

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939



ENROLLED

HOUSE BILL No. 204

(By Mr. Speaker, Mr. Thomas)



PASSED March 8, 1939

In Effect ninety days from Passage

204

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House Bill No. 204

(BY MR. SPEAKER, MR. THOMAS)

[Passed March 8, 1939; in effect ninety days from passage.]

AN ACT to provide free textbooks for pupils in the free and private schools of the state whose parents are unable to provide same.

Be it enacted by the Legislature of West Virginia:

Section 1. *Board of Education to Furnish Textbooks to Pupils Whose Parents are Unable to Provide Same.* The board of education of each county, shall provide the textbooks to be used in the free schools for the pupils of such schools whose parents, in the judgment of the board, are unable to provide the same; such textbooks shall be those adopted by the state board of education.

Sec. 2. *Board of School Finance to Distribute Funds for Purchasing of Free Textbooks.* In accordance with the provisions of this act, the board of school finance shall distribute among the several counties of the state the amounts made

5 available under Acct. 6408 of the Budget Bill of one thou-
6 sand nine hundred thirty-nine-one thousand nine hundred
7 forty, and such other amounts as the Legislature may pro-
8 vide. The Board of Education of each county upon applica-
9 tion of the proper authorities of any private school may
10 likewise provide textbooks for the use of pupils therein in
11 like manner as if such pupils were attending the free schools.

Sec. 3. *How Amount of Money a County Shall Receive to*
2 *be Determined.* The amount of money that a county shall re-
3 ceive under the provisions of this act shall be determined as
4 follows:

5 (1) By multiplying the number of weighted pupils for the
6 county as determined under section eight of an act of the
7 Legislature, regular session, one thousand nine hundred
8 thirty-nine, known and designated as house bill number one,
9 by four-tenths.

10 (2) Any additional funds available after disbursement un-
11 der number one above, shall be disbursed to the several
12 counties in the proportion that the number of weighted pu-
13 pils in a county bears to the total number of weighted pupils
14 in all counties.

Sec. 4. *Board of Education to Establish "Textbook Aid Account."* Except as provided otherwise in this section, the money allocated to a county board of education under this act shall be kept by such county board in a separate account to be used for no other purpose, and to be known as the "Textbook Aid Account."

If, after two years of operation under this act, any textbook aid account shall show a surplus in excess of one dollar per each weighted pupil in the public schools of the county, such excess shall be transferred to a "Free Textbook Account" of the county. Expenditures from the free textbook account may be made at the discretion of the county board of education for the purchase of free textbooks irrespective of the ability or inability of the parents of the pupils to provide textbooks. Any county board of education which, at the time this act becomes effective, is and has been furnishing free textbooks irrespective of the ability or inability of the parents of the pupils to provide textbooks may transfer the money allocated for such county's "Textbook Aid Account" to its "Free Textbook Account" at the discretion of the county board of education and shall not be subject to the waiting

22 period of two years nor to the condition of a surplus in its
23 textbook aid account as provided above in this section.

Sec. 5. *Board of School Finance to Prescribe Rules and
2 Regulations for Care of Textbooks; Board of Education to
3 Make Reports.* The board of school finance shall have au-
4 thority to prescribe rules and regulations governing the care,
5 distribution, and use of textbooks provided under this act, in-
6 cluding their rebinding and reconditioning, replacement, and
7 return, storage facilities, and such other measures as may be
8 necessary for the most efficient and economical administration
9 of this act: *Provided, however,* That no used textbooks shall
10 be transferred from white schools to negro schools, or from
11 negro schools to white schools.

12 The board of school finance is further authorized to pre-
13 scribe and require reports to be made by the various county
14 boards of education concerning the expenditures and distri-
15 butions and conditions of inventories at such time and in
16 such form as the board may require.

17 The board of school finance may withhold the allotment
18 to any county, under this act, for the violation of the rules
19 and regulations herein authorized.

20 If any provisions of this act are declared unconstitutional
21 or the applicability thereof to any person or circumstances is
22 held invalid, the constitutionality of the remainder of the act
23 and the applicability thereof to other persons and circum-
24 stances shall not be affected thereby.

Filed in the office of the Secretary of State
MAR 7 1930
Wm. S. O'Brien,
Secretary of State

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

E. O. Wiseman

Chairman Senate Committee

Dee B. Walker

Chairman House Committee

Originated in the

House of Delegates

Takes effect

ninety days from passage.

Charles D. Smith

Clerk of the Senate

Mo S. Hall

Clerk of the House of Delegates

William H. Harrison

President of the Senate

James Kay Thomas

Speaker House of Delegates

The within

approved

this the

16th

day of

March

, 1939.

John A. Harman

Governor.



Filed in the office of the Secretary of State
of West Virginia. **MAR 17 1939**

Wm. S. O'BRIEN,
Secretary of State