7 Immediately next succeeding the date last aforesaid, the said
8 president and commissioners of the aforesaid Cross Creek dis-
9 trict board of education, shall serve to the end of the term to
10 which each of them have been respectively elected as president
11 and commissioners of the "board of education of the Cross
12 Creek independent school district," herein created.

Sec. 4. There shall be elected by the voters of said district
2 at the general election to be held in the year one thousand nine
3 hundred thirty-four, and every six years thereafter, a presi-
4 dent of the aforesaid board of education of Cross Creek in-

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5 dependent school district, whose term of office shall be for a
6 period of six years; there shall also be elected at the general
7 election to be held in the year one thousand nine hundred
8 thirty-four, a commissioner of the aforesaid board of education
9 of Cross Creek independent school district, whose term of office
10 shall be for a period of four years; there shall be elected at the
11 general election to be held in the year one thousand nine hun-
12 dred thirty-six, a commissioner of the aforesaid board of edu-
13 cation of Cross Creek independent school district, whose term
14 of office shall be for a period of six years; and every general
15 election thereafter with the exception of the time aforesaid
16 when the president is to be elected a school commissioner shall
17 be elected for a full term of six years. The terms of office of
18 the said president and commissioners shall commence on the
19 first day of July next after their election, and they shall hold
20 their said office for the terms hereinbefore specified and until
21 their successors have been elected and qualified.

Sec. 5. Candidates to be voted for at any election for mem-
2 bers of said board of education may be nominated by conven-
3 tion, primary or petition in the manner and under the provisions
4 now or hereafter prescribed by the state laws relating thereto.

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Sec. 6. Every person so nominated for the office of school
2 commissioner or president, shall, within five days after his
3 nomination has been certified by his political party making the
4 nomination or a petition thereof shall have been filed with the
5 board of education, make under oath, and file with the secretary
6 of said board of education, a statement of the political party to
7 which he claims allegiance, and if nominated by more than one
8 political party he shall state to which of them he belongs. If
9 such person fails to make such oath, and fails to file the same,
10 as herein provided, the board of education shall not place his
11 name on the ballot to be voted at the approaching election.
12 The aforesaid certificate of nomination or petition for same
13 shall be filed with the secretary of said board of education at
14 least fifteen days before the said election.

Sec. 7. All elections of whatsoever kind held under this act
2 shall be conducted, returned and the results thereof ascertained,
3 and declared under the authority of the board of education in
4 a manner prescribed by the laws of the state relating to elec-
5 tions insofar as they are not in conflict or inconsistent with the
6 provisions of this act.

Sec. 8. The salaries of the members of the board shall be

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2 as follows:

3 The president of the board shall receive the sum of forty-five
4 dollars per annum, and the salaries of the commissioners shall
5 be thirty-six dollars per annum: *Provided*, That each member
6 of said board of education shall have deducted from his salary
7 as herein provided the sum of two dollars for each regular
8 meeting of said board that he fails to attend. Said salaries
9 shall be payable out of the building fund of said district.

Sec. 9. Before entering upon their duties as officers, the
2 said president and each of said commissioners shall be required
3 to qualify by taking and subscribing the following oath of
4 office:

5 "I,, do solemnly swear (or affirm)
6 that I will faithfully perform the duties of president of the
7 board of education (or school commissioner) of Cross Creek
8 independent school district during the term for which I was
9 elected, to the best of my ability; so help me God."

10 The secretary of the board of education is authorized to ad-
11 minister said oath, a copy of which shall be kept and preserved
12 by him in the files of his office.

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Sec. 10. If a vacancy occurs on the board of education it shall be filled by the said board by an appointment thereto of some person, whose eligibility shall be adjudged by the provisions of this act, and the person so appointed shall be from the same political party as the member whose vacancy is being filled, and shall hold the said office until the next election, whereupon there shall be elected a commissioner to fill the unexpired term caused by said vacancy.

Sec. 11. The board of education of Cross Creek independent school district shall be a body corporate in law by the name of "board of education of Cross Creek independent school district," and as such, may sue and be sued, plead and be impleaded, contract and be contracted with, purchase, hold, sell and convey real and personal property as may be necessary for the benefit of education in said district; may receive any gift, grant, donation and devise for the benefit of education; employ attorneys, become parties to suits and contracts, and do and perform any and all other corporate acts necessary and proper to the advancement of free school education in said district. The said board of education of Cross Creek independent school

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Sec. 12. At the first meeting of the board of education of said independent district, or as soon thereafter as practicable, the said board of education shall elect a secretary, whose term of office shall begin at the time of his election and shall continue not to exceed a period of four years, as determined by the said board, with a salary not to exceed three hundred dollars per

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7 annum, and said board shall elect a new secretary upon the ex-
8 piration of his term. The secretary shall serve during the
9 term for which he is elected and shall perform such duties of
10 said board as are required by them until his successor is elected
11 and qualified, but he may be removed by the said board of
12 education of Cross Creek independent school district at any
13 regular meeting or special meeting called for such purpose, for
14 immorality, misconduct, neglect of duty, or lack of proficiency.
15 Any vacancy in the office shall be filled for the unexpired term
16 by the said board.

Sec. 13. The said board of education of Cross Creek inde-
2 pendent school district shall hold regular meetings at the time
3 and place prescribed by said board and the general laws of the
4 state. A special meeting may be called at any time by the
5 president or by both commissioners, the commissioners having
6 given written notices of the time, place and purport of the
7 said meeting to the secretary. No business may be transacted
8 at a special meeting, except that mentioned in the call for such
9 special meeting, which call shall be in writing, and shall be re-
10 corded by the secretary in the proceedings of said meeting.

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11 Two members of said board shall constitute a quorum for the
12 transaction of business at any meeting of said board: *Provided,*
13 That all the members shall have had notice of the time, place
14 and purport of any special meeting called by the president or
15 secretary as herein provided.

16 No contract shall be made by the board in special meeting
17 involving the expenditure of more than one hundred dollars,
18 unless all members of the said board shall have had at least
19 twelve hours' notice of said meeting by personal service of the
20 call thereof.

Sec. 14. The president shall perform such duties as ordi-
2 narily devolve upon the presiding officer of a deliberative body;
3 by virtue of his election he shall be a member of the board and
4 entitled to vote on all questions submitted. In his absence the
5 said board may choose a president pro tempore.

Sec. 15. The secretary shall record in a well-bound book,
2 to be provided for that purpose, all official acts and proceedings
3 of the said board, which shall be a public record open to the
4 inspection of all persons interested therein; he shall also keep
5 and preserve in his office all papers containing evidence of title,
6 contracts, obligations and books of account which shall show

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7 the resources of the said board for each current year and the
8 funds from which the same is derived; and shall also keep and
9 preserve all credits to be charged against said resources by way
10 of delinquents, commissions and otherwise; all disbursements
11 made by said board and on account of what fund, and the bal-
12 ance to the credit of each fund, together with a descriptive entry
13 thereto; for what purpose each item of disbursement is made,
14 which books of account shall always be open to the inspection
15 of any taxpayer of the said district; he shall also preserve in
16 his office all records, papers and documents as shall be required
17 by this act and/or by any rules of the said board of education;
18 and he shall make such reports at intervals required by the gen-
19 eral laws of the state. In his absence the said board may ap-
20 point a secretary pro tempore.

Sec. 16. The said board of education shall provide by con-
2 demnation, purchase, lease, construction or otherwise, such
3 school houses and grounds, furniture, fixtures and appliances,
4 as may be necessary for school purposes, and keep and maintain
5 the same in good order and repair; shall supply said school
6 buildings with fuel and other things necessary for comfort and
7 convenience; and shall pay all charges incurred by virtue of

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8 any of the provisions of this act out of the proper fund set
9 aside for that purpose.

10 All contracts made by the said board, to the extent that they
11 shall involve the levy of any future year, shall be void, and no
12 debts shall be contracted or incurred by the said board in any
13 one year which shall exceed the funds available for that pur-
14 pose, unless the object, nature and extent thereof shall have
15 been submitted to the voters of the said district, at a special
16 election to be called by the said board for that purpose, and
17 shall have received a majority of all the votes cast for and
18 against the same; provided, that in case a bond issue is voted
19 upon a three-fifths vote of all votes cast shall be necessary for
20 such bond issue; the president of said board shall issue a pro-
21 clamation of said special election, in which he shall recite the
22 object, nature and the extent of the indebtedness proposed to be
23 incurred, and for what purpose; which proclamation shall be
24 published once in each week for four weeks, previous to the
25 day of election in at least two newspapers published in said
26 county of Brooke. Every special election held pursuant to the
27 provisions of this section, except as herein specially provided
28 otherwise, shall be held and conducted and the results certified

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29 in the manner prescribed by law as to general elections.

Sec. 17. It shall be the duty of the said board of education
2 of Cross Creek independent school district annually, at the same
3 time and in the same manuer as is now, or that may hereafter
4 be provided by the general school law of this state for the ascer-
5 taining and making of estimates and the fixing and laying of
6 school levies by the boards of education of the various school
7 districts within the state for the support of the free schools
8 therein, to ascertain and to make such estimates of the amounts
9 necessary for the support of the schools within the said inde-
10 dependent district; to determine, fix and lay such levies on the
11 property located within said independent district, for the sup-
12 port of the schools therein. It shall be the duty of the said
13 board of education of the said independent district annually,
14 at such meeting to levy as many cents on each one hundred
15 dollars of valuation of the taxable property of the said district,
16 according to the last assessment thereof, as will produce the
17 amount shown by the estimate of said board to be necessary to
18 be levied for the building fund purposes, and levy in like man-
19 ner the amount necessary, after deducting the sum receivable

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20 from the general school fund of the state, for teachers' pur-
21 poses, to continue the schools in session in said independent
22 district for a minimum of nine months in the graded or ele-
23 mentary schools and for a minimum term of nine months in the
24 junior and senior high schools; and to levy and provide suffi-
25 cient funds for all purposes to keep said schools in session for
26 the full minimum term as herein provided.

Sec. 18. The sheriff of the county of Brooke, State of West
2 Virginia, shall receive, collect and disburse all school money
3 for the said independent school district; he shall keep accounts
4 with the said board of education of the money belonging to the
5 several funds, as provided by law, and shall credit every receipt
6 and charge every disbursement to the fund to which it belongs.
7 He shall pay out no money except upon an order of the said
8 board of education specifying the amount to be paid, the pur-
9 pose for which paid, and the fund to which it is to be charged,
10 signed by the president and secretary and countersigned by one
11 other member of the said board of education. The said sheriff
12 of Brooke county, shall report in writing to the said board of
13 education monthly, and as otherwise required by said board
14 as to the condition of the several funds.

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15 If, when an order of the aforesaid board of education is pre-
16 sented to the said sheriff, there are no funds to pay the same,
17 the person entitled to receive the sum of money specified in
18 such order may require the said sheriff to indorse thereon, or
19 write across the face thereof, the words "presented for pay-
20 ment," with the proper date, and sign the same; and the order
21 if it is due at the time of presentment, shall, in such case, be
22 payable with legal interest from such date. But if the said
23 sheriff, having funds to pay the same, fail to pay any proper
24 order of the said board of education, properly endorsed, when
25 presented to him during business hours by a person entitled to
26 receive the money therein specified, if the same be then due
27 and payable, he and his sureties, and the personal representa-
28 tives of such of them as are dead, shall be liable to the person
29 entitled to receive the money due on said order for the whole
30 amount due thereon at the time of such presentation, with legal
31 interest on such amount from that time until payment, and ten
32 per cent on the same amount as damages.

Sec. 19. The said board of education shall prescribe all
2 necessary rules and regulations for the government of the
3 schools in said district; for the admission of pupils therein and

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4 for the exclusion of pupils dangerous to the health and/or detri-
5 mental to the morals and discipline of the said schools.

6 The said board of education shall establish and maintain such
7 high schools and evening schools as may be necessary and with
8 the approval of the superintendent of said district designate
9 such branches of learning as shall be taught therein; the said
10 board of education upon the recommendation of the said dis-
11 trict superintendent may adopt and prescribe uniform line of
12 textbooks to be used by the said schools in said district, and
13 may furnish such books and stationery and other supplies to
14 make the system efficient and pay the same out of the proper
15 fund. All such books furnished free shall be purchased by the
16 said board of education directly from the publisher contracted
17 with, as prescribed by law, and at the net wholesale price.

Sec. 20. White and colored pupils shall not be taught in the
2 same school or in the same building, but it shall be the duty of
3 the said board of education to establish one free school, or more
4 if necessary, in any subdistrict wherein there are ten or more
5 colored persons of school age, and, if practicable, in any district
6 wherein there are fewer than ten persons. For the purpose of

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7 carrying out this section the said board of education may estab-
8 lish schools composed of pupils from adjacent districts in the
9 manner provided by law.

10 Whenever, in any school district, the benefit of a free school
11 education is not secured to the colored children of school age
12 residing therein in the manner mentioned in this section, the
13 funds applicable to the support of the free schools in said dis-
14 trict, shall be divided by the said board of education in the
15 proportion which the number of colored children bears to the
16 number of white children therein, according to the last enum-
17 eration made for school purposes, and the share of the former
18 shall be set apart for the education of colored persons of school
19 age in said district, and applied for the purpose from time to
20 time in such way as the said board of education may deem best.
21 The said board of education failing to comply with this section
22 may be compelled to do so by mandamus.

Sec. 21. The said board of education shall have authority to
2 establish and maintain evening classes or night schools, con-
3 tinuation or parttime day schools, and vocational schools,
4 wherever practicable to do so, and shall admit thereto adult

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5 persons and all other persons, including persons of foreign
6 birth, but excepting children and youths who are required by
7 law to attend day school. The said board of education shall
8 have the authority to use school funds for the financial support
9 of such schools and to use the schoolhouses and their equipment
10 for such purposes. Any such classes of school shall be con-
11 ducted in accordance with the rules and regulations of the said
12 board of education.

13 The said board of education shall have authority also to pro-
14 vide for the free, comfortable and convenient use of any school
15 property; to promote and facilitate frequent meetings and as-
16 sociations of the people in said district for discussion, study,
17 recreation and other community activities; and may secure,
18 assemble and house material for use in the study of farm, home
19 and community problems, and may provide facilities for the
20 dissemination of information useful on the farm, in the home,
21 or in the community.

Sec. 22. The said board of education may provide proper
2 medical and dental inspection for all pupils attending the
3 schools of their said district.

4 The said board of education shall also have authority to em-

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5 ploy school nurses and take any other action necessary to pro-
6 tect the pupils from infectious diseases, including the authority
7 to require from all teachers, superintendents, principals, jan-
8 tors and employees employed in their said district, certificates
9 of good health and of physical fitness for the work of instruc-
10 tion in the said schools.

Sec. 23. The board of education aforesaid, may in its dis-
2 cretion establish and maintain dental clinics or courses for
3 teaching mouth hygiene; and may provide for and furnish
4 treatment, if requested by the parent or guardian or deemed
5 necessary by the said board of education, of children who have
6 defective teeth or mouth conditions, and who shall be found
7 by said board of education, or persons deputized for that pur-
8 pose, to be unable otherwise to procure such treatment. Any
9 expense incurred in connection therewith shall be paid out of
10 the maintenance building fund of the said district.

Sec. 24. The said board of education, shall, out of the build-
2 ing fund, purchase United States flags, four by six feet, of
3 regulation bunting, for schoolhouses in said district, and require
4 the same to be displayed from the schoolhouses during the time

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5 the schools are in session, except in inclement weather. And
6 it shall be the duty of the teacher, custodian or other person in
7 charge of such building during the session to see that this flag
8 is displayed on the schoolhouse as herein provided, and for
9 failure to comply with this duty such person in charge shall
10 forfeit the sum of fifty cents per day for each day such failure
11 shall continue, payable from the salary of such person to the
12 building fund.

Sec. 25. The said board of education shall appoint as here-
2 inafter provided, all teachers and principals, and provide for
3 substitute teachers when necessary for all the public schools
4 within the said district and fix their compensation. The said
5 teachers and principals shall be subject in all respects to the
6 rules and regulations adopted by the said board of education
7 and the superintendent of schools of the said independent dis-
8 trict, and they may be removed by the said board of education
9 for incompetency, neglect of duty, gross immorality, or whenever
10 from any cause it shall appear to said board that their removal
11 is for the best interest of the schools of the said district. The
12 said board shall also employ janitors and custodians for their
13 school buildings and fix their compensation, and shall remove

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14 said janitors and custodians whenever it appears to the said
15 board of education that their removal is for the best interest
16 of the schools of the said district.

Sec. 26. Annually, on or before the first day of July, or
2 as soon thereafter as circumstances will allow, the said board
3 shall elect a superintendent of schools for the independent dis-
4 trict and fix his salary. Such superintendent shall be known
5 as "the superintendent of schools of Cross Creek independent
6 district," and in addition to the duties prescribed by this act
7 shall have such powers and perform such duties as the said
8 board of education shall direct. And the said board of educa-
9 tion shall direct that the said superintendent shall not receive,
10 directly or indirectly, any gift, emolument or reward for his
11 influence or services in securing any contract, supplies or ap-
12 paratus, or the adoption of any such book, supply or apparatus,
13 and in case he shall do so he shall be removed from office. But
14 he shall not be removed except by written charges preferred
15 by the school commissioner or school commissioners. A copy
16 of such charges and notice of the time and place set for hearing
17 shall be delivered to him at least ten days before the time set

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18 for hearing, and he shall be allowed to present any evidence
19 of his innocence that he may desire, and be heard in his own
20 defense. A vacancy in the office of superintendent of schools
21 in said district shall be filled by the said board of education by
22 appointment whenever such vacancy may occur.

23 It shall be the duty of the superintendent of schools in said
24 district annually, on or before the first meeting in July, or as
25 soon thereafter as circumstances will allow, to recommend to
26 the said board of education a sufficient number of teachers and
27 principals to fill the schools of the said independent district.

28 The said board of education may refuse to appoint any or all
29 of the persons so recommended and may require the said super-
30 intendent in said district, to recommend others, but no teacher
31 and/or principal shall be employed except on the recommenda-
32 tions of the superintendent of schools: *Provided*, That in the
33 event the superintendent of schools within a reasonable time
34 after being required to do so, shall fail or refuse to recommend
35 a sufficient number of persons under this section, to fill vacan-
36 cies, then the said board of education may proceed to fill such
37 vacancies without his recommendation.

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38 It shall be the duty of the superintendent of schools with the
39 approval of the said board of education, to prescribe the
40 branches to be taught in the high schools of the said district,
41 to carry out the provisions of the course of study prescribed
42 by the said board of education and to supplement the high
43 school course thus prescribed and to adapt it to the high schools
44 of the state; to prescribe the regulations for the examination
45 for graduation of pupils; to prescribe conditions for the ad-
46 mission of pupils to the high schools, and to have prepared
47 questions for the examination of such pupils; to issue certifi-
48 cates to such pupils as are deemed worthy to be admitted to
49 high schools; to keep a register of all certificates so issued; to
50 select courses of reading to be pursued by the teachers of the
51 said district; to select books for the school libraries; to acquaint
52 himself with all modern methods of public schools; and to this
53 end the said board of education may appropriate such sums of
54 money out of the building fund of the said district as may be
55 necessary to pay his traveling expenses; to prepare and have
56 printed all necessary forms to be used in the said district; to
57 make such annual report to the said board of education as it
58 shall require; to provide suitable certificates for the graduates

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59 of the elementary schools and grammar schools of the said
60 district and diplomas for the graduates of the high schools
61 and prescribe the manner and circumstances under which the
62 same may be conferred; and to arrange with other schools and
63 colleges for recognition for the work done in the said district.

Sec. 27. No pupil shall be entitled to enter high school, or
2 high schools of the said district, until the superintendent of
3 the said schools shall have satisfied himself that the said pupil
4 has made due proficiency in the grades of the grammar schools
5 of the said district. Pupils who are nonresidents of the said
6 independent district may be allowed to attend the schools of
7 the said independent district upon payment of such tuition as
8 is provided by the general school law of the state or as the said
9 board of education may prescribe, provided they meet the dis-
10 trict school requirements.

Sec. 28. Every person who has legal or actual charge of a
2 child or children not less than seven nor more than fourteen
3 years of age within said independent district shall cause such
4 child or children each year to attend a free day school of said
5 independent district for the full school term: *Provided, how-*
6 *ever,* That such person shall be exempt from the foregoing re-

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8 (a) Instruction for a time equal to that required by this
9 act in a private, parochial or other school approved by the board
10 of education of Cross Creek independent district. The princi-
11 pal or other person in control of such private, parochial or
12 other approved school shall upon the request of the said board
13 of education of said district, furnish to the said board of such
14 information as it may require with regard to the attendance
15 and instruction of pupils between the ages of seven and four-
16 teen years enrolled therein;

(b) Instruction for a time equal to that required by this act in the home of such child or children or elsewhere by a person or persons who are, in the judgment of the said board of education, qualified to give instruction in the subjects required to be taught in the free elementary schools of this state. The person or persons giving such instructions shall, upon the request of the said board of education, furnish to the said board such information as it may require with regard to the attendance and instruction of pupils between the ages of seven and fourteen years receiving such instructions;

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27 (c) Physical or mental incapacity for school attendance and
28 the performance of school work;

29 (d) Death or serious illness in the immediate family of the
30 pupil;

31 (e) Extreme destitution of parents or other person or per-
32 sons in legal or actual charge of a child or children. Exemp-
33 tion for this cause shall not be allowed when such destitution
34 is relieved through public or private means;

35 (f) Conditions rendering school attendance impossible or
36 rendering it hazardous to the pupil's life, health or safety;

37 (g) Residence of the pupil at a distance of more than two
38 miles from the nearest school by the shortest practicable road
39 or path, unless free transportation to and from school is pro-
40 vided for such pupil;

41 (h) Observance of regular church ordinances;

42 (i) Other causes that are accepted as valid by the superin-
43 tendent of the aforesaid independent school district.

44 Any person who, after due notice has been served upon him
45 as hereinafter provided, shall fail to cause a child or children
46 in his legal or actual charge to attend school as hereinbefore
47 provided shall be guilty of a misdemeanor, and shall, upon

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48 conviction thereof, be fined not less than three nor more than
49 twenty dollars, together with the costs of prosecution, or con-
50 fined in jail not less than five nor more than twenty days. Each
51 day a child is out of school contrary to the provisions of this
52 article shall constitute a separate offense. Justices of the peace
53 shall have jurisdiction of offenses under this section.

54 Whenever a person accused of violating any of the provisions
55 of this section has been tried and acquitted, the costs of prose-
56 cution shall be paid by the said board of education of Cross
57 Creek independent district, out of the building fund: *Provided,*
58 *however,* That if any person against whom such proceedings
59 shall be instituted shall satisfactorily prove in the course of
60 such proceedings that he has made all proper efforts to compel
61 such child or children to attend a school as hereinbefore pro-
62 vided, and that because of the disobedience of such child he
63 has been unable to do so, such fact shall constitute a defense
64 to such proceedings. Thereupon the attendance officer shall
65 take such proper proceedings before the proper court to have
66 such child adjudged incorrigible and committed to the place
67 designated for incorrigible children.

Sec. 29. The said board of education shall, at its first meet-

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2 ing, or as soon thereafter as practicable, appoint one or more
3 attendance officers, who shall qualify as such and shall enforce
4 the provisions of section twenty-eight, in the aforesaid inde-
5 pendent school district. Each officer so appointed shall use due
6 diligence to ascertain any violations of this law in said section
7 twenty-eight, and when, from personal knowledge or by report
8 or complaint from any resident or teacher of the said district
9 under his supervision, he believes that any child subject to the
10 provisions hereof has been absent from school contrary to the
11 provisions of section twenty-eight, he shall immediately give
12 written notice to the parent, guardian or custodian of such
13 child that the attendance of said child at school is required, and
14 if the parent, guardian or custodian of such child does not
15 immediately comply with the provisions of section twenty-eight,
16 then such attendance officer shall make complaint against such
17 parent, guardian or custodian before a justice of the peace of
18 the county: *Provided*, That for subsequent offenses in any
19 school year no such notice shall be required. When any doubt
20 exists as to the age of a child absent from school, the attendance
21 officer shall have authority to require a properly attested birth
22 certificate or an affidavit from the parent, guardian, or cus-

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James A. Byrnes

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23 todian of such child, stating the age of such. The attendance
24 officer shall, in the performance of his duties as such officer
25 have authority to visit and enter any office, factory, or business
26 house employing children; he shall also have the authority to
27 arrest without warrant any child absent from school in viola-
28 tion of the provisions of section twenty-eight, and to place such
29 child in the school in which such child is or should be enrolled.
30 The attendance officer shall be paid monthly at such rate per
31 diem for the time actually spent in the performance of his
32 duties as the said board may determine; but in no case shall
33 payment for any month's services be made until the attendance
34 officer has filed with the secretary of the said independent school
35 district the statement required by said board, together with a
36 sworn statement of the number of truancy cases investigated
37 and the time actually spent in performing such duties. When
38 the attendance officer has faithfully performed his duties and
39 filed the statement required, the said board of education, if
40 satisfied that the same is just and correct, shall issue to him
41 an order on the sheriff of Brooke county, West Virginia, for
42 the amount of his account, payable out of the building fund
43 of said independent school district.

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Henry A. Hyman

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Chairman House Committee.

James L. Smith

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29

Sec. 30. Any person who induces or attempts to induce any
2 child unlawfully to absent himself from school, or who harbors
3 or employs any child of compulsory school age while the school
4 which he is required to attend is in session, or employs such
5 child within the term of school, without the written permis-
6 sion of the superintendent, shall be guilty of a misdemeanor,
7 and, upon conviction thereof, shall be fined not less than
8 twenty-five nor more than fifty dollars, and may be confined
9 in jail not less than five nor more than thirty days.

Sec. 31. All fines collected under the provisions of section
2 thirty, shall be paid over at once by the justice of the peace
3 to the sheriff of said Brooke county, and by him credited to the
4 building fund of the said independent school district; and
5 every attendance officer shall make to the secretary of said
6 independent school district and to the sheriff of the said county
7 of Brooke, an itemized statement on the last day of each month
8 of all fines imposed as provided herein.

Sec. 32. Every child over fourteen and under sixteen years
2 of age, within the aforesaid independent school district, who
3 is not engaged in some regular employment or business for at
4 least six hours per day, or who has not received written per-

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19 Any person who, after due notice has been served upon him
20 as provided in section twenty-nine, of this act, shall fail to cause
21 any such child in his legal or actual charge to attend school
22 as hereinbefore provided shall be guilty of a misdemeanor, and
23 shall upon conviction thereof, be punished as provided in sec-
24 tion thirty, of this act. Justices of the peace shall have juris-
25 diction of offenses under this section.

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Sec. 33. If any person or persons shall mar, deface, or
2 otherwise injure any schoolhouse, outbuilding, fence, furniture,
3 or other property of the said board of education of Cross Creek
4 independent school district, the person or persons so offending
5 shall be liable to prosecution before any justice of the peace
6 in the said independent district, and upon conviction shall be
7 subject to a fine of not less than five dollars nor more than
8 one hundred dollars, and cost of prosecution; and the person
9 convicted shall also be liable for full amount of the damage.

10 It shall be the duty of the board of education of Cross Creek
11 independent school district, to ascertain if possible by whom
12 such an offense was committed, and when satisfied thereof to
13 cause the party or parties to be arrested, tried for the offense,
14 in the name and on the behalf of the said board of education of
15 Cross Creek independent school district; and all fines and
16 damages collected, by virtue of this section, shall be paid in to
17 the sheriff of Brooke county, West Virginia, to the credit of
18 the building fund of the said independent district.

Sec. 34. All provisions of the general school law of the
2 state, and all acts heretofore existing, which are in any manner
3 inconsistent and/or in conflict with any of the provisions of

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4 this act shall be void within the said independent school dis-
5 trict; otherwise the said general school law shall remain in full
6 force and effect in the said independent school district, as else-
7 where in the state.

Sec. 35. *Provided, however,* That this act shall not be
2 effective unless and until the same shall have been first sub-
3 mitted to the voters of Cross Creek district of Brooke county,
4 at a special election called for that purpose and adopted by a
5 majority of the votes cast for and against same at said election.
6 Said election shall be called by the Cross Creek board of edu-
7 cation in the said district of Cross Creek, Brooke county, at
8 a time designated by the said Cross Creek district board of
9 education after the passage of this act by the legislature of
10 West Virginia; notice of which election shall be published at
11 least once a week for two weeks prior to the date of the election,
12 in the Follansbee Review, in the city of Follansbee, county of
13 Brooke, State of West Virginia, or in some other newspaper
14 published in Brooke county, West Virginia. Said election shall
15 be held and conducted in all respects as general elections are
16 now held and conducted under the statutes of this state. The
17 board of education of Cross Creek district shall designate as

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18 voting places for such election the voting precincts in such dis-
19 trict as established for, and where the general election was
20 held, in the year one thousand nine hundred thirty-two. The
21 said Cross Creek district board of education shall appoint com-
22 missioners and poll clerks to conduct the election. All the ex-
23 penses of said election shall be paid by the Cross Creek district
24 board of education.

25 The ballot to be voted at said election shall be printed upon
26 plain, white paper and in the following form:

27 Cross Creek School District Election

28 (Indicate how you desire to vote by a cross in the square.)

29 ☐ For independent district.

30 ☐ Against independent district.

31 It is further provided, that the board of education shall ten
32 days before the said date fixed for the said election, post upon
33 each door of the respective voting precincts aforesaid, the same
34 notice as provided for publication in the newspaper in said dis-
35 trict.

36 Said ballots and the necessary ballot boxes, poll books and all
37 other appliances required by law necessary for holding the said
38 election shall be furnished and supplied by the said Cross Creek

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James D. Rogers

Chairman Senate Committee.

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39 district board of education. Said board shall also perform the
40 duties, and be subjected to all the penalties prescribed by law,
41 as ballot commissioners.

42 If a majority of votes cast at such election be in favor of the
43 independent school district, the said Cross Creek school district
44 of Brooke county, West Virginia shall, after the results of such
45 election is ascertained and declared, be known as the "Cross
46 Creek independent school district," as is herein provided.

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Wm. S. O'Brien
Chairman Senate Committee.

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

Wm. S. O'Brien
Speaker of the House of Delegates.

A. S. Maines
President of the Senate.

Wm. S. O'Brien
Clerk of the Senate.

James L. Smith
Chairman House Committee.

The within is.....

this.....day of....., 1933.

.....
Governor.

Filed in the office of the Secretary of State
of West Virginia. **MAR 18 1933**
Wm. S. O'BRIEN,
Secretary of State