

Rec., Mar. 11, 1933

127

ENROLLED BILL

Regular Session

SENATE BILL NO. 127

By Mr. Millender

PASSED March 11, 1933

IN EFFECT from PASSAGE

Originating in the Senate Takes effect Passage.

Passage.

Takes effect

Originating in the

Clerk of the House of Delegates.

Clerk.

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Chairman Senate Committee.

Chairman House Committee.

ENROLLED BILL

(S. B. No. 127)

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

AN ACT creating and establishing the independent school district of Ceredo in the county of Wayne and state of West Virginia and establishing the boundaries of said independent district and providing for a board of education of said independent district and rules and regulations for the establishment and operation and maintenance of schools in said independent school district.

Be it enacted by the Legislature of West Virginia:

Section 1. The magisterial district of Ceredo, Wayne
2 county, West Virginia, outside and exclusive of the independ-
3 ent school district of Ceredo-Kenova, shall constitute the in-
4 dependent district to be known as the "Independent school
5 district of Ceredo".



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Sec. 2 (a). The board of education of the independent school district of Ceredo shall be composed of two commissioners and a president of the board whose terms of office shall be six years. The board of education of Ceredo district as now constituted shall be and remain the board of education of the independent school district of Ceredo until July first, one thousand nine hundred thirty-five. There shall be elected by the voters of said independent district at the regular election held in November, one thousand nine hundred thirty-four, in the manner prescribed by the general school law, for the election of school officers, one commissioner, whose term shall expire on July first, one thousand nine hundred thirty-nine, which term shall begin on the first day of July following the election. There shall be elected by the voters of said independent district at said regular election in November, one thousand nine hundred thirty-four, in the manner prescribed by the general school law for the election of school officers, a president, whose term shall expire on July first, one thousand nine hundred forty-one which term shall begin on the first day of July following the election. Regularly every two years thereafter, at the general election in November,

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22 there shall be elected one commissioner or president as the
23 case may be whose term of office shall commence on the first
24 of July following their election and continue for six years
25 until his successor is elected and qualified: *Provided, how-*
26 *ever,* That should a vacancy occur in the office of commis-
27 sioner or president of said independent board of education by
28 death, resignation or otherwise, the vacancy shall be filled by
29 appointment by the county superintendent of free schools un-
30 til the next school election in said district at which election
31 the vacancy shall be filled by the voters of said independent
32 district for the unexpired term. The county superintendent
33 shall appoint a qualified person of the political party in which
34 the vacancy occurred.

35 (b) The election precincts designated by the county court
36 for general elections in the independent school district of
37 Ceredo shall constitute the school election precincts of said
38 independent district: *Provided,* That the county court shall
39 have sole jurisdiction and authority in designating school elec-
40 tion precincts in said independent school district.

Sec. 3. Before entering upon their duties as members of
2 the board of education of independent school district of

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3 Ceredo, each of the commissioners and the president shall be
4 required to qualify by taking and subscribing to the follow-
5 ing oath: "I, A....., B....., do solemnly
6 swear, (or affirm), that I will faithfully perform the duties
7 of commissioner (or president) of the board of education of
8 the independent school district of Ceredo, during the term
9 for which I was elected, (or appointed), to the best of my
10 ability, according to law, so help me God".

11 The secretary of the board of education, or any notary
12 public of the county of Wayne, is authorized to administer
13 said oath, a copy of which shall be kept by him upon the files
14 of his office. Nominations for the office of the commissioner
15 and president of said board of education shall be made at the
16 regular primary election as prescribed by the general election
17 laws of West Virginia.

Sec. 4. The board of education of said district shall meet
2 annually on the first Monday in July at their regular meet-
3 ing place and shall elect a secretary who shall serve during
4 will and pleasure of the board. Before entering upon the
5 duties of his office the secretary shall take the oath as pre-
6 scribed by law.

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Sec. 5. The secretary shall record in a book, provided for
 2 that purpose, all the official acts and proceedings of the board
 3 which shall be a public record, open to the inspection of all
 4 persons interested therein. He shall preserve in his office at
 5 the high school building, all papers containing evidence of
 6 title, contracts, and obligations; and in general shall record
 7 and keep on file in his office all such papers and documents as
 8 may be required by any of the provisions of this act or by
 9 any order of the board of education. He may be removed by
 10 the board of education of the independent school district of
 11 Ceredo at any regular or special meeting. Any vacancy in
 12 this office, shall be filled by the board for the unexpired term.
 13 All levies for any purpose shall be levied in accordance with
 14 the general school law. The rate of school levy in said district
 15 may include total amount available after specific levy for
 16 county and state purposes as provided by law has been allow-
 17 ed. When the board of education has laid the levies it shall
 18 be the duty of the secretary to report the matter thereof to
 19 the county superintendent and other county and state offi-
 20 cials, such facts in his possession as may be required by the
 21 general school law of the state. For his service, he may receive

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22 such compensation as provided by general school law of the
23 state. In his absence the board may appoint a secretary pro
24 tempore.

Sec. 6. The president of the board of education shall per-
2 form such duties as usually devolve upon the presiding officer
3 of such a deliberative body, except that he shall have a vote
4 upon each and every question as any other commissioner, but
5 he shall have but one vote only upon one question. In his
6 absence, the board may choose a president pro tempore from
7 among their number. He shall perform all the duties pre-
8 scribed by law for a president of the board of education of
9 magisterial school district.

Sec. 7. The board of education of the independent school
2 district of Ceredo shall hold stated meetings at such times and
3 places as they may appoint, not less than a majority of the
4 members being required to constitute a quorum for the trans-
5 action of business. Special meetings may be called by the
6 president, or at the request of any two members by the secre-
7 tary. No business may be transacted at a special meeting,
8 except that mentioned in the call for such meeting; which call
9 shall be in writing and shall be recorded by the secretary in

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10 the record of proceedings of said meeting: *Provided*, That
 11 all the members shall have had notice of the place and pur-
 12 pose of any special meeting called by the president or secre-
 13 tary herein provided: *Provided further*, That a concurrence
 14 of two members of said board of education shall be required
 15 to elect a superintendent and teachers and to decide all ques-
 16 tions involving the expenditures of money.

Sec. 8. The board of education of independent school dis-
 2 trict of Ceredo shall be a body corporate in law; and as such
 3 may purchase, hold, sell or convey real or personal property
 4 for the purpose of education within the district; may be a
 5 party to suits and contracts and do other common corporate
 6 acts. They shall have the management of, and be vested with
 7 the title to all real and personal property, for the use of public
 8 schools within the district and shall manage and dispose of the
 9 same at will as in their opinion will best serve the interests of
 10 the district. The board of education shall have the power to
 11 make all necessary rules and regulations for the government
 12 of the schools of the district, for the admission of pupils there-
 13 in, for the exclusion of pupils whose attendance would be
 14 dangerous to the health or detrimental to the morals of dis-

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15 cipline of the schools. They may perform such other duties as
16 are permitted by the general school law of the state.

Sec. 9. Annually, on or before April first, the board of
2 education shall cause to be taken an enumeration of all the
3 youth of the district, noting age and color, according to the
4 general school law. The secretary shall report to the county
5 superintendent the result of said enumeration of youth, at
6 such time as may be required by law.

Sec. 10. The state superintendent of schools in his report
2 to the auditor, shall specify separately the result of the enu-
3 meration of youth in the independent school district of Ceredo,
4 and the rest of Wayne county, and the auditor in apportioning
5 money for school purposes, shall apportion to the independent
6 school district of Ceredo and to the rest of Wayne county
7 separately, according to their respective numbers of youth,
8 as shown by the list furnished by the state superintendent of
9 schools, and the said superintendent shall draw his requisition
10 upon the auditor in favor of the sheriff of Wayne county for
11 such amount as the district is entitled to receive, and at the
12 same time notify the secretary of the board of education of
13 the amount.

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Sec. 11. It shall be the duty of the said board of education
2 to provide by purchase, condemnation, leasing, building, or
3 otherwise, school houses and grounds, furniture, fixtures and
4 appendages, and keep the same in good order and repair; and
5 to supply the said school houses with fuel and other things
6 necessary for their comfort and convenience.

Sec. 12. It shall be the duty of the board of education of
2 the independent school district of Ceredo, annually, at the
3 same time and in the same manner that is now provided or
4 that may hereafter be provided by the general school law of
5 this state for the ascertaining and making of estimates and
6 the fixing and laying of school levies by the boards of educa-
7 tion of the various school districts within the state for the
8 support of the free schools therein, to ascertain and to make
9 such estimates of the amounts necessary for the support of the
10 schools within the said independent school district and on the
11 property located in the said independent district to determine,
12 fix, and lay such levies for the support of the schools therein.
13 It shall be the duty of the board of education of the said inde-
14 pendent school district of Ceredo, annually, at such meeting,
15 to levy as many cents on each one hundred dollars of valuation



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16 of the taxable property of the said independent school dis-
17 trict, according to the last assessment thereof, as will produce
18 the amounts shown by the estimate of said board to be neces-
19 sary to be levied for the maintenance, building, and teachers'
19-a fund purposes; to levy in like manner the amounts necessary
20 to continue the schools in session in the said independent
21 school district for a minimum term of eight months in elemen-
22 tary school and nine months in the junior and senior high
23 schools; and to levy and provide sufficient funds for all pur-
24 poses to keep said schools in session for the full minimum term
25 of eight and nine months as herein provided.

26 For the purpose or purposes mentioned in this act and for
27 the purpose of paying the interest and sinking funds on bonds,
28 and any other legal obligations which are now owed by the
29 independent school district of Ceredo or may hereafter be in-
30 curred by it, the said board of education shall lay annually
31 such levies in the manner that is now provided or that may
32 hereafter be provided by the general school law of the state.
33 Elections for bond issues shall likewise be conducted in ac-
34 cordance with the general school law.

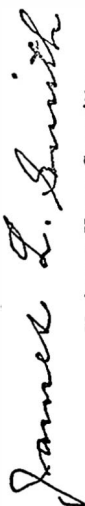
Sec. 13. The levies made under the provisions of this act



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2 shall be collected and disbursed as now provided by law. The
3 board of education shall not, during any one year, incur any
4 expense that shall exceed the amount of available funds re-
5 ceived for school purposes during that year.

Sec. 14. The sheriff shall annually at such time and in such
2 manner as required by law make settlement with the board of
3 education.

Sec. 15. The said board of education shall have power to
2 establish within the district, such graded schools, including
3 high schools, of such grade, as may, in their judgment, be
4 best for the interests of the district. The branches and text
5 books to be taught in the high schools and other schools with-
6 in the district shall be determined by the superintendent, with
7 the approval of the board of education. The said high schools
8 shall be open to all pupils in the district, but no pupil shall
9 be entitled to admittance to said high schools until the super-
10 intendent shall have been satisfied that the pupil shall have
11 made due proficiency in the branches taught in the other
12 schools of the district.

Sec. 16. Teachers and superintendent, shall be subject, in
2 all respects, to the rules and regulations adopted by the board



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3 of education, and they may be removed by the board for in-
 4 competency, immoral conduct, or willful violation of the rules
 5 of the board, as prescribed by the general school law of West
 6 Virginia.

Sec. 17. A superintendent of schools and teachers for the
 2 aforesaid independent school district of Ceredo shall be elected
 3 for a term of one year, by the said board of education, on or
 4 before the first Monday in July of the year in which contract
 5 of said superintendent or teacher of schools shall expire, and
 6 the salary of the superintendent or teacher shall be fixed at
 7 the aforesaid meeting or as soon thereafter as circumstances
 8 will allow: *Provided*, That no person shall be employed as
 9 superintendent of schools who shall not have had an experience
 10 of at least three years as teacher or principal in a first class
 11 high school. The superintendent of schools shall be known as
 12 "the superintendent of schools of the independent school dis-
 13 trict of Ceredo". Said superintendent, in addition to the
 14 duties specified in this act, shall perform such other appropri-
 15 ate duties with relation to the schools as provided by the gen-
 16 eral school law of West Virginia. The superintendent of
 17 schools or teacher shall be liable to removal by the board of

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18 education for willful and continued neglect of duty, incom-
19 petence, immorality, or misconduct while in office: *Provided,*
20 That they shall not be removed from office unless charges
21 shall be preferred in writing by a commissioner of the board
22 of education and a copy of such charges and a notice of the
23 time and place set by the board of education for hearing said
24 charges shall be given to the superintendent of schools or
25 teacher at least ten days before the day set for said hearing:
26 *Provided further,* That the said superintendent of schools or
27 teacher shall be allowed to present any evidence they desire
28 and to be heard in his or her own defense, either in person or
29 by counsel, and a concurrence of two members shall be re-
30 quired to remove him from office. When the office shall have
31 become vacant from any cause, before the expiration of the
32 term for which the superintendent shall have been elected,
33 the board of education shall fill the same by appointment for
34 the unexpired term. It shall be the duty of the superintend-
35 ent to make such report to the board of education of the
36 character and conditions of the schools of the district as shall
37 enable the secretary to make his required report to the county
38 superintendent. The superintendent shall not directly or in-

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39 directly receive any gift, emolument, or reward for his in-
40 fluence in recommending the use of any book or furniture of
41 any kind whatever in the schools of the said district. It shall
42 be the duty of the superintendent of schools, annually, on or
43 before the first meeting in July, at a meeting of the board of
44 education, or as soon thereafter as circumstances will allow,
45 to recommend to the board of education a sufficient number
46 of teachers and principals to fill the schools of the independent
47 district. The board of education may refuse to appoint any
48 or all of the persons so recommended and may require the
49 superintendent of schools to recommend others: *Provided,*
50 That, if the superintendent of schools within a reasonable
51 time after being required to do so shall fail or refuse to recom-
52 mend a sufficient number of persons to fill the schools of the
53 said school district, the board of education may proceed to
54 fill such vacancies without his recommendation. The salary
55 of the superintendent of schools may be paid out of the ele-
56 mentary teachers' fund or the high school teachers' fund or
57 both.

Sec. 18. The board of education may, on the recommenda-
2 tion of the superintendent and in accordance with the general

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3 school law, appoint all teachers for the public schools of any
4 grade or high school within the district and fix their salaries;
5 but in no case shall the salaries be below the minimum salary
6 schedule set by this state for teachers, principals, superin-
7 tendents, etc.: *Provided*, That the said board of education
8 shall have the authority to fix special schedules of salaries and
9 salaries to be paid to the superintendent of schools, principals,
10 supervisors, janitors, bus drivers, mechanics, other employees
11 and teachers, without regard to the limitations and regulations
12 set out in the general school law: *Provided further*, That no
13 person shall be employed to teach in any public school of the
14 district who shall not first have obtained from the state au-
15 thorities a certificate of qualifications to teach a school of the
16 grade for which the appointment is made.

Sec. 19. The salary of the commissioners and president of
2 the independent school district board shall be regulated and
3 fixed by the general school law of the state of West Virginia.

Sec. 20. All school houses, school house sites and all other
2 property of whatsoever description of the board of education
3 of the magisterial school district of Ceredo shall by the
4 passage of this act and its enactment into law, become the

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5 property of the independent school district of Ceredo and all
6 departments of the board of education of the magisterial
7 school district of Ceredo, of whatsoever description, including
8 bond issues of said magisterial school district of Ceredo, shall
9 be assumed by and are hereby made the obligations of the
10 independent school district of Ceredo. All contracts between
11 the board of education of Ceredo Magisterial school district
12 employing teachers for the school year of one thousand nine
13 hundred thirty-three and one thousand nine hundred thirty-
14 four are hereby transferred, set over and perpetuated as legal
15 contracts of the board of education of the independent school
16 district of Ceredo.

Sec. 21. All provisions of the general school law of the
2 state and all laws and acts and parts of acts heretofore exist-
3 ing which are in any manner inconsistent with the provisions
4 of this act are hereby repealed and shall be void within the
5 said independent school district; otherwise the said general
6 school law shall remain in full force and effect in said inde-
7 pendent school district as elsewhere in the state. If any sec-
8 tion or part of any section of this act shall be declared uncon-
9 stitutional it shall not effect the other sections of this act.

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[Signature]

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Sec. 22. This act shall not become a law or be in full force
2 and effect until the qualified voters residing in Ceredo school
3 magisterial district by a majority of the votes cast at a special
4 election to be held on the twenty-third day of May, one thou-
5 sand nine hundred thirty-three, declare in favor thereof. On
6 the said twenty-third day of May, one thousand nine hundred
7 thirty-three, it shall be the duty of the board of education of
8 Ceredo school magisterial district, to submit to the legal voters
9 of Ceredo school magisterial district, the question of the
10 adoption or rejection of the provisions of this act. It shall be
11 the duties of the board of education of Ceredo school magis-
12 terial district to meet in special or regular session on the
13 fourth Tuesday in April, one thousand nine hundred thirty-
14 three, for the purpose of calling said special election. Notices
15 thereof shall be published once a week for two successive
16 weeks in two newspapers of opposite politics of general circu-
17 lation in said district, the last notice being published at least
18 one week preceding the day of said special election. It shall
19 be the duties of the board of education of Ceredo school
20 magisterial district to secure the registration of voters prop-
21 erly certified by the county clerk, taken for the last general

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22 election held in November last, and the same shall be accepted
23 as proper registration of voters entitled to vote after the same
23-a has been corrected in the manner provided by law. The pres-
24 ent voting places in said Ceredo district shall be the voting
25 places for the special election and single election boards to have
26 charge of the polls shall be appointed in the following manner:
27 At the special meeting of the board of education on the fourth
28 Tuesday in April, the board of education of Ceredo school
29 magisterial district shall appoint as election officers, persons
30 having qualifications of voters from the two dominant political
31 parties in said magisterial district. There shall be appointed
32 three election commissioners, two from the dominant political
33 party and one from the second dominant party in the district
34 and one poll clerk each from the two dominant political par-
35 ties for each precinct. A list of these election officers shall
36 be published along with the notices of election as provided
37 above. Necessary booths, ballot boxes, poll books and other
38 appliances required by law and necessary for the holding of
39 such elections shall be furnished by the county court of Wayne
40 county. The ballots shall be made up as required by law by
41 the ballot commissioners of Wayne county. The expense of

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42 said election shall be paid by the board of education of Ceredo
43 school magisterial district and shall be such sum or sums as
44 fixed by the general election law of the state. The ballot to
45 be voted in said election shall be on plain white paper and in
46 the following form:

47 SCHOOL DISTRICT ELECTION:

48 (Indicate how you desire to vote by cross in square.)

49 ☐ For Independent School District.

50 ☐ Against Independent School District.

51 If a majority of votes cast at said election be for independ-
52 ent school district, then this act shall be binding and in full
53 force as of June first, one thousand nine hundred thirty-three,
54 otherwise this act shall be void.

55 The district school board shall meet on the fifth day (Sun-
56 day excepted) after said special election as a board of can-
57 vassers, to canvass, ascertain and declare the result of said
58 special election. Any contest or appeal from the board of
59 canvassers shall be to the circuit court of Wayne county.

B. S. Hester
 Speaker of the House of Delegates.

John D. Hall
 Clerk of the House of Delegates.

A. S. M. Ainsworth
 President of the Senate.

John Ainsworth
 Clerk of the Senate.

The within is.....

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

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James D. Smith
 Chairman Senate Committee.

James D. Smith
 Chairman House Committee.

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

 Governor.