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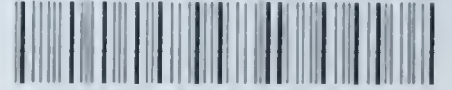


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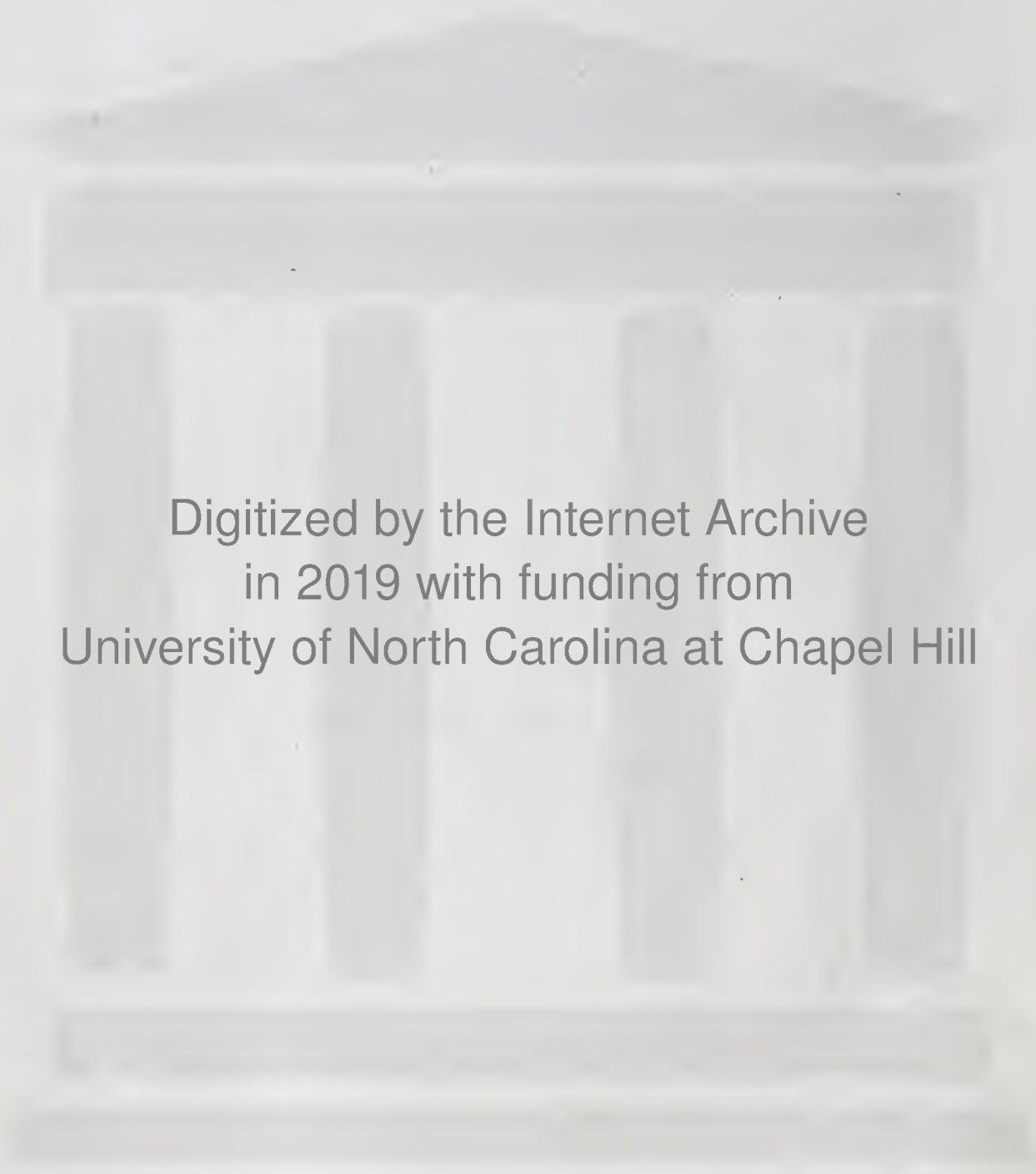
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THE
PUBLIC SCHOOL LAW
OF
NORTH CAROLINA

CODIFICATION OF 1923



PUBLISHED BY THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
RALEIGH, N. C.



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CONTENTS

INTRODUCTION

CONSTITUTIONAL BASIS OF THE PUBLIC SCHOOL SYSTEM

	PAGE
1. The people have the right to the privilege of education.....	1
2. Education shall forever be encouraged.....	1
3. A general and uniform system required.....	1
4. Commissioners required to maintain at least a six months term.....	1
5. General Assembly shall not create a school district.....	1
6. The State Public School Fund.....	1
7. The County School Fund.....	2
8. School attendance may be compulsory.....	2
9. The government of the University.....	2
10. Special departments in the University.....	2
11. The benefits of the University.....	2
12. The State Board of Education.....	2
13. Duties of the Board.....	3

CHAPTER I.

PART I

ART. 1. INTERPRETATIONS

SEC.		
1.	A general and uniform system of public schools.....	5
2.	The school system defined.....	6
3.	The term district defined.....	6
4.	Schools classified and defined.....	6
5.	Officials defined.....	7
6.	School day and month defined.....	7
7.	Part-time classes defined.....	7
8.	A standard high school defined.....	7
9.	Public school funds defined.....	7

PART II

DUTIES, POWERS AND RESPONSIBILITIES OF COUNTY BOARDS OF EDUCATION

ART. 2. THE BOARD: ITS CORPORATE POWERS

10.	How constituted.....	8
11.	Term of office.....	8
12.	How nominated and elected.....	8
13.	County board of elections to provide for nominations.....	8
14.	Members to qualify.....	9
15.	Vacancies in nominations.....	9
16.	Vacancies in office.....	9
17.	Eligibility for the office.....	9
18.	Organization of the board.....	9
19.	The board a body corporate.....	10
20.	Compensation of members.....	10
21.	Removal for cause.....	10
22.	Meetings of the board.....	10
23.	Powers; suits and actions.....	10
24.	Power to subpoena and to punish for contempt.....	11
25.	Witness failing to testify, misdemeanor.....	11
26.	Appeals to board from county officers.....	11
27.	Superior court to review board's action.....	11

ART. 3. THE DIRECTION AND SUPERVISION OF THE SCHOOL SYSTEM

28.	To provide for all the children of the county.....	11
29.	General powers.....	11
30.	General control.....	12
31.	Determine the method of conducting the schools.....	12

SEC.		PAGE
32.	Fix time for opening and closing the schools.....	12
33.	Determine length of the school day.....	12
34.	Duty to enforce the compulsory school law.....	12
35.	The classification of schools.....	13
36.	The location of high schools.....	13
37.	Number of teachers permitted in each elementary school.....	13
38.	Number of teachers permitted in each high school.....	13
39.	Subjects taught in the elementary schools.....	14
40.	Kindergartens may be established.....	14
41.	County training schools.....	14
42.	Board shall provide schools for the Indians in certain counties.....	15

ART. 4. SCHOOL OFFICIALS SELECTED BY OR RESPONSIBLE TO THE BOARD OF EDUCATION

43.	Election of the county superintendent.....	15
44.	Limitations of the board in selecting a county superintendent.....	15
45.	Provide an office and assistance for the superintendent.....	16
46.	To remove county superintendent for cause.....	16
47.	To prescribe the duties of the county superintendent not in conflict with the law and the Constitution.....	16
48.	To elect committeemen of school districts.....	16
49.	To remove committeemen for cause.....	17
50.	To advise with the committee in regard to the needs of the district.....	17
51.	Supervisors or assistant county superintendent.....	17
52.	Section 52 (obsolete).....	17
53.	Duty of county board to teachers, supervisors and principals.....	17
54.	To provide for the training of teachers.....	18
55.	The pay of teachers.....	18
56.	Authority to borrow.....	18
57.	A salary schedule for teachers.....	19
58.	How school funds shall be disbursed.....	19

ART. 5. ERECTION, REPAIR AND EQUIPMENT OF SCHOOL BUILDINGS

59.	School buildings necessary.....	19
60.	The erection of schoolhouses.....	20
61.	How to secure suitable sites.....	20
62.	May sell school property.....	21
63.	Deeds to property.....	21
64.	Board cannot erect or repair a building unless site is owned by the board.....	21
65.	Duty of board to keep buildings in repair.....	21
66.	The duty of board of education to provide equipment for school buildings.....	21
67.	State aid for school libraries (see sections 345-346).....	21
68.	Sanitary school privies.....	21
69.	Type of privies to be installed.....	22
70.	Privies to be kept sanitary.....	22
71.	Use of school property.....	22
72.	Provide good water supply.....	22

ART. 6. CREATING AND CONSOLIDATING SCHOOL DISTRICTS

73.	School districts.....	22
73a.	County-wide plan of organization.....	23
74.	Districts formed of portions of contiguous counties.....	24
75.	Consolidation of schools or school districts.....	24
76.	Consolidating local tax districts having the same rate of local tax.....	24
77.	Consolidating districts having different local tax rates.....	25
78.	Transferring families from non-local tax to local tax or special-charter districts.....	25
79.	Changing the boundary lines of the special-charter districts.....	25
80.	The funds shall be apportioned so as to encourage consolidation.....	25
81.	Provision for transportation of pupils in consolidated districts.....	26
82.	School trucks and automobiles exempt from taxation.....	26

PART III

COUNTY SUPERINTENDENT—POWER, DUTIES AND RESPONSIBILITIES

ART. 7. ELECTION, ELIGIBILITY AND GENERAL DUTIES

83.	Election; term of office.....	26
84.	Eligibility.....	26
85.	Election reported to State Superintendent.....	27
86.	Not to teach to reside in the county.....	27
87.	To take oath of office.....	27
88.	Vacancies.....	27
89.	Is secretary to county board.....	27
90.	Removal from office.....	27

CONTENTS

vii

SEC.		PAGE
91.	Keep a record of all deeds	27
92.	Superintendent's power to condemn land for suitable sites	28
93.	Report on condition of school buildings	28
94.	Attends meetings of State and district associations of superintendents	28
95.	Make reports to State Superintendent	28
96.	Appoint certain school committees (see section 232)	28

ART. 8. DUTY OF COUNTY SUPERINTENDENT TOWARD COMMITTEEMEN, TEACHERS AND PRINCIPALS

97.	To notify committeemen of their duties	28
98.	Distributes blanks and books	28
99.	To issue second and third grade county certificates	29
100.	Keep a record of all teachers	29
101.	Approve the selection of all teachers	29
102.	Approve the dismissal of teacher	29
103.	Administer oaths to teachers	29
104.	Advise with teachers, principals and supervisors	29
105.	Must visit schools	29
106.	Hold teachers' meetings	30
107.	May suspend teachers	30
108.	Duty of teachers to coöperate (see section 165)	30
109.	Director of summer schools	30
110.	Illegal to keep in service a teacher without a certificate	30
111.	Contracts with teachers	30
112.	How teachers shall be paid	31
113.	When a superintendent may withhold the pay of teachers	31
114.	Schools receiving public funds required to report	31
115.	Recommend classification of schools (see section 35)	31
116.	To recommend the location of all high schools (see section 36)	31
117.	To report defective children	31

ART. 9. DUTY OF COUNTY SUPERINTENDENT IN REGARD TO SCHOOL FUNDS

118.	Duty in preparing school budgets	32
119.	Duty to keep complete record of finances	32
120.	Record of local taxes	32
121.	Record of fines, forfeitures and penalties	33
122.	Disbursement of funds	33

PART IV

SCHOOL COMMITTEES—THEIR DUTIES AND POWERS

ART. 10. IN NON-LOCAL TAX DISTRICTS

123.	Number and term of office	33
124.	When elected	33
125.	Eligibility	33
126.	Oath of office	34
127.	Dismissal for cause	34
128.	Committeemen cannot teach	34
129.	Organization of committee	34
130.	How to employ teachers	34
131.	When teachers may be suspended	34
132.	Minimum term for which a teacher can be paid	35
133.	How teachers shall be paid	35
134.	Use of school property (see section 71)	35
135.	Power to contract with private schools	35
136.	Powers as to school property	35
137.	Powers as to purchase of supplies	35
138.	Reports to board on schoolhouses and school property	36
139.	Superintendent and committee keep records of receipts, expenditures and contracts	36
140.	Disbursements of district funds	36
141.	To care for the sanitation of the school grounds	36
142.	To provide good water supply	36
143.	To obey orders of sanitary committee or board of health	37

ART. 11. DUTIES AND POWERS OF COMMITTEEMEN IN LOCAL TAX DISTRICTS.

144.	How elected	37
145.	Number of committeemen in local tax districts	37
146.	Joint employment of superintendent or principal by districts in cities and towns	37
147.	Money derived from local taxes	37
148.	Duty of sheriff or tax collector	38
149.	Credits on tuition to non-residents whose children attend in district (see section 241)	38
150.	How special tax funds are paid out	38
151.	How to enlarge local tax districts (see section 226)	38
152.	How to determine the rate of local tax to be levied in a district	38
153.	Committee may provide for the transportation of pupils	38

SEC.		PAGE
154.	Rent, loan or sell school books (see sections 340, 341, 342)	39
155.	Supply books for indigent children (see section 343).....	39
156.	Loans to districts for building schoolhouses	39
157.	How a special charter district may become a local tax district.....	39

PART V

TEACHERS AND PRINCIPALS

ART. 12. THEIR POWERS, DUTIES AND RESPONSIBILITIES.

158.	Required to hold certificates.....	40
159.	Health certificate required for teachers	40
160.	How to apply for a position.....	40
161.	When a teacher may annul a contract.....	40
162.	How teachers are selected.....	41
163.	How teachers may be dismissed.....	41
164.	The salaries of teachers.....	41
165.	Duties of teachers.....	41
166.	Power to suspend or dismiss pupils.....	42
167.	Duty to make reports to superintendent.....	42
168.	The care of the school building.....	42
169.	No teacher can serve as committeeman, member of county board, or county superintendent.....	42
170.	Teachers to make physical examination of children.....	42
171.	Principal of a union school.....	43

PART VI

REVENUE FOR THE PUBLIC SCHOOLS

ART. 13. HOW TO ESTIMATE AMOUNT NECESSARY FOR SIX MONTHS TERM.

172.	Duty of county board and county commissioners.....	43
173.	The equalizing fund.....	43
174.	The May budget.....	44
175.	The contents of the May budget.....	44
176.	How to estimate the salary fund.....	45
177.	How to estimate the salary fund for the special-charter or city schools.....	46
178.	How to determine the amount of the operating and equipment fund.....	47
179.	A fund for the repayment of bonds, notes and loans.....	47
180.	The May budget completed.....	47
181.	The November budget.....	48

ART. 14. POWERS, DUTIES AND RESPONSIBILITIES OF THE BOARD OF COUNTY COMMISSIONERS IN PROVIDING FUNDS FOR SIX MONTHS TERM

182.	Duty to provide funds for six months term.....	48
183.	Commissioners required to raise full amount.....	48
184.	What the commissioners may require of county board of education.....	49
185.	Where commissioners have no discretion.....	49
186.	Require county board to publish May budget.....	49
187.	Procedure in case of disagreement or refusal of county commissioners to levy school taxes.....	50
188.	Commissioners may demand jury trial.....	50
189.	Commissioners authorized to borrow money.....	51
190.	Commissioners to require fines, forfeitures and penalties paid to treasurer.....	51
191.	Commissioners to estimate what per cent the school fund is of the total county fund.....	51
192.	Commissioners require sheriff to settle.....	51

ART. 15. THE TREASURER: HIS POWERS, DUTIES AND RESPONSIBILITIES IN DISBURSING SCHOOL FUNDS.

193.	Treasurer shall disburse funds.....	52
194.	Treasurer shall keep special charter district and county school funds separate.....	52
195.	Action against treasurer to recover funds.....	53
196.	Treasurer to keep separate record of local taxes received (see section 147).....	53
197.	How school funds shall be disbursed.....	53
198.	County board required to have accounts of treasurer audited.....	53
199.	Treasurer to give bond.....	54
200.	Action on treasurer's bond.....	55
201.	Annual report to State Superintendent.....	55
202.	Report to county board.....	55
203.	Exhibit books, vouchers and money to county board.....	55
204.	Duties on expiration of term.....	55
205.	Treasurers of school fund failing to report, a misdemeanor.....	56
206.	Treasurer of special-charter districts bonded.....	56
207.	Section 20 (obsolete).....	56
208.	Speculating in claims against towns, cities and the State.....	56

CONTENTS

ART. 16. FINES, FORFEITURES AND PENALTIES

SEC.		PAGE
209.	Constitutional provisions.....	56
210.	Statement of fines kept by clerk.....	56
211.	Fines paid to treasurer for schools; annual report.....	57
212.	Failure to file report of fines.....	57
213.	Fines and penalties to be paid to school fund.....	57
214.	Misappropriation of taxes a misdemeanor.....	57
215.	Unclaimed fees of jurors and witnesses paid to school fund.....	57
216.	Use by public until claimed.....	57
217.	Sheriff's liability, civil and criminal, for failure to settle school tax (see section 192).....	57
218.	Authority to use fines, forfeitures, penalties and dog tax to increase school term.....	58

PART VII

LOCAL TAX ELECTIONS FOR SCHOOLS

ART. 17. SCHOOL DISTRICTS AUTHORIZED TO VOTE LOCAL TAXES

219.	How elections may be called.....	58
220.	The board to consider petition.....	58
221.	Rules governing election for local taxes.....	58
222.	Levy and collection of taxes.....	59
223.	Increasing levy in districts having less than fifty-cent rate.....	59
224.	Validating rates heretofore voted.....	60
225.	Frequency of election.....	60
226.	Enlargement of local-tax or special-charter districts.....	60
227.	Abolition of district upon election.....	60
228.	Local tax district in debt may not be abolished.....	60
229.	Election for abolition not oftener than once a year.....	60
230.	Enlarging boundaries of district within incorporated town.....	61
231.	Transferring of persons living contiguous to local-tax or special-charter districts (see section 78).....	61
232.	Local tax districts from portions of contiguous counties.....	61
233.	District already created out of portion of two or more counties.....	62

ART. 18. SPECIAL SCHOOL TAXING DISTRICTS.

234.	School taxing districts created.....	62
235.	Boundary lines.....	62
236.	Petition for an election.....	63
237.	The election.....	63
238.	Special school taxing districts.....	63
239.	Organization of the schools in special school taxing districts.....	63

ART. 19. LEGAL ATTENDANCE OF PUPILS IN LOCAL TAX OR SPECIAL CHARTER DISTRICTS

240.	Children residing in a school district shall have the advantage of the public school.....	63
241.	Credits on tuition to non-residents whose children attend in district.....	64

ART. 20. SPECIAL COUNTY TAX IN WHICH PART OF LOCAL TAXES MAY BE RETAINED

242.	Election upon petition of county board of education.....	64
243.	Rules governing election.....	64
244.	Maximum tax levy.....	64
245.	The rate in local-tax or special-charter districts.....	65
246.	Subsequent elections upon failure of first.....	65
247.	Payment of election expenses.....	65

ART. 21. (Obsolete)

248.	(Obsolete).....	65
249.	(Obsolete).....	65
250.	(Obsolete).....	65
251.	(Obsolete).....	65
252.	(Obsolete).....	65
253.	(Obsolete).....	65
254.	(Obsolete).....	65
255.	(Obsolete).....	65
256.	(Obsolete).....	65

PART VIII

BONDS AND LOANS FOR BUILDING SCHOOLHOUSES

ART. 22. AUTHORITY TO ISSUE BONDS IN ANY COUNTY, SCHOOL DISTRICT OR SPECIAL TAXING DISTRICT

257.	Elections; how called.....	65
258.	Bonds; how issued.....	66
259.	Bonds; how sold.....	66
260.	Proceeds of bonds.....	66

SEC.		PAGE
261.	Taxes for interest and principal.....	67
262.	Frequency of elections.....	67
263.	Bonds in special-charter districts.....	67
264.	Limit of bonds.....	68
265.	Bonds authorized by other acts.....	68

ART. 23. COUNTY COMMISSIONERS DIRECTED TO FUND SCHOOL INDEBTEDNESS.

266.	Indebtedness for necessary expenses.....	68
267.	Bonds; how issued.....	68
268.	Commissioners required to levy taxes.....	69
269.	Determining validity of bonds.....	69
270.	Loans.....	69
271.	(Obsolete).....	70
272.	(Obsolete).....	70

ART. 24. LOANS FROM STATE LITERARY FUND

273.	Made by State Board from State Literary Fund.....	70
274.	Terms of loans.....	70
275.	How secured and paid.....	70
276.	Loans by county boards to school districts.....	71
277.	Appropriation from loan fund for free plans and inspection of school buildings.....	71

ART. 25. LOANS FROM SPECIAL BUILDING FUND.

278.	The special building fund.....	71
279.	How loans shall be repaid.....	72
280.	To be provided for in May budget.....	72
281.	The State Board of Education shall approve all applications and provide funds.....	73
282.	Treasurer to sell bonds.....	74
283.	Exempt from taxation.....	74
284.	County board may make loan to districts.....	75

PART IX

VOCATIONAL EDUCATION

ART. 26. DUTIES, POWERS AND RESPONSIBILITIES OF STATE BOARD FOR VOCATIONAL EDUCATION

285.	Acceptance of benefits of federal vocational education act.....	75
286.	State Board for Vocational Education created.....	75
287.	Powers and duties of board.....	76
288.	State Superintendent to enforce article.....	76
289.	State appropriation equal to federal appropriation.....	76
290.	State Treasurer authorized to receive and disburse vocational education fund.....	77
291.	Coöperation of county authorities with State board; funds.....	77
292.	Report to Governor.....	77

ART. 27. COUNTY FARM-LIFE SCHOOLS

293.	Establishment of school in county.....	77
294.	Aim of school and course of study.....	77
295.	Board of trustees; appointment; terms; vacancies.....	78
296.	Qualification and organization of board.....	78
297.	Location of school.....	78
298.	Buildings; farm; maintenanc.....	78
299.	Election in county; to establish schools.....	79
300.	Issuance of bonds.....	79
301.	Township election to secure location.....	80
302.	Township bonds to secure location.....	80
303.	Election by contiguous townships to secure location.....	81
304.	Election in townships to establish on failure of county election.....	81
305.	Provisions for township school becoming county farm-life school.....	82
306.	High school department in connection with county farm-life school.....	82
307.	Agricultural and farm-life extension and demonstration.....	83
308.	Short courses for adults.....	83
309.	Admission of students from other counties.....	83
310.	Treasurer of county farm-life school; compensation.....	83
311.	Incorporation and powers.....	83
312.	Appropriation of State funds; number of schools.....	84
313.	County board may supplement funds.....	84

ART. 28. FARM-LIFE SCHOOLS OPERATING UNDER SPECIAL ACTS

314.	All high schools having departments of agriculture and home economies.....	84
------	--	----

CONTENTS

xi

ART. 29. VOCATIONAL REHABILITATION OF PERSONS DISABLED IN INDUSTRY OR OTHERWISE

SEC.		PAGE
315.	Acceptance of federal aid.....	85
316.	State Board for Vocational Education shall have all necessary authority to cooperate	85
317.	State appropriation from State Public School Fund.....	85
318.	The State Board of Health.....	85
319.	State appropriation.....	86

PART X

TEXT-BOOKS AND PUBLIC LIBRARIES

ART. 30. TEXT-BOOKS FOR ELEMENTARY GRADES

320.	State Board of Education adopts.....	86
321.	Books adopted for an indefinite period.....	86
322.	Classification of text-books.....	87
323.	Basal and supplementary books.....	87
324.	Adoption of supplementary books.....	87
325.	The text-book commission.....	87
326.	Organization of commission.....	87
327.	Compensation of commission.....	88
328.	Duties of commission.....	88
329.	State Board of Education makes all contracts.....	89
330.	Not more than one major subject to be changed in any one year.....	89
331.	Publishers to register all agents or employees.....	89
332.	Contracts now in force not affected.....	89

ART. 31. TEXT-BOOKS FOR HIGH SCHOOLS

333.	County boards of education adopt.....	89
334.	State committee on high school text-books; duties; reports to State Superintendent.....	89
335.	State Board of Education approves the list.....	90
336.	County committee to recommend books.....	90
337.	Text-books adopted for five years; exceptions.....	90
338.	State Board of Education to make contracts.....	91
339.	Students removing from county may sell books; resale.....	91

ART. 32. FURNISHING TEXT-BOOKS

340.	Free text-books.....	91
341.	Rental of text-books.....	92
342.	County and local boards to make rules; to use incidental expense fund.....	92
343.	Books for indigent children.....	93
344.	State Superintendent to inform local school authorities.....	93

ART. 33. PUBLIC LIBRARIES

345.	Rules and regulations governing their establishment.....	93
346.	Aid in establishing local libraries.....	93

PART XI

COMPULSORY ATTENDANCE IN SCHOOLS

ART. 34. GENERAL COMPULSORY ATTENDANCE LAW

347.	Parent or guardian required to keep child in school; exceptions.....	94
348.	State Board of Education to make rules and regulations; method of enforcement.....	94
349.	Attendance officers; reports; prosecutions.....	94
350.	Violation of law; penalty.....	95
351.	Investigation and prosecution by county superintendent and attendance officer.....	95
352.	Investigation as to indigency of child.....	95
353.	Aid to indigent child.....	95

ART. 35. COMPULSORY ATTENDANCE OF DEAF AND BLIND CHILDREN

354.	Deaf and blind children to attend school; age limits; minimum attendance.....	96
355.	Parents, etc., failing to send to school guilty of misdemeanor; provisos.....	96
356.	Parents, etc., failing to send; guilty of misdemeanor; provisos.....	96
357.	To report defective children.....	97

PART XII.

THE STATE BOARD OF EDUCATION TO LICENSE CERTAIN INSTITUTIONS

ART. 36. STATE BOARD OF EDUCATION TO REGULATE DEGREES

358.	Right to confer degrees restricted.....	97
359.	Empowered to grant license to confer degrees.....	97
360.	Inspection of institution; revocation of license.....	97

ART. 37. LICENSE COMMERCIAL SCHOOLS

SEC.		PAGE
361.	Licenses for commercial schools.....	98
362.	Report to be filed before license.....	98
363.	Advertising literature to be filed.....	98
364.	Conducting school without license, misdemeanor.....	98
365.	Blanks for reports and licensès; disposition of license tax.....	98
366.	Application of article.....	99

PART XIII

OBSERVANCE OF SPECIAL DAYS

ART. 38. SPECIAL DAYS TO BE OBSERVED IN PUBLIC SCHOOLS

367.	North Carolina Day.....	99
368.	Temperance or Law and Order Day.....	99
369.	Arbor Day.....	99
370.	Other days.....	100
371.	Combined programs.....	100

ART. 39

372.	Desecration of State and national flag.....	100
------	---	-----

PART XIV

PROVISIONS AS TO REPEAL OF LAWS CONFLICTING WITH THIS ACT

ART. 40. FORMER PUBLIC SCHOOL LAWS REPEALED

373.	All of Chapter 95 of Consolidated Statutes.....	101
374.	Specific chapters repealed.....	101
375.	Specific sections of certain chapters repealed.....	101
376.	Article 1 of chapter 123 Consolidated Statutes.....	101
377.	If any section of this act be held invalid.....	101
378.	All laws and clauses of laws.....	101
379.	This act in effect April 15th, 1923.....	101

INTRODUCTION

CONSTITUTIONAL BASIS OF THE PUBLIC SCHOOL SYSTEM

1. **The people have the right to the privilege of education.** The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Bill of Rights; Art. I, s. 27.

2. **Education shall forever be encouraged.** Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Const., Art. IX, s. 1.

3. **A general and uniform school system required.** The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of or to the prejudice of either race.

Const., Art. IX, s. 2.

4. **Commissioners required to maintain at least a six months term.** Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least six months in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this section they shall be liable to indictment.

Const., Art. IX, s. 3.

5. **General Assembly shall not create a School District.** The General Assembly shall not pass any local, private, or special act or resolution: "Erecting new townships, or changing township lines, or establishing or changing the lines of school districts."

Const., Art. XI, s. 29.

6. **The State Public School Fund.** The proceeds of all lands that have been or hereafter may be granted by the United States to this State and not otherwise appropriated by this State or the United States, also all money, stocks, bonds and other property now belonging to any State fund for purposes of education, also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to the State and not otherwise appropriated by the State or by the terms of the grant, gift or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that pur-

pose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

Const., Art. IX, s. 4.

7. The County School Fund. All moneys, stocks, bonds, and other property belonging to a county school fund, also the net proceeds from the sale of estrays, also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as an equivalent for exemption from military duty shall belong to and remain in the several counties and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties in this State: *Provided*, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

Const., Art. IX, s. 5.

8. School attendance may be compulsory. The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years for a term of not less than sixteen months, unless educated by other means.

Const., Art. IX, s. 15.

9. The government of the University. The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof in any wise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws and regulations from time to time as may be necessary and expedient for the maintenance and management of said University.

Const., Art. IX, s. 6.

10. Special departments in the University. As soon as practicable after the adoption of this Constitution the General Assembly shall establish and maintain in connection with the University a department of agriculture, of mechanics, of mining and of normal instruction.

Const., Art. IX, s. 14.

11. The benefits of the University. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also that all the property which has heretofore accrued to the State or shall hereafter accrue from escheats, unclaimed dividends or distributive shares of the estates of deceased persons shall be appropriated to the use of the University.

Const., Art. IX, s. 7.

12. The State Board of Education. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction, and Attorney-General shall constitute a State Board of Education. The Governor shall be president and the Superintendent of Public Instruction shall be secretary of the Board of Education.

Const., Art. IX, ss. 8, 9.

13. Duties of the Board. The Board of Education shall succeed to all the powers and trusts of the president and directors of the literary fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said board may be altered, amended, or repealed by the General Assembly and when so altered, amended or repealed they shall not be re-enacted by the board. The first session of the Board of Education shall be held at the capital of the State within fifteen days after the organization of the State Government under this Constitution; the time of future meetings may be determined by the board. A majority of the board shall constitute a quorum for the transaction of business. The contingent expenses of the board shall be provided by the General Assembly.

Const., Art. IX, ss. 10, 11, 12, 13.

CHAPTER I

AN ACT TO AMEND THE CONSOLIDATED STATUTES AND TO CODIFY THE LAWS RELATING TO PUBLIC SCHOOLS

Whereas the acts of the General Assembly relating to public education are for the purpose of aiding all the people and especially school officials in maintaining and conducting a system of public schools and in providing revenue for the same; and

Whereas a great need is apparent for collecting all the laws relating to public education and codifying them in such a way as to set forth as clearly as possible the legal duties, powers, and responsibilities of the several school officials in order to give them and all other friends of public education a clearer conception of their duties in maintaining and conducting public schools in accordance with the needs of the people and the provisions of the Constitution: Now, therefore

The General Assembly of North Carolina do enact:

PART I

ART. 1. INTERPRETATIONS

Section 1. A general and uniform system of schools. A general and uniform system of public schools shall be provided throughout the State wherein tuition shall be free of charge to all children of the State between the ages of six and twenty-one years. The length of term of each school shall be not less than six months or 120 days, and every man or woman twenty-one years of age or over who has not completed a standard high school course of study or who desires to study the vocational subjects taught in said school, shall be given equal privileges with every other student in school.

The children of the white race and the children of the colored race shall be taught in separate public schools, but there shall be no discrimination in favor of or to the prejudice of either race. All white children shall be taught in the public schools provided for the white race, and all colored children shall be taught in the public schools provided for the colored race; but no child with negro blood, or what is generally known as Croatan Indian blood, in his veins, shall attend a school for the white race, and no such child shall be considered a white child. The descendants of the Croatan Indians, now living in Robeson, Sampson, and Richmond counties, shall have separate schools for their children.

C. S., 5538.

When the school officials are providing schools for one race it shall be a misdemeanor for the officials to fail to provide schools for the other races,

and it shall be illegal to levy taxes on the property and polls of one race for schools in a district without levying it on all property and polls of all races within said district.

Sec. 2. **The school system defined.** The school system of each county shall consist of eleven years or grades, and shall be graded on the basis of a school year of not less than 160 days. The first seven years or grades shall be styled the elementary school, and the last four years or grades shall be styled the high school: *Provided*, the system for convenience in administration may be divided into three parts, the elementary school consisting of the first five or six grades and a junior and a senior high school embracing the last six or five grades, if better educational advantages may be supplied.

Sec. 3. **The term "district" defined.** The term "district" as used in law is hereby defined to mean any convenient territorial division or subdivision of a county, created for the purpose of maintaining within its boundaries one or more public schools. It may include an incorporated town or city, or a township, or a part of a township. There shall be five different types or kinds of districts: (1) *The non-local tax district*, that is, one territorial unit of the county system under the control of the county board of education, but having no special local tax funds for supplementing the general county funds; (2) *The local tax district*, that is, one territorial unit of the county system under the control of the county board of education, but having in addition to the general county funds a special local tax fund, voted by the people, for supplementing the general county fund; (3) *The special charter district*, that is, a district chartered by the General Assembly, the control of which is placed in the hands of a board of trustees or school commissioners whose duties are defined by the General Assembly, or a territorial unit whose boundary lines may be coterminous with the boundary lines of an incorporated town or city, but without a special charter, the city charter having authorized the city to maintain a system of schools, and the government of the schools having been delegated to a special board; (4) *Special school taxing district*, that is, a territorial division of a county embracing more than one school district, in which special taxes for schools may be voted; and (5) *Special high school district*, that is, a special district embracing two or more school districts and created for the purpose of giving high school advantages to the children completing the elementary schools in the several districts which compose the special high school district.

Sec. 4. **Schools classified and defined.** The different types of public schools are classified and defined as follows: (1) *A city school system*, that is, a system maintained for 180 days and employing not less than thirty teachers and one whole-time superintendent. It shall contain a school system of eleven years, including a standard four-year high school, employing not less than five teachers; (2) *A union school*, that is, a system maintained for at least 160 days, and embracing an elementary school of seven grades, and a high school department containing not less than twenty pupils in average daily attendance; and (3) *An elementary school*, that is, a district

school that embraces a part or all of the seven elementary grades, but without sufficient high school pupils or length of term to become a union school.

Sec. 5. Officials defined. The governing board of the county school system shall be styled "The County Board of Education." The governing board of a local-tax district and also of a non-local-tax district shall be styled "The District Committee." The name, "The Board of Trustees," as it appears in law, refers to all other governing bodies of special charter districts. And wherever any other name is used in a statute to designate the governing body of a special charter district, the name, "The Board of Trustees," is hereby declared to be its equivalent.

The executive officer of a county system elected by the county board of education, the executive officer of a city school system elected by a board of trustees, and the executive officer of a union school in a special charter district employing as many as twenty teachers, shall be styled, "Superintendent." The executive head of all other union schools and of all elementary schools having four or more teachers shall be styled, "Principal."

Sec. 6. School day and school month defined. A school day is defined to mean the number of hours each day the public schools are conducted and the time teachers are employed to instruct pupils or to supervise their activities. A school month shall consist of not less than twenty school days.

Sec. 7. Part-time classes defined. The term "Part-time classes" is defined to mean the period provided for those pupils who may be able to attend school for only one or more recitations or exercises daily.

Sec. 8. A standard high school defined. A standard high school is defined as a high school that presents the following minimum requirements: A school term of not less than 160 days, four years or grades of work beyond the seventh elementary grade, three teachers holding required certificates, not less than forty-five pupils in average daily attendance, a program of studies approved by the State Superintendent of Public Instruction, and such equipment as may be deemed necessary by the State Superintendent of Public Instruction to make the instruction beneficial to pupils.

Sec. 9. Public school funds defined. All revenues of the State for the maintenance and support of the public school system of the State shall be divided into three funds as follows:

(a) *The State Literary Fund*—or all funds of the State heretofore derived from the sources enumerated in section four, Article IX of the State Constitution, and all funds that may be hereafter so derived, together with any interest that may accrue thereon, shall be a fund separate and distinct from the other funds of the State, to be known as the State Literary Fund, and shall be loaned by the State Board of Education to county boards of education, in accordance with law, for the purpose of aiding in the erection and equipment of schoolhouses.

(b) *The Special Building Fund*—or all funds derived from the sale of State bonds authorized by the General Assembly to be sold and loaned

by the State Board of Education to county boards of education for the special purpose of aiding in the erection and equipment of schoolhouses, and designated by the General Assembly as a Special Building Fund.

(c) *The State Public School Fund*—or all other State funds derived from all other sources in accordance with law, and deposited in the State Treasury for the support and maintenance of the public school system and all forfeitures, fines and penalties imposed by the State Board of Education for the failure of any company or corporation to keep any contract entered into between the State Board of Education and said company.

PART II

DUTIES, POWERS AND RESPONSIBILITIES OF COUNTY BOARDS OF EDUCATION

ART. 2. THE BOARD: ITS CORPORATE POWERS

Sec. 10. **How constituted.** The county board of education in each county shall consist either of three members or of five members.

Sec. 11. **Term of office.** The term of office shall be for two years, except as may be otherwise provided in the act appointing members of the boards of education by the General Assembly.

Sec. 12. **How nominated and elected.** In all the counties of the State there shall be nominated in the year one thousand nine hundred and twenty-four, and biennially thereafter, at the party primaries or conventions, at the same time and in the same manner as that in which other county officers are nominated, a candidate or candidates, by each political party of the State, for member or members of the county board of education to take the place of the member or members of said board whose term next expires. The names of the persons so nominated in such counties shall be duly certified by the chairman of the county board of elections within ten days after their nomination is declared by said county board of elections, to the Superintendent of Public Instruction, who shall transmit the names of all persons so nominated, together with the name of the political party nominating them, to the chairman of the committee on education in the next session of the General Assembly within ten days after it convenes. It shall be the duty of the General Assembly to elect or appoint one or more of the candidates so nominated as a member or members of the county board of education for such county. Upon failure of the General Assembly to elect or appoint members as herein provided such failure shall constitute a vacancy which shall be filled by the State Board of Education. The term of office of each member shall begin on the first Monday of April of the year in which he is elected, and shall continue until his successor is elected and qualified.

C. S., 5404.

Sec. 13. **County board of elections to provide for nominations.** The County board of elections, under the direction of the State Board of Elections shall make all necessary provisions for such nominations as are herein provided for.

C. S., 5405.

Sec. 14. Members to qualify. Those persons who shall be elected members of the county board of education by the General Assembly must qualify by taking the oath of office on or before the first Monday in April next succeeding their election. A failure to qualify within that time shall constitute a vacancy. Those persons elected or appointed to fill a vacancy must qualify within thirty days after notification thereof. A failure to qualify within that time shall constitute a vacancy.

C. S., 5406.

Sec. 15. Vacancies in nominations. If any candidate shall die, resign, or for any reason become ineligible or disqualified between the date of his nomination and the time for the election by the General Assembly of the member or members of the county board of education for the county of such candidate, the vacancy caused thereby may be filled by the action of the county executive committee of the political party of such candidate.

C. S., 5407.

Sec. 16. Vacancies in office. All vacancies in the membership of the board of education in such counties by death, resignation, or otherwise shall be filled by the remaining members of said county board of education until the meeting of the next regular session of the General Assembly, and then for the residue of the unexpired term by that body. If the vacancy to be filled by the General Assembly in such cases shall have occurred before the primary or convention held in such county, then and in that event nominations for such vacancies shall be made in the manner hereinbefore set out, and such vacancy shall be filled from the candidates nominated to fill such vacancy by the party primaries or convention of such county. All vacancies that are not filled by the remaining members of the board under the authority herein contained within thirty days from the occurrence of such vacancies shall be filled by appointment by the State Board of Education.

C. S., 5408.

In the event that all or a majority of the members of the board die, resign or are removed from office, the vacancies shall be filled at once by the State Board of Education.

Sec. 17. Eligibility for the office. No person shall be eligible as a member of the county board of education who is not known to be a man of intelligence, of good moral character, of good business qualifications and known to be in favor of public education. No person, while actually engaged in teaching in the public schools or engaged in teaching in or conducting a private school in connection with which private school there is in any manner conducted a public school, and no member of a district committee or board of trustees shall be eligible as a member of the county board of education.

C. S., 5409.

Sec. 18. Organization of the board. At the first meeting of the new board in April the members of the board shall organize by electing one of its members as chairman for a period of one year or until his successor is elected and qualified. The Superintendent of Public Instruction shall be *ex officio* secretary to the board. He shall keep the minutes of the meetings of the board, but shall have no vote: *Provided*, that in the

event of a vacancy in the county superintendency the board may elect one of its members to serve temporarily as secretary to the board.

Sec. 19. The board a body corporate. The board of education shall be a body corporate by the name and style of "The Board of Education ofCounty." By that name it shall hold all school property belonging to the county, and it shall be capable of purchasing and holding real and personal property, of building and repairing schoolhouses, of selling and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation.

All public school property now in the possession of school committees who were bodies corporate prior to January 1, 1900, or who became bodies corporate by special act of the General Assembly, but who have since ceased to be bodies corporate; and where land or lands were conveyed by deed bearing date prior to January 1, 1900, to local trustees for school purposes, and such deed makes no provision for successor trustees to those named in said deed, and all such trustees are dead; and where such land or lands are not now being used for educational purposes either by the county board of education of the county or the board of trustees of a special charter district wherein same are located, the clerk of the Superior Court of the county wherein such property or such land or lands are located shall convey said property or land or lands to the county board of education, unless same is located in a special charter district. In that event said property or land or lands shall be conveyed to the board of trustees of the special charter district.

Sec. 20. Compensation of members. The board of education may fix the compensation of each member at not to exceed five dollars per diem and five cents a mile to and from the place of meeting. And no member of the board shall receive any compensation for any services rendered except the per diem provided in this section for attending meetings of the board and traveling expenses when attending meetings of the board, or such other traveling expenses as may be incurred while performing duties imposed upon any member by authority of the board.

C. S., 3912. Amended 1921.

Sec. 21. Removal for cause. In case the State Superintendent shall have sufficient evidence that any member of the county board of education is not capable of discharging or is not discharging the duties of his office as required by law, or is guilty of immoral or disreputable conduct, he shall notify the chairman of the county board of education, who shall call a meeting of the board at once to investigate the charges, and if found to be true, the board shall declare the office vacant.

C. S., 5414, revised.

Sec. 22. Meetings of the board. The county board of education shall meet on the first Monday in January, April, July, and October. It may elect to hold regular monthly meetings, and to meet in special sessions as often as the school business of the county may require.

C. S., 5410, revised.

Sec. 23. Powers, suits and actions. (a) The county board of education shall institute all actions, suits, or proceedings against officers, persons, or corporations, or their sureties, for the recovery, preservation, and appli-

cation of all moneys or property which may be due to or should be applied to the support and maintenance of the schools, except in case of a breach of his bond by the treasurer of the county school fund, in which case action shall be brought by the county commissioners as is hereinafter provided.

(b) In all actions brought in any court against a county board of education for the purpose of compelling the board to admit any child or children who have been excluded from any school, by the order of the board, the order or action of the board shall be presumed to be correct, and the burden of proof shall be on the complaining party to show to the contrary.
C. S., 5417.

Sec. 24. Power to subpoena and to punish for contempt. The board shall have power to issue subpoenas for the attendance of witnesses. Subpoenas may be issued in any and all matters which may lawfully come within the powers of the board, and which in the discretion of the board require investigation; and it shall be the duty of the sheriffs, coroners, and constables to serve such subpoenas upon payment of their lawful fees.

The county board of education of each county shall have power to punish for contempt for any disorderly conduct or disturbance tending to disrupt it in the transaction of official business.

C. S., 5418.

Sec. 25. Witness failing to testify misdemeanor. Any witness who shall willfully and without legal excuse fail to appear before the county board of education to testify in any matter under investigation by the board, shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days.

C. S., 5419.

Sec. 26. Appeals to board from county officers. An appeal shall lie from all county school officers to the county board of education, and such appeals shall be regulated by rules to be adopted by the county board of education.

C. S., 5420.

Sec. 27. Superior Court to review board's action. The Superior Courts of the State may review any action of the county board of education affecting one's character or right to teach.

C. S., 5421.

ART 3. THE DIRECTION AND SUPERVISION OF THE SCHOOL SYSTEM

Sec. 28. To provide for all the children of the county. It is the duty of the county board of education to provide an adequate school system for the benefit of all the children of the county, as directed by law. The board of education shall so district the county and locate the schools that elementary and high school instruction may be available for all children of the county.

Sec. 29. General powers. All powers and duties conferred and imposed by law respecting public schools, which are not expressly conferred and imposed upon some other officials, are conferred and imposed upon the county board of education.

C. S., 5412.

Sec. 30. **General control.** The county board of education shall have general control and supervision of all matters pertaining to the public schools in their respective counties, and they shall execute the school laws in their respective counties. But wherever duties are assigned to the county board of education in Part II of this act, it shall not be construed so as to take away from the board of trustees of any special charter district any duties or powers assigned to said board of trustees by the General Assembly.

C. S., 5412, revised.

Sec. 31. **Determine the method of conducting schools.** The county board of education shall have power and authority to fix and determine the method of conducting the public schools in their respective counties, so as to furnish the most advantageous method of education available to the children attending the public schools in the several counties of the State.

C. S., 5412.

Sec. 32. **Fix time of opening and closing schools.** The time of opening and closing the public schools in the several public school districts of the State shall be fixed and determined by the county board of education in their respective counties. The board may fix different dates for opening the schools in different townships, but all the schools of each township must open on the same date, as nearly as practicable.

C. S., 5412.

Sec. 33. **Determine length of school day.** The length of the school day shall be determined by the county board of education for all public schools under its jurisdiction and by the board of trustees of all other schools: *Provided*, the minimum time for which teachers shall be employed in the schoolroom or on the school grounds supervising the activities of children shall not be less than six hours. But county boards of education may authorize rural schools in certain seasons of the year, when the agricultural needs of the farm demand it, to be conducted for less than six hours a day: *Provided further*, it shall be the duty of county boards of education and boards of trustees, wherever the needs are presented, to provide part-time classes for pupils above the compulsory school age and for such other pupils as are unable, because of physical defects, to attend school for the full time designated for the classes in which they may be enrolled.

Sec. 34. **Duty to enforce the compulsory school law.** It shall be the duty of teachers, principals, county superintendents of public instruction and attendance officers to enforce the compulsory school law in accordance with the rules and regulations adopted by the State Board of Education, and if they shall fail to perform their duties in this respect, it shall be the duty of the county board of education to withhold the salary of such a person or to remove such a one from office. Any school officials failing to obey the law in regard to compulsory attendance shall be guilty of a misdemeanor and may be fined or imprisoned in the discretion of the court.

C. S., 5759, 5760.

Sec. 35. **The classification of schools.** The county board of education on recommendation of the county superintendent shall have authority to classify the schools of the county and determine the number of grades that each school shall contain, and in what schools high school subjects may be taught. But high school subjects shall not be taught in a school having only one teacher.

Sec. 36. **The location of high schools.** It is the duty of the county board of education on recommendation of the county superintendent to locate high schools in the county or to arrange for high school instruction in special charter districts, so as to provide good high school instruction for all the children. Since the cost of good high school instruction is too great to permit the location of small high schools close together, it shall be the duty of the county board, wherever the needs demand it, to locate not more than one standard high school in each township or its equivalent. *Provided*, it shall be discretionary with county boards of education to continue standard high schools now in existence contrary to the provisions of this section, and to establish such high schools in townships in which city schools are already located.

Sec. 37. **Number of teachers permitted in each elementary school.** The county board of education in apportioning the public school fund for the maintenance of a six months school term, is authorized to provide for more than one teacher in the elementary schools as follows:

In a school where, during the preceding school year the average number of children attending such school daily was not less than thirty pupils, funds may be apportioned for paying the salaries of two teachers; and in a school where, during the preceding school year, the average number of children attending such school daily was not less than sixty-five pupils, funds may be apportioned for paying the salaries of three teachers; and in schools where, during the preceding school year, the average number of children attending daily was not less than one hundred pupils, funds may be apportioned for paying the salaries of four teachers; and in a school where, during the preceding school year, the average number of children attending such school daily exceeded one hundred pupils, funds may be apportioned for one additional teacher for each thirty-five additional pupils in average daily attendance in the school.

C. S., 5490, revised.

Sec. 38. **Number of teachers permitted in each high school.** The county board of education may provide for teachers in high schools on the following basis:

One whole-time teacher for twenty pupils in average daily attendance; two teachers for thirty pupils in average daily attendance; three teachers for forty-five pupils in average daily attendance; four teachers for seventy pupils in average daily attendance; and after four teachers are employed on this basis one additional teacher may be employed for each additional thirty pupils in average daily attendance: *Provided*, that for the encouragement of the teaching of vocational subjects, teachers of agriculture and home economics may be in addition to the number of teachers allowed above, if instruction is provided for the people of the community in these vocational subjects.

Sec. 39. **Subjects taught in the elementary schools.** The county board of education shall provide for the teaching of the following subjects in all elementary schools having seven grades or seven years: Spelling, reading, writing, grammar, language and composition, English, arithmetic, drawing, geography, the history and geography of North Carolina, history of the United States, elements of agriculture, health education, including the nature and effect of alcoholic drinks and narcotics, and fire prevention.

It shall be the duty of the State Superintendent of Public Instruction to prepare a course of study outlining these and other subjects that may be taught in the elementary schools, arranging the subjects by grades and classes, giving directions as to the best methods of teaching them, and including type lessons for the guidance of the teachers. The county board of education shall require these subjects in both public and private schools to be taught in the English language, and any teacher or principal who shall refuse to conduct his recitations in the English language shall be guilty of a misdemeanor, and may be fined or imprisoned in the discretion of the court.

Sec. 40. **Kindergartens may be established.** Upon a petition by the board of directors or trustees or school committee of any school district, endorsed by the county board of education, the board of county commissioners, after thirty days notice at the courthouse door and three other public places in the district named, shall order an election to ascertain the will of the people within said district whether there shall be levied in such a district a special annual tax of not more than fifteen cents on the one hundred dollars worth of property and forty-five cents on the poll for the purpose of establishing kindergarten departments in the schools of said districts. The election so ordered shall be conducted under the rules and regulations for holding special tax elections in special school districts, as provided in article 18 of this chapter.

At such elections those who are in favor of the special tax shall vote a ballot on which shall be printed the words, "For Kindergartens," and those who are opposed shall vote a ballot on which shall be printed the words "Against Kindergartens."

If a majority of the qualified voters shall vote in favor of the tax, then it shall be the duty of the board of trustees or directors or school committee of said district to establish and provide for kindergartens for the education of the children in said district of not more than six years of age, and the county commissioners shall annually levy a tax for the support of said kindergarten departments not exceeding the amount specified in the order of election. That said tax shall be collected as all other taxes in the county are collected and shall be paid by the sheriff to the treasurer of the said school district to be used exclusively for providing adequate quarters and for equipment and for the maintenance of said kindergarten department.

Sec. 41. **County training schools.** The county board of education is authorized with the approval of the State Superintendent of Public Instruction, to make special appropriations from the county school fund to provide for the county, one county training school of not less than eight months

for either race in which elementary and high school subjects and vocational subjects of agriculture, home economics, and special industrial subjects and methods of teaching shall be taught. The purpose of the special appropriation to the county training school shall be to provide teachers for the elementary schools for six months.

Sec. 42. Board shall provide schools for Indians in certain counties. It shall be the duty of the county board of education to provide separate schools for Indians as follows:

The persons residing in Robeson and Richmond counties, supposed to be descendants of a friendly tribe once residing in the eastern portion of the State, known as Croatan Indians, and who have heretofore been known as "Croatan Indians" or "Indians of Robeson County," and their descendants, shall be known and designated as the "Cherokee Indians of Robeson County;" and the persons residing in Person County supposed to be descendants of a friendly tribe of Indians and White's Lost Colony, once residing in the eastern portion of this State, and known as "Cubans," and their descendants, shall be known and designated as the "Indians of Person County."

NOTE.—For separate schools for Indians in Scotland County, see 1909, c. 720. For separate schools in Cumberland County, see 1907, c. 499. And for Sampson County, see 1917, c. 509.

The Indians mentioned above and their descendants shall have separate schools for their children, school committees of their own race and color, and shall be allowed to select teachers of their own choice, subject to the same rules and regulations as are applicable to all teachers in the general school law, and there shall be excluded from such separate schools all children of the negro race to the fourth generation.

C. S., 5546, 5547.

ART. 4. SCHOOL OFFICIALS SELECTED BY OR RESPONSIBLE TO THE BOARD OF EDUCATION

Sec. 43. Election of county superintendent. The county board of education shall as soon as convenient on or after the first Monday in April, elect a county superintendent of public instruction to serve for a term of two years. The county board of education shall fix the time for the election of the county superintendent and shall give public notice of the same in a paper published or circulating in the county, and shall post a notice of the same at the courthouse door at least fifteen days before the date fixed for the election of said superintendent. His term of office shall begin on the first Monday in July. Immediately after the election the chairman of the county board of education shall report the name, address, experience and qualification of the person elected to the State Superintendent of Public Instruction.

Sec. 44. Limitations of the board in selecting a county superintendent. The county board of education is authorized to select for the office of county superintendent any practical teacher and administrator who holds or is entitled to hold a superintendent's certificate under the rules and regulations of the State Board of Education. If any board of education shall elect a person to serve as county superintendent of public instruction who

does not qualify, or cannot qualify for the superintendent's certificate before taking the oath of office, the election is null and void and it shall be the duty of the board of education to elect only a person that can qualify.

C. S., 5425, revised.

Sec. 45. Provide an office and assistance for superintendent. The county board of education shall provide an office for the county superintendent, in the courthouse if possible. It shall provide office supplies for the superintendent, such as stationery, stamps and other necessary supplies in the conduct of his business. The county board of education may employ clerical assistance to aid the county superintendent.

C. S., 5424, revised.

Sec. 46. To remove county superintendent for cause. The county board of education is authorized to remove a county superintendent who is guilty of immoral conduct, or shall fail or refuse to perform the duties required of him by law.

In case the State Superintendent shall have sufficient evidence at any time that any county superintendent of public instruction is not capable of discharging or is not discharging the duties of his office as required by law or is guilty of immoral or disreputable conduct, he shall report the matter to the county board of education, which shall hear the evidence in the case; and if, after careful investigation, it shall find the charges true, it shall declare the office vacant at once and proceed to elect his successor. This section shall not deprive any county superintendent of the right to try his title to office in the courts of the State.

C. S., 5414, revised.

Sec. 47. To prescribe the duties of the county superintendent not in conflict with the law and the Constitution. All acts of the county board of education not in conflict with State law shall be binding on the county superintendent, and it shall be his duty to carry out all rules and regulations of the board.

Sec. 48. To elect committeemen of school districts. The county board of education shall elect three committeemen to serve in each school district, in those districts that hereafter may be created. One shall be elected for one year; one for two years and one for three years, or until their successors are elected and qualified. Their terms of office shall begin as of April 1st in the calendar year in which they are elected, and as their terms of office expire their successors shall be elected for a term of three years. It shall be the duty of the county board of education to elect in April of each year, or as soon thereafter as convenient, one committeeman for each district of the county already established, to serve for a term of three years or until the successor is elected and qualified.

Provided: The county board of education is authorized to select in a local tax district, a committee composed of five members, two for one year, two for two years, and one for three years, or until their successors are elected and qualified.

Provided further: The jurisdiction of the county board of education to elect district committeemen shall apply to all school districts in a

county except those districts that have special authority from the General Assembly to elect committeemen in some other manner.

C. S., 5457, 5458, revised.

Sec. 49. To remove committeemen for cause. In case the county superintendent or any member of the county board of education shall have sufficient evidence at any time that any member of any school committee is not capable of discharging, or is not discharging the duties of his office, or is guilty of immoral or disreputable conduct, he shall bring the matter to the attention of the county board of education, which shall thoroughly investigate the charges and shall remove such committeeman and appoint his successor, if sufficient evidence shall be produced to warrant his removal and the best interests of the schools demand it.

C. S., 5414.

Sec. 50. To advise with the committee in regard to the needs of the district. The county board of education shall advise with the committee of each district before the May budget is prepared, and seek such information as may be helpful in planning the work for the ensuing year, in providing the number and grade of teachers needed, and the amount needed to thoroughly equip the school building or buildings of the district. The county board of education shall keep the committees informed as to the plans and purposes of the board and shall seek in every way possible to secure their co-operation in providing adequate educational opportunities for all the children of the district, for the enforcement of the compulsory school law, for teaching adult illiterates, and for the encouragement of vocational education in the county.

Sec. 51. Supervisors or assistant county superintendent. The county board of education shall have authority to employ an assistant county superintendent or to employ a supervisor or supervisors to aid the county superintendent in supervising the instruction in the elementary and high schools of the county: *Provided*, that the salary for the same is provided in the budget and approved by the county commissioners. The duties of the supervisor or the assistant county superintendent shall be outlined by the county superintendent of public instruction: *Provided further*, the supervisor or assistant county superintendent shall not be assigned to regular clerical work in the office of the county superintendent. And no part of the salary of any supervisor or assistant county superintendent shall be paid out of the State Public School Fund, unless the duties assigned to the same are first approved by the State Superintendent of Public Instruction.

Sec. 52. Obsolete.

Sec. 53. Duty of county board to teachers, supervisors and principals. The county board of education, upon the recommendation of the county superintendent, shall have full power to make all just and needful rules and regulations governing the conduct of teachers, principals and supervisors, under the jurisdiction of the county board of education, the kind of reports they shall make and their duties in the care of the school property.

The county board of education shall have power to investigate and pass upon the moral character of any teacher or school official in the

public schools of the county, and to dismiss such teacher or school official, if found of bad moral character; also to investigate and pass upon the moral character of any applicant for employment in any public school in the county. Such investigation shall be made after written notice of not less than ten days to the person whose character is to be investigated.

If the superintendent reports to the board that the work of any teacher, principal or supervisor is unsatisfactory, or that either is not observing the rules and regulations of the board of education, the board has full authority at any time during the year upon notice of ten days to investigate the charges and if sustained to reduce the salary of the teacher, supervisor or principal to the next lower salary in the salary schedule and finally to discharge the same for failure to perform the duties as prescribed by the board.

C. S., 5412, revised.

Sec. 54. To provide for the training of teachers. The county board of education is hereby authorized to provide summer schools for the improvement of teachers, subject to the rules and regulations of the State Board of Education. The board is authorized to provide for the professional growth of the teachers while in service, and to pass rules and regulations requiring teachers to co-operate with the county superintendent for the improvement of instruction in the classroom, and for promoting community improvement, and the county board of education shall have authority to provide a smaller salary schedule for those teachers who do not conform to the rules and regulations authorized in this section.

Sec. 55. The pay of teachers. The county board of education shall not authorize the payment of the salary of any teacher or school official for a shorter term than one month, unless he or she is providentially hindered from completing the term.

It is the duty of the county board of education to provide monthly for the prompt payment of all salaries due teachers and other school officials, and to meet other necessary operating expense.

Sec. 56. Authority to borrow. If the taxes for the current year are not collected when the salaries and other necessary operating expenses come due, and the money is not available for meeting the necessary expenses, it shall be the duty of the county board of education to borrow against the amount approved in the budget and to issue short-term notes for the amounts so borrowed. The interest on all such notes shall be provided by the commissioners in addition to the amount approved in the budget, unless this item is specifically taken care of in the budget. But if the county board of education shall wilfully create a debt that shall in any other way cause the expenses for the year to exceed the amount authorized in the budget without the approval of the county commissioners, the indebtedness shall not be a valid obligation of the county, and the members of the board responsible for making the debt may be held liable for the same.

For the authority of the commissioners to borrow for the county board of education, see s. 189.

Sec. 57. A salary schedule for teachers. The State Board of Education shall adopt a uniform graduated salary schedule for all teachers, principals, supervisors, superintendents and assistant superintendents, based upon duties, training, experience, professional fitness, and continued service in the same school system.

The adopted salary schedule shall be a guide to county boards of education in fixing all salaries of teachers, supervisors, principals and superintendents in the county, and it shall be considered a fair salary schedule to be presented in the budget to the boards of county commissioners.

Every county board of education, or the board of trustees of a city school system may adopt a different salary schedule, but it likewise shall recognize a difference in salaries based on different duties, training, experience, professional fitness and continued service in the same school system, but if any county board of education or the board of trustees of any city school system shall fail to adopt such a schedule, the State salary schedule shall automatically be in force, and the difference in salaries suggested shall be maintained. And the county superintendent shall not approve the voucher of any teacher for a salary higher than that provided in the salary schedule, unless by action of the county board of education or of the board of trustees of the city school a higher salary is allowed for special fitness, special duties, or under extraordinary circumstances. Whenever a higher salary is thus allowed the minutes of the board shall show what salary is allowed and the reason for the same: *Provided*, the county board of education, upon the recommendation of the committee of a local tax district, may authorize the committee and the superintendent to supplement the salaries of all teachers of the district from funds derived from local taxes, and the minutes of the board shall show what increase is allowed each teacher in each local tax district.

C. S., 5494 as amended and revised.

Sec. 58. How school funds shall be disbursed. The county board of education shall divide the funds over which it has jurisdiction into two classes: (1) those belonging to or apportioned to districts for teachers' salaries, supplies and repairs, and (2) those reserved to the county board of education for repairs, erection of buildings, salary and expenses of county officials, teacher training, and all other necessary county expenses. The funds reserved to the county board of education shall be paid out only on warrants signed by the chairman and secretary of the board, and those belonging or apportioned to the district on warrants signed by the chairman and one other member of the district committee, countersigned by the county superintendent: *Provided*, the county board of education may at any time prohibit the district committee from spending illegally the district funds including the special local-tax funds.

ART. 5. ERECTION, REPAIR AND EQUIPMENT OF SCHOOL BUILDINGS

Sec. 59. School buildings necessary. School buildings, properly lighted and equipped with suitable desks for children and tables and chairs for teachers, are necessary in the maintenance of a six-months school term. It shall be the duty of the county board of education to present these

needs each year to the county commissioners, together with the cost, and the county commissioners shall be given a reasonable time to provide the funds, which they upon investigation shall find to be necessary, for the proper equipment of the county with buildings suitably equipped, and it shall be the duty of the county commissioners to provide the funds for the same.

Sec. 60. The erection of schoolhouses. The building of all new schoolhouses and the repairing of all old schoolhouses over which the County Board of Education has jurisdiction, shall be under the control and direction of and by contract with the county board of education. But the board shall not be authorized to invest any money in any new house that is not built in accordance with plans approved by the State Superintendent, nor for more money than is made available for its erection. All contracts for buildings shall be in writing, and all buildings shall be inspected, received, and approved by the county superintendent of public instruction before full payment is made therefor: *Provided*, this section shall not prohibit county boards of education and boards of trustees from having the janitor or any regular employee to repair the buildings.

C. S., 5415, revised.

Sec. 61. How to secure suitable sites. The county board of education may receive by gift or by purchase suitable sites for schoolhouses or other school buildings. But whenever the board is unable to obtain a suitable site for a school or school building by gift or purchase, the board shall report to the county superintendent of public instruction, who shall, upon five days notice to the owner or owners of the land, apply to the Clerk of the Superior Court of the county in which the land is situated for the appointment of three appraisers, who shall lay off by metes and bounds not more than ten acres, and shall assess the value thereof. They shall make a written report of their proceedings, to be signed by them, or by a majority of them, to the clerk within five days of their appointment, who shall enter the same upon the records of the court. The appraisers and officers shall serve without compensation. If the report is confirmed by the clerk, the chairman and the secretary of the board shall issue an order on the treasurer of the county school fund, in favor of the owner of the land thus laid off, and upon the payment, or offer of payment, of this order, the title to such land shall vest in fee simple in the corporation. Any person aggrieved by the action of the appraisers may appeal to the Superior Court in term, upon giving bond to secure the board against such costs as may be incurred on account of the appeal not being prosecuted with effect. If the lands sought to be condemned hereunder, or any part of said lands, shall be owned by a non-resident of the State, before the clerk shall appoint appraisers therefor, notice to such non-resident owners shall be given of such proceedings to condemn, by publication for thirty days in some newspaper published in the county, and if no newspaper is published in the county, then by posting such notice at the courthouse door and three other public places in the county for the period of thirty days.

C. S., 5416.

Sec. 62. **May sell school property.** When in the opinion of the board any schoolhouse, schoolhouse site, or other public school property has become unnecessary for public school purposes, it may sell the same at public auction, after advertisement of twenty days at three public places in the county. The board may reject any and all bids and then sell said school property at a private sale if it can make a more advantageous sale thereby, and the deed for property sold shall be executed by the chairman and secretary of the board, and the proceeds of the same shall be paid to the treasurer of the county school fund.

C. S., 5416, revised, 5423.

Sec. 63. **Deeds to property.** All deeds to the county board of education shall be registered and delivered to the Clerk of the Superior Court for safekeeping, and the secretary of the county board of education shall keep an index by townships and school districts, of all such deeds in a book for that purpose.

C. S., 5422.

Sec. 64. **Board cannot erect or repair a building unless site is owned by board.** The county board of education shall make no contract for the erection or repair of any school building, unless the site on which it is located is owned by the county board of education, and the deed for the same is properly registered and deposited with the clerk of the court.

C. S., 5450.

Sec. 65. **Duty of board to keep buildings in repair.** It is the duty of the county board of education to keep all school buildings in good repair, and to that end it should appoint a member of the committee or some other responsible person to care for the property during vacation. All principals and teachers shall be held responsible for the safe-keeping of buildings during the school session and all breakage and damage shall be repaired by those responsible for the same, and if at the end of the session the building or buildings have not been properly cared for by the principal and teachers, the board of education, upon the recommendation of the county superintendent, may reserve enough of the salary belonging to the principal and teachers to repair the damage permitted through the carelessness of the principal and teachers: *Provided*, principal and teachers shall not be held responsible for damages that they could not have prevented by reasonable supervision in the performance of their duties.

Sec. 66. **The duty of board of education to provide equipment for school buildings.** It is the duty of the county board of education to provide suitable supplies for school buildings under its jurisdiction, such as window shades, fuel, chalk, erasers, blackboards, and other necessary supplies, and provide standard high schools with reference books, library, maps, and equipment for teaching Science and the teachers and principal shall be held responsible for the proper care of the same during the school term.

Sec. 67. **State aid for school libraries.** (See Sections 345, 346.)

Sec. 68. **Sanitary school privies.** The county board of education shall provide, upon recommendation of the State Board of Health, two sanitary privies at each public school, one for boys and one for girls. Sanitary privies shall be considered an essential and necessary part of the equip-

ment of each public school, and may be paid for in the same manner as desks and other essential equipment of the school are paid for, and a failure on the part of the county board of education and county superintendent to make provision for sanitary privies, or a failure on the part of the county commissioners to provide the funds shall be considered a misdemeanor, and either the county board, the county superintendent, or the county commissioners may be fined or imprisoned in the discretion of the court.

C. S., 5753, 5754.

Sec. 69. **Type of privies to be installed.** The less expensive pit-type, as recommended by the State Board of Health, may be installed in rural districts in connection with the smaller school buildings. But the kind of privy in all buildings shall be sufficient to protect the health and sanitation of the children and the community.

Sec. 70. **Privies to be kept sanitary.** The county board of education shall require of the committee that the privies shall be kept in a sanitary condition. They shall be governed in this particular by rules and regulations of the State Board of Health. And the county board of education shall provide a reasonable expense fund wherever necessary to keep the privies in a sanitary condition.

It shall be the duty of teachers and principals to report the insanitary condition of the privies to the committee of the district, or the county superintendent.

C. S., 5757, revised.

Sec. 71. **Use of school property.** It shall be the duty of the county board of education and board of trustees to encourage the use of the school buildings for civic or community meetings of all kinds that may be beneficial to the patrons of the community, and the county board of education or the board of trustees has authority to make rules and regulations governing the use of school property.

Sec. 72. **Provide good water supply.** It shall be the duty of the county board of education to make such provisions as will give the teachers and pupils a good supply of wholesome water for the school term.

ART. 6. CREATING AND CONSOLIDATING SCHOOL DISTRICTS

Sec. 73. **School districts.** The county board of education shall maintain in each county a convenient number of school districts. There may be one district for each elementary school or there may be two or more elementary schools in the same district. There may be one district for both the elementary and the high school, or a special high school district may be created embracing two or more school districts. But no special high school district shall be created unless provisions are made for conducting all elementary schools and the high school in the proposed special high school district the same length of term. Whenever a special high school district is created embracing two or more elementary schools the committee, or board of trustees, of the district in which the high school is located, shall have the same jurisdiction over the high school that it has over the elementary school.

There may be one district and one school committee for both races or the races may have separate districts and separate school committees. The county board of education shall consult the conveniences and necessities of each race in fixing the boundary lines of school districts for each race, and it shall be the duty of the county board of education to record in a book kept for the purpose the location of each school district and the boundary lines of each.

Sec. 73-a. County-wide plan of organization. The county board of education shall create no new district nor shall it divide or abolish a district, nor shall it consolidate districts or parts of districts, except in accordance with a county-wide plan of organization as follows:

1. The county board of education shall present a diagram or map of the county showing the present location of each district, the position of each, the location of roads, streams and other natural barriers, the number of children in each district, the size and condition of each school building in each district. The county board of education shall then prepare a county-wide plan for the organization of all the schools of the county. This plan shall indicate the proposed changes to be made and how districts or parts of districts are proposed to be consolidated so as to work out a more advantageous school system for the entire county.

2. Before adopting the county-wide plan, the county board of education shall call a meeting of all the school committeemen and the boards of trustees and lay the proposed plan before them for their advice and suggestions. After receiving the advice of the committeemen and trustees, the county board of education shall have authority to adopt a county-wide plan of organization, and no districts or parts of any district, including non-local tax, local tax, and special charter districts hereafter referred to in this article, shall be consolidated or the boundary lines changed, unless the consolidation or the change of boundary lines is in accordance with the adopted county-wide plan of organization: *Provided*, that in the event the county board of education deems it wise to modify or change the adopted plan, the board shall notify the committeemen and interested patrons and give them a hearing if they desire to be heard before any changes shall be made.

3. The county board of education shall have authority to execute the entire plan or any part of the same, but the county board of education shall have no authority to create a debt for the execution of any part of the proposed plan, unless authorized by law, and if the amount necessary to put into operation all or any part of said plan shall be greater than the amount that may be reasonably expected from the Operating and Equipment Fund for this purpose, the amount shall be guaranteed by the districts affected by the execution of the plan, or if the districts do not guarantee the funds the county board of education shall lay the proposed plan before the county commissioners, together with the estimated amount necessary to put the same into operation, and if the amount necessary to carry out all or any part of the proposed plan shall be approved by the county commissioners, the county board of education shall then have the authority to organize the districts in accordance with the county-wide plan.

4. When the proposed county-wide plan is adopted the county board shall notify the committeemen and boards of trustees as to what part of the plan the board proposes to carry out first and in what order the other parts of the plan will be considered, and the preference shall be given to those districts in which the needs are greatest if the funds for providing the equipment are made available.

5. In the event that any child or children of any district or any part of a district are without adequate school advantages and these advantages may be improved by transferring said child or children to a school or schools in adjoining districts, the county board shall have authority to make such a transfer. But this shall not empower the county board of education to abolish or divide a district unless such act shall be in harmony with the county-wide plan of organization. The temporary transfer of such child or children may be made until such time as the county-wide plan will provide more advantageously for them.

Sec. 74. **Districts formed of portions of contiguous counties.** School districts may be formed out of portions of contiguous counties by agreement of the county boards of education of the respective counties. In case of the formation of such district, the pro rata part of the public school money due for teaching the children residing in one county shall be apportioned by the county board of education of that county, and paid to the treasurer of the other county in which the schoolhouse is located, to be placed to the credit of the school district so formed.

C. S., 5471.

In case of a disagreement between the two county boards as to the pro rata part due the county in which the school is located, the evidence shall be laid before the State Superintendent, who shall determine from the evidence submitted and from the approved budget for that school, on file in his office, the amount due, and the pro rata part of each county shall be certified to the county board of education of each county, and the county board of education of the county in which the joint school is located may recover by due process of law from the county board of education in the other county the amount due the joint school for six months from that county.

Sec. 75. **Consolidation of schools or school districts.** The county board of education is hereby authorized and empowered to consolidate schools located in the same district and to consolidate school districts, over which the board has full control, whenever and wherever in its judgment the consolidation will better serve the educational interests of the county or any part of it: *Provided*, existing schools having suitable buildings shall not be abolished until the county board of education has made ample provisions for transferring all children of said school to some other school in the consolidated district.

C. S., 5473.

Sec. 76. **Consolidating local tax districts having the same rate of local tax.** The county board of education is authorized and empowered to consolidate two or more districts, urban and rural, having the same rate of local tax into one consolidated school district, upon satisfactory evidence furnished to the board that the convenience and best interests

of the residents of the districts require the consolidation (except as provided in section 79).

Wherever three or more local tax districts having the same rate of tax are contiguous or embrace contiguous area the county board of education is authorized to reduce the number of districts by changing the boundary lines and consolidating districts or portions of districts: *Provided*, the length of the term is not reduced and the efficiency of the school is not impaired, and that better educational advantages may result to the children of each district as a result of the consolidation.

Sec. 77. Consolidating districts having different local tax rates. The county board of education is authorized to consolidate districts having different local tax rates, but the local tax rate that may be levied in the consolidated district is the lowest tax rate voted in any of the districts which forms a part of the new consolidated district.

Sec. 78. Transferring families from non-local tax to local tax or special charter districts. The county board of education may transfer from non-local tax territory to local tax or special charter districts an individual family or individual families who reside on real property contiguous to said local tax or special charter districts, upon written petition of the taxpayers of said family or families, and there shall be levied upon the property and poll of each individual so transferred the same tax as is levied upon other property and polls of said district.

C. S., 5478.

Sec. 79. Changing the boundary lines of the special charter districts. Upon the written petition of the governing body of a special charter district the county board of education is authorized to change the boundary line between special charter districts and local tax districts, where the tax rates are the same, and to consolidate local tax districts with a special charter district, but a record shall be made of the petition in the minutes of the governing body of the special charter district and a record shall be made in the minutes of the county board of education, stating that the petition was received and the request was granted. Then the boundary line shall be changed and the consolidation made and properly recorded, and the new boundary line shall be clearly set forth in the minutes of both boards.

Sec. 80. The funds shall be apportioned so as to encourage consolidation. The apportionment of the State and county public school fund shall be administered so as to encourage consolidation of districts and the elimination of small schools or small districts, and the State Board of Education may refuse to apportion any part of the State fund to any school or district having an average daily attendance of less than fifteen pupils or to any new school or district created since January first, one thousand nine hundred and nineteen, if the number of districts or the number of separate schools in a county has been increased thereby: *Provided*, that no district shall be abolished if the geographical conditions are such that the children of the district cannot be annexed to some adjoining district without seriously limiting the educational opportunities of the children of the district.

C. S., 5489.

Sec. 81. Provision for transportation of pupils in consolidated districts. Upon the consolidation of two or more school districts into one by the county board of education, the said county board is authorized and empowered to make provision for the transportation of pupils in the consolidated district that reside too far from the schoolhouse to attend without transportation.

An amount sufficient to cover the actual expense of such transportation of pupils may be included in the county school budget submitted to the board of county commissioners in May of each year, and when so included and approved by the commissioners it shall be deemed a necessary part of the operating expense of the schools, and it shall be the duty of the county commissioners to provide the funds necessary therefor, in accordance with law. But nothing in this section shall prevent the county board of education from arranging with any district committee to pay a reasonable part of this expense.

The cost of trucks and automobiles and all necessary repairs and operating expenses shall be a legitimate item in the budget.

C. S., 5475. Amended 1920.

Sec. 82. School trucks and automobiles exempt from taxation. All trucks or automobiles owned or controlled by the county board of education and used for transporting pupils to school or used by school nurses or home and farm demonstration agents, or county superintendents and supervisors, in the prosecution of their work, shall be exempt from taxation, but all such vehicles shall be duly registered in the office of the Secretary of State: *Provided*, that the Secretary of State, upon proper proof being filed with him that any motor vehicle for which license is herein required is owned by the State or any department thereof or by any county, township, city, or town or by any board of education, may collect not exceeding one dollar for the registration and numbering of such motor vehicle.

C. S., 5475. Amended 1921; c. 97, s. 13, Laws Extra Session, 1921.

PART III ✓

COUNTY SUPERINTENDENT—POWERS, DUTIES AND RESPONSIBILITIES

ART. 7. ELECTION, ELIGIBILITY AND GENERAL DUTIES

Sec. 83. Election; term of office. The county superintendent of public instruction shall be elected by the county board of education as soon as convenient on or after its first meeting in April. He shall hold his office for a term of two years from the date of his election and until his successor is elected and qualified. The county board of education shall provide the county superintendent with an office at the county seat, and in the county courthouse, if possible.

C. S., 5424, revised.

Sec. 84. Eligibility. The county superintendent shall hold at the time of his election or must secure before assuming the duties of the office, a superintendent's certificate under the rules and regulations of the State

Board of Education, and shall be a person of good moral character and of liberal education, and shall otherwise be qualified to discharge the duties of the office as required by law, due regard being given to experience in teaching and in supervision. No county superintendent shall be eligible to hold office who has an open or active infectious state of tuberculosis or any other contagious disease, and before any superintendent is employed he shall secure a certificate from a reputable physician certifying that he has not an open or active infectious state of tuberculosis or any other contagious disease.

C. S., 5425, 5659.

Sec. 85. Election reported to State Superintendent. Immediately after the election of the county superintendent of public instruction, the chairman of the county board of education shall report to the State Superintendent of Public Instruction the name, address, experience, and qualifications of the person elected; and the person elected shall report to the State Superintendent as soon as he shall have qualified, giving the date of such qualification.

C. S., 5429.

Sec. 86. Not to teach; to reside in county. Every county superintendent shall reside in the county of which he is superintendent. It shall not be lawful for him to teach a school while the public schools of his county are in session, nor shall he be regularly employed in any other capacity that may limit or interfere with his duties as superintendent.

C. S., 5426, revised.

Sec. 87. To take oath of office. The county superintendent of public instruction, before entering upon the duties of office, shall take oath for the faithful performance thereof.

C. S., 5427.

Sec. 88. Vacancies. In case of vacancy by death, resignation, or otherwise, in the office of county superintendent, such vacancy shall be filled by the county board of education.

C. S., 5428.

Sec. 89. Is secretary to county board. The county superintendent shall be *ex officio* the secretary of the county board of education. He shall record all proceedings of the board, issue all notices and orders that may be made by the board pertaining to the public schools, schoolhouses, sites, or districts (which notices or orders it shall be the duty of the secretary to serve by mail or by personal delivery, without cost). He shall also record all school statistics. The records of the board and the county superintendent shall be kept in the office provided for that purpose by the board.

C. S., 5438.

Sec. 90. Removal from office. The county superintendent may be removed from office by the county board of education for immoral or disreputable conduct or for failure to perform the duties required of him by law.

C. S., 5443, revised.

Sec. 91. Keep a record of all deeds. All deeds to the county board of education shall be registered and delivered to the Clerk of the Superior

Court for safe-keeping, and the secretary of the county board shall keep an index by townships and school districts of all such deeds in a book that purpose.

C. S., 5422.

Sec. 92. Superintendent's power to condemn land for suitable sites. (For the superintendent's duties in this respect, see Section 61.)

Sec. 93. Report on condition of school buildings. It shall be the duty of the county superintendent to inspect all school buildings or have them thoroughly inspected before the opening of school, and report their condition to the committee and to the county board of education, with such recommendations as will make them comfortable and sanitary.

Sec. 94. Attends meetings of State and district associations of superintendents. Unless providentially hindered, the county superintendent shall attend continuously during its session the annual meeting of the State association of county superintendents and the annual meeting of the district association of county superintendents, and the county board of education of his county shall pay out of the county school fund his traveling expenses, including board, while in attendance upon such meeting.

C. S., 5436.

Sec. 95. Make reports to State Superintendent. The county superintendent shall make such reports to the State Superintendent as are required by law. The State Superintendent of Public Instruction shall have authority to call on the county superintendent for school statistics and for reports on any phase of the school work or school conditions of the county, and it shall be the duty of the county superintendent to supply the information promptly and accurately.

C. S., 5442, revised.

Sec. 96. Appoint certain school committees. (See Section 232).

ART. 8. DUTY OF COUNTY SUPERINTENDENT TOWARD COMMITTEEMEN, TEACHERS AND PRINCIPALS

Sec. 97. To notify committeemen of their duties. The county superintendent shall notify committees of the rules and regulations of the county board of education and their duties in the school district. He shall notify the committees, before the opening of the school, of the appropriation for teachers' salaries, incidental and building fund, the amount of the local tax fund due each district, the salary schedule in force in the county, the law governing the payment of all district funds, the duties of the committeemen in the care and use of school buildings, and all other duties that may be helpful in conducting the school in each district.

Sec. 98. Distributes blanks and books. It shall be the duty of the county superintendent to distribute to the various school committees and to teachers of his county all blanks, registers, report cards, record books, bulletins and all other supplies and information furnished by the State Superintendent of Public Instruction, who shall give instruction for proper use of same.

C. S., 5439, revised.

Sec. 99. **To issue second or third grade county certificates.** The county superintendent may issue on examination second and third grade certificates to teachers only when it is impossible for his county to secure teachers holding State certificates, but such certificates shall be merely permits to teach, and shall be valid only in the county in which they are issued, and shall be valid for only one year, but may be renewed.

C. S., 5646, revised.

Sec. 100. **Keep a record of all teachers.** The county superintendent shall keep a record of all teachers employed in the county, the kind of certificate held by each teacher, the length of service, success as a teacher and the salary allowed by the county board of education.

Sec. 101. **Approve the selection of all teachers.** No election of a principal, supervisor, teacher, assistant, or supply teacher shall be deemed valid until such election has been approved by the county superintendent. And he shall not approve the election of a teacher for a longer period than one year and no teacher shall be employed by a committee or approved by a county superintendent who is under eighteen years of age. And no superintendent shall approve the selection of any teacher or principal for a given school year who has willfully broken his or her written contract with some other superintendent for that year: *Provided*, a teacher shall have the right to resign her position after giving thirty days notice: *Provided further*, the superintendent shall not approve the selection of a teacher holding a second or third grade certificate unless it is impracticable to secure a resident teacher who holds a higher certificate.

C. S., 5664, 5665, revised.

Sec. 102. **Approve the dismissal of teacher.** No teacher shall be dismissed by the committee until charges have been filed in writing with the county superintendent and approved by him: *Provided*, either the teacher or the committee may appeal to the county board of education.

C. S., 5661, revised.

Sec. 103. **Administer oaths to teachers.** The county superintendent shall have authority to administer oaths to teachers and all subordinate school officials when an oath is required of the same.

C. S., 5434.

Sec. 104. **Advise with teachers, principals and supervisors.** The county superintendent shall advise with teachers, principals, and supervisors as to the best methods of instruction, school organization and school government, and to that end he shall keep himself informed as to the progress of education both in his own county and in other counties, cities, and States. And teachers, principals and supervisors shall coöperate with him in putting into use the best methods of instruction, school organization and school government.

C. S., 5432, revised.

Sec. 105. **Must visit schools.** The county superintendent shall be required to visit each public school of his county at least twice while the schools are in session. He shall inspect school buildings and grounds, in

order to advise the committeemen and county boards of education as to the physical needs of the school, and he shall inform himself of the condition and needs of the several districts of his county.

C. S., 5434.

Sec. 106. Hold teachers' meetings. The county superintendent shall hold each year such teachers' meetings as in his judgment will improve the efficiency of the instruction in school. He may, with the coöperation of the supervisors or principals, outline reading courses for teachers and organize the teachers into special study groups, and, if necessary, not exceeding three school days may be set apart for this purpose.

C. S., 5435, revised.

If a superintendent shall fail to advise with his teachers and to provide for the professional growth of his teachers while in service, the State Superintendent shall notify the county board of education, and, after due notice, if he shall fail to perform his duties in this respect, either the county board of education may remove him from office or the State Board of Education may revoke his certificate.

Sec. 107. May suspend teachers. The county superintendent shall have authority to suspend any teacher who shall fail, or who may be incompetent, to give instruction in accordance with the directions of the superintendent, or who shall willfully refuse to coöperate in teachers' meetings: *Provided*, any teacher who may be suspended by the superintendent may have the right to appeal either to the county board of education or to the courts.

C. S., 5432, revised.

Sec. 108. Duty of teachers to coöperate. (See Section 165.)

Sec. 109. Director of summer schools. The county superintendent shall have general direction of the county summer school for teachers of his county: *Provided*, the county board of education, upon the recommendation of the State Superintendent of Public Instruction, may elect a special director of the county summer school and provide his compensation out of funds appropriated for summer schools.

Sec. 110. Illegal to keep in service a teacher without a certificate. It shall be unlawful for any board of trustees or school committee that receives any public school money from the county, State, or district, to keep in service any teacher, superintendent, principal, supervisor or assistant superintendent that does not hold a certificate in compliance with law.

The county, city or union school superintendent or other officials are forbidden to approve any voucher for salary of any person employed in violation of the provisions of this section, and the treasurer of the county, town, or city schools, is hereby forbidden to pay out of the school fund the salary of any such person: *Provided*, that nothing herein shall prevent the employment of temporary substitute or emergency teachers under such rules as the county board of education may prescribe.

C. S., 5656.

Sec. 111. Contracts with teachers. No contract entered into between a school committee or board of trustees and a teacher shall be valid until

the contract is approved and signed by the superintendent. The contract shall show the salary allowed and such rules and regulations governing teachers in school as the county board of education or board of trustees may direct. No voucher for the salary of a teacher shall be signed by the superintendent unless a copy of the contract has been filed with him. Wherever a teacher has been employed under contract as herein provided, and afterward is re-elected to the same or similar position and no new contract is entered into, the old contract shall be deemed valid.

C. S., 5664, revised.

Sec. 112. How teachers shall be paid. When a teacher is properly elected and contract has been properly signed and deposited as required by law vouchers may be presented each school month to the county superintendent signed by at least two members of the committee. When presented the superintendent shall approve the same by countersigning it, and when presented to the treasurer it shall be promptly paid, and it shall be the duty of the county board of education to provide the funds for the prompt payment of teachers' salaries, and it shall be the duty of the county board of education to provide a convenient means for securing the signature of the members of the committee to the teachers' vouchers.

In all union schools the principal of the school may present monthly pay rolls in duplicate of all teachers, signed by two members of the committee. The superintendent may countersign the pay roll, and when presented to the treasurer he shall issue a check on the county fund for the salary of and payable to each teacher: *Provided*, the county superintendent shall keep in his office a duplicate of the pay roll approved by him.

C. S., 5664, 5669, revised.

Sec. 113. When a superintendent may withhold the pay of teachers. The county superintendent may refuse to sign the salary voucher for the pay of any teacher, supervisor or principal who delays or refuses to render such reports as are required by law. But whenever the reports are delivered in accordance with law the vouchers shall be signed and the teachers paid.

C. S., 5667, revised.

Sec. 114. Schools receiving public funds required to report. All teachers and principals in schools under the control of the county board of education shall be required to make to the county superintendent such reports as the county board of education may direct. But the superintendent of any city school or the superintendent or principal of any union school in a special charter district shall make such reports to the State Superintendent of Public Instruction as are required by him, and a copy of all such reports shall be sent to the county superintendent.

C. S., 5383, revised.

Sec. 115. Recommend classification of schools. (See Section 35.)

Sec. 116. To recommend the location of all high schools. (See Section 36.)

Sec. 117. To report defective children. It shall be the duty of the superintendent to report through proper legal channels the names and addresses of parents, guardians or custodians of deaf, dumb, blind, and feeble-minded

children to the principal of the institution provided for each and upon the failure of the county superintendent to make such reports, he shall be fined five dollars for each child of the class mentioned above not so reported.

C. S., 5567, 5571.

ART. 9. DUTY OF COUNTY SUPERINTENDENTS IN REGARD TO SCHOOL FUNDS

Sec. 118. **Duty in preparing school budgets.** The county superintendent shall keep the records of his office in such detail and in such an orderly way that the information for the budgets required by law may be prepared promptly, and he shall see that the budgets are prepared promptly and accurately, and he shall so keep the records in his office so that any county official or citizen of the county may see what the school in each district is costing, and what the total cost is to the county. It shall be his duty to sign all budgets and to take oath that the information contained therein is correct.

Sec. 119. **Duty to keep complete record of finances.** The county superintendent shall keep in his office a complete record of the school finances of the county, what is appropriated to each district, the division of the funds between the county and the city, the amount of loans from State and dates of payment, the amount of bond issues in each district, the rate of interest, date of payment, and he shall so keep his records that the school accounts may be audited with the least expense to insure a complete audit in accordance with law, and if he shall fail to keep the records of the acts of the county board of education so that they may be audited in accordance with law, the County Board of Education may remove him from office.

S. 10, c. 146, Laws 1921, revised.

Sec. 120. **Record of local taxes.** The county superintendent shall keep in his office a record of all local-tax, special charter and special school taxing districts in his county, the boundaries of each, the number of taxable polls, and the valuation of the taxable property and the special tax rate voted and levied for schools. On or before September first of each year he shall supply the county treasurer with a complete list of all such districts, and the estimated amount of tax to be collected in each district.

The treasurer shall keep a separate account of each such district, and no part of any funds belonging to one district shall be used for any other district, or for any other purpose than to meet the lawful expenses of such district to which the funds collected belong. And no funds derived from local or special taxes shall be paid out by the treasurer except on properly executed order signed by the county superintendent, and if the treasurer shall fail to perform his duties as outlined in this section, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

S. 9, c. 146, Laws 1921.

Sec. 121. Record of fines, forfeitures, and penalties. It shall be the duty of the county superintendent to keep a record of all fines, forfeitures and penalties due the school fund, and to this end all county officials that in any way handle such funds shall on demand report the same to the county superintendent; and he shall see that these funds are deposited with the treasurer and placed to the credit of the school fund.

C. S., 5437, 5497, revised.

Sec. 122. Disbursement of funds. It is the duty of the county superintendent to approve and sign all vouchers for the disbursement of all district funds, except the funds belonging to special charter districts, for the payment of which special provisions are made by law. And the treasurer shall honor no voucher that is not first approved and signed by the county superintendent or the secretary of the board of education. And no order shall be signed by the county superintendent or the secretary of the board for more money than is apportioned to and raised by local or special taxes in that district for the fiscal year. Nor shall he endorse the order of any teacher who does not produce a certificate as required by law, nor for more money than the salary schedule in force in the county would entitle the teacher to receive.

It shall be the duty of the county superintendent or the secretary of the board to sign all vouchers issued by order of the county board of education and signed by the chairman of the board, and no voucher shall be paid by the treasurer that is not properly signed.

C. S., 5450, 5466, 5656, 5669, revised.

PART IV

SCHOOL COMMITTEES—THEIR DUTIES AND POWERS

ART. 10. IN NON-LOCAL TAX DISTRICTS

Sec. 123. Number and term of office. There shall be in each non-local tax school district a school committee, consisting of three persons, appointed by the county board of education. The term of office shall be three years or until their successors are elected and qualified, and the members shall be so elected that one shall retire each year.

C. S., 5457, 5458, revised.

Sec. 124. When elected. The county board of education at its first meeting in April of each year, or as soon thereafter as convenient, shall appoint one member of the school committee in place of the member whose term has expired. If a vacancy shall occur at any time by death, resignation, or otherwise, the county board shall fill such vacancy.

C. S., 5457, 5460, revised.

Sec. 125. Eligibility. Each school committeeman shall be a person of intelligence, of good moral character, and of good business qualifications, and known to be in favor of public education.

C. S., 5461.

In all Indian schools authorized by law the committeemen may be selected from Indians residing in the district.

C. S., 5547.

Sec. 126. **Oath of office.** Each school committeeman before entering on the duties of office shall take oath for the faithful performance thereof, and this oath may be taken before the county superintendent.

C. S., 5433, 5459.

Sec. 127. **Dismissal for cause.** In case the county superintendent shall have evidence at any time that any member of any school committee is not capable of discharging the duties of his office, or is not discharging his duties, he shall bring the matter to the attention of the county board of education, which shall thoroughly investigate the charges, and shall remove such committeeman and appoint his successor, if sufficient evidence shall be produced to warrant his removal and the best interests of the schools demand it.

C. S., 5414.

Sec. 128. **Committeemen cannot teach.** No person while serving as a member of any district committee shall be eligible to be elected as a teacher of any public school, or as a member of the county board of education, and should such person be elected to teach in any public school or private school receiving public funds or as a member of the county board of education before resigning, as a member of the district committee, said election is hereby declared null and void.

C. S., 5663.

Sec. 129. **Organization of committee.** The school committee, at their first meeting after the membership has been completed by the county board of education shall elect from their number a chairman and secretary, and shall keep a record of their proceedings in a book to be kept for that purpose. The name and address of the chairman and secretary shall be reported to the county superintendent and recorded by him.

C. S., 5463.

Sec. 130. **How to employ teachers.** The school committee shall have authority to employ teachers only on the recommendation of the county superintendent. The committee shall meet at a convenient time and place for this purpose, and no teacher shall be employed by any committee except at regularly called meeting of such committee. No election of any teacher or assistant teacher shall be deemed valid until such election has been approved by the county superintendent, and no contract for teachers' salaries shall be made during any year to extend beyond the term of office of a majority of the committee, nor for more money than accrues to the credit of the district for the fiscal year during which the contract is made.

C. S., 5661, 5662, 5664, 5665, revised.

Sec. 131. **When teachers may be suspended.** The school committee shall have authority to suspend or dismiss teachers who may be guilty of any immoral or disreputable conduct or who may be incompetent to discharge efficiently the duties of a public school teacher or who may be persistently neglectful of such duties, but no teacher shall be dismissed until charges shall have been filed in writing with the county superintendent. And the county superintendent shall give the teacher at least five days notice in which time he or she shall have the opportunity to appear before the committee of the district in which the teacher is teaching. And after a

full and fair hearing the action of the committee, if it has the approval of the county superintendent, shall be final: *Provided*, the teacher shall be given the right to appeal to the county board of education.

C. S., 5432, 5661.

Sec. 132. Minimum term for which teacher can be paid. The committee shall not approve the voucher of a teacher for compensation for a shorter term than one month, unless the teacher is providentially hindered from completing the term.

C. S., 5668.

Sec. 133. How teacher shall be paid. In paying teachers the committee shall give an order on the treasurer of the county school fund, payable to such teacher, for the full amount due for services rendered. Orders on the treasurer shall be valid when signed by two members of the committee and countersigned by the county superintendent.

C. S., 5450, 5669.

If a committeeman shall refuse or fail to sign a teacher's voucher or order for salary the county board of education, for good and sufficient reason, may order the voucher paid, and the treasurer shall honor such a voucher if it is signed by the chairman and secretary of the county board of education.

Sec. 134. Use of school property. (See Section 71.)

C. S., 5464, revised.

Sec. 135. Power to contract with private schools. In any school district where there may be a private school regularly conducted for at least six months in the year, unless it is a sectarian or denominational school, the school committee with the approval of the County Superintendent may contract with the teacher of such private school to give instruction to all pupils of the district between the ages of six and twenty-one years in the branches of learning taught in the public schools, as prescribed by law, without charge to pupils and free of tuition. The amount paid such private school for each pupil in the public school branches, based on the average daily attendance, shall not exceed the regular tuition rates in such school for such branches of study.

C. S., 5610, 5615.

Sec. 136. Powers as to school property. The school committee shall be entrusted with the care and custody of all schoolhouses, schoolhouse sites, grounds, books, apparatus, or other school property in the district with full power to control same as they may deem best for the interest of the public schools and the cause of education, not in conflict with the rules and regulations governing school property adopted by the county board of education: *Provided*, if the committee is unable or shall fail to take due care of the schoolhouse and to protect all property belonging to it, the county board of education may designate some responsible citizen of the district to have special charge of the property during vacation.

C. S., 5464, revised.

Sec. 137. Powers as to purchase of supplies. The committee shall have authority to purchase the supplies necessary for conducting the schools and for repairs, to an amount not to exceed in the aggregate the sum

apportioned for this purpose by the county board of education in any one year. But nothing in this section shall be so construed as to give school committees the right to make expenditures without the order of the county board.

C. S., 5466.

Sec. 138 Reports to board on schoolhouses and school property. The school committee shall make such reports to the county board of education as the board may deem necessary.

C. S., 5468, revised.

Sec. 139. Superintendent and committee keep records of receipts, expenditures and contracts. The county superintendent shall keep by districts an itemized statement of all moneys apportioned to such district, the amount received and expended by each committee for each school, and a copy of all contracts made by them with teachers. It is the duty also of the committee to keep up with the funds of the district. It should know what the budget for the district contains, in order to know how much money is available and how it is spent. It is their duty to know the salary schedule and the limitations placed on committeemen in making contracts with teachers. It is illegal for committeemen to employ teachers at a salary higher than that contained in the authorized salary schedule. Therefore, when the May budget is submitted it is the duty of each committeeman to examine it carefully to see how much money is allowed for teachers' salaries, and how many and what grade of teachers may be employed with the money allowed in the budget.

C. S., 5438, 5467, 5664, revised.

Sec. 140. Disbursements of district funds. Every order for the payment of money for repairs, school furnishing, supplies, or for any purpose whatsoever, the contract or order for which having been given by the school committee, before it shall be a valid voucher for the county treasurer, shall be signed first by at least two members of the school committee, then by the county superintendent.

C. S., 5450.

Sec. 141. To care for the sanitation of the school grounds. The district committeemen are hereby required to keep the school privies in a sanitary condition, and the committee shall be governed in this particular by rules and regulations prepared by the State Board of Health with the approval of the State Superintendent of Public Instruction.

Failure of the committeemen to keep privies at public schoolhouses in proper sanitary condition or a failure to notify the county board of education of their insanitary condition shall be considered a misdemeanor and shall subject them severally and personally to fine and imprisonment, or both, in the discretion of the court.

C. S., 5757, revised.

Sec. 142. To provide good water supply. It is the duty of the school committeemen to see that the schools have good water supply, and wherever a school is without a good water supply it is the duty of the committee to report the condition to the county superintendent before, and even after the opening of school, and it shall be the duty of the county superintendent to present the need to the county board of education, and it shall be the

duty of the county board of education to make such provision as will give the teachers and children a good supply of wholesome water.

Sec. 143. **To obey the orders of sanitary committee or board of health.** It shall be the duty of the teachers, principals, superintendent, committee, and all other governing boards having authority over the maintenance, support and conduct of a public school to obey the rules and regulations of the sanitary committee or board of health for the protection of health in the district.

ART. 11. DUTIES AND POWERS OF COMMITTEEMEN IN LOCAL TAX DISTRICTS

Sec. 144. **How elected.** Committeemen in local tax districts created by and under the control of the county board of education, shall be elected by the county board of education, and they shall be subject to the same laws and the same rules and regulations of the county board of education as those governing the acts of the committeemen in non-local tax districts, and they shall be subject to such other laws as may hereafter be provided.

C. S., 5514, 5536; revised.

Sec. 145. **Number of committeemen in local tax districts.** The county board of education may in its discretion elect not less than three nor more than five members to serve as committeemen in local tax districts. The term of office of each shall be for three years, but shall be so arranged that a majority of the board shall not retire in any one year, except as a result of death, resignation, or removal for cause.

C. S., 5514, 5536, revised.

Sec. 146. **Joint employment of superintendent or principal by districts in cities and towns.** By and with the consent of the county board of education, the governing board of two or more local tax or special charter districts, including any city or town, may, by a majority vote of the committee in each district, employ a superintendent of the public schools of such districts and he shall perform all the duties of the county superintendent of public instruction as to such districts, and shall make to the county superintendent all reports that may be necessary to enable him to make his reports to the State Superintendent: *Provided*, the teacher so employed shall hold or shall be entitled to hold a superintendent's certificate, and *Provided further*, the combined schools under the jurisdiction of the superintendent employed shall be large enough to rank as a city school or a union school of sufficient size to entitle the authorities to employ a superintendent. If the two districts do not employ as many as twenty teachers, a principal may be employed in the same manner provided in this section for the employment of a superintendent.

C. S., 5431, revised.

Sec. 147. **Money derived from local taxes.** All moneys derived from local taxes shall, upon collection, be placed to the credit of the committee of the district.

The county superintendent shall keep in his office a record of all local tax school districts in his county, the boundaries of each, the number of taxable polls, and the valuation of the taxable property and the special

tax rate voted and levied for schools. On or before September first of each year he shall supply the committee of the district with the estimated amount of taxes to be collected in the district, and the balance or deficit from the preceding year.

The treasurer shall keep a separate account of each such district, and no part of any funds belonging to the district shall be used for any other district or for any other purpose than to meet the lawful expenses of the local tax district to which the funds collected belong. And no local tax district funds shall be paid out by the treasurer except on properly executed order signed by the committee and the county superintendent, and if the treasurer shall fail to perform his duties as outlined in this section, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

C. S., 5449, 5514, 5536, revised.

Sec. 148. Duty of sheriff or tax collector. It shall be the duty of the sheriff or the tax collector in collecting the taxes of local tax districts to keep the funds of each district separate from all other funds, and when public school funds are deposited with the treasurer, the sheriff or tax collector shall specify which funds belong to local tax districts and to what district the local tax funds belong.

Sec. 149. Credits on tuition to non-residents whose children attend in district. (See Section 241.)

C. S., 5477.

Sec. 150. How special tax funds are paid out. Orders on the treasurer shall be valid when signed by two members of the committee and countersigned by the county superintendent. It shall be illegal for the county superintendent or the county board of education to use any of the local tax funds for any purpose except for the support, maintenance, and permanent improvement of the school within the district in which the tax is collected.

C. S., 5536, 5669, revised.

Sec. 151. How to enlarge local tax districts. (See Section 226.)

Sec. 152. How to determine the rate of local tax to be levied in a district. It is the duty of the committee to advise with the county board of education as to the rate of local taxes to be levied in the district, and upon a petition signed by a majority of the school committee of any local tax district and approved by the county board of education, the board of county commissioners shall increase or reduce according to the desires of the petitioners the tax levy in said local tax district or special charter district: *Provided*, the rate shall not be increased beyond the maximum rate voted by the people, nor shall it be reduced below the minimum rate voted.

S. 11, c. 146, Laws 1921, revised.

Sec. 153. Committee may provide for transportation of pupils. Upon the consolidation of two or more local tax districts, the county board of education has the authority to provide transportation for six months out of the general county fund. The cost of transportation for the remainder

of the term shall be paid out of the local tax funds: *Provided*, the trucks may be owned and controlled by the county board of education.

C. S., 5475 as amended and revised.

Sec. 154. **Rent, loan or sell school books.** (See Sections 340, 341, 342.)

Sec. 155. **Supply books for indigent children.** (See Section 343.)

Sec. 156. **Loans to districts for building schoolhouses.** The county board of education may make loans for the erection of schoolhouses to local tax, special charter or special school taxing districts, but all such loans shall be made upon the written petition of a majority of the committee of the local tax or board of trustees of special charter district, and said petition shall authorize the county board of education to deduct a sufficient amount from the local taxes or the county fund due said district to meet the payments as they come due. If the loan is made without a written petition from the committee or the board of trustees, the county board of education shall have no lien upon the local taxes for the repayment of the loan.

C. S., 5675, amended; s. 9, c. 147. Laws 1921; s. 9, c. 91, Laws Extra Session, 1920.

Sec. 157. **How a special charter district may become a local tax district.** The authorities of a special charter district may have the charter repealed, and the district may become a local tax district in the following manner: The board of trustees of a special charter school may petition the county board of education to assume full jurisdiction of the special charter district, and the county board of education shall grant the petition. Thereupon, the board of trustees of the special charter school shall convey by deed the title to all school property of whatsoever kind to the county board of education. When the deed is recorded in the name of the county board of education, the special charter is hereby repealed, and the special charter district by that act shall become a local tax district, and shall be governed as all other local tax districts are governed. The term of office of each member of the board of trustees of the special charter school shall expire with the transfer of the property, and a district committee shall be elected in accordance with law by the county board of education.

If the board of trustees of the special charter district shall refuse to act, then one-fourth of the freeholders of a special charter district may petition the county board of education for an election to ascertain the will of the people on the question of repealing the charter and becoming a local tax district. If the county board of education shall approve the petition, it shall be presented to the board of county commissioners, which shall call an election of the voters in the special charter district. The laws governing this election shall be the same as the laws governing a local tax election. Those in favor of repealing the charter shall vote a ballot "For repeal of charter," and those against repeal shall vote a ballot "Against repeal of charter." If a majority of the votes cast shall be in favor of repeal, the district shall become a local tax district, and the property shall be transferred by the board of trustees to the county board of education.

The provisions of this section shall in no wise affect the authority to levy local taxes theretofore voted by the people of the district, but the same

shall remain in full force and effect, notwithstanding the repeal of the charter. Nor shall the provisions of this section affect the validity of the bonded indebtedness of any special charter or incorporated district. The same shall be and remain a charge upon all the taxable property of said district in as full and ample manner as it was before the repeal of the charter.

PART V

TEACHERS AND PRINCIPALS

ART. 12. THEIR POWERS, DUTIES AND RESPONSIBILITIES

Sec. 158. Required to hold certificates. All teachers and principals employed in the public schools of the State or in schools receiving public funds for the maintenance of a six months school term shall be required to hold certificates in accordance with law, and no contract for the employment of teacher or principal is valid until the certificate is secured.

Sec. 159. Health certificates required for teachers. Any person serving as county superintendent, city superintendent, teacher, janitor, or any other employee in the public schools of the State shall file in the office of superintendent each year, before assuming his or her duties, a certificate from the county physician, or other reputable physician of the county, certifying that the said person has not an open or active infectious state of tuberculosis, or any other contagious disease.

The county physician shall make the aforesaid certificate on a form supplied by the State Superintendent of Public Instruction, and without charge to the person applying for the certification, and any person violating any of the provisions of this section shall be guilty of a misdemeanor and subject to a fine or imprisonment in the discretion of the court.

C. S., 5659; s. 17, c. 179, Laws 1921, revised.

Sec. 160. How to apply for a position. It is the duty of teachers, in making application for a position to teach, first to file the application with the superintendent, stating the kind and the number of certificate held, when the certificate expires, experience in teaching, the position last held, and a statement that the applicant has no contagious disease. The applicant should also state that the applicant, if elected, will not break the contract without approval of the superintendent who approved the contract, without giving at least thirty days notice, and that he or she will observe the rules and regulations adopted by the board of trustees or the county board of education under whose jurisdiction he or she is employed to teach.

Sec. 161. When a teacher may annul a contract. The teacher may, after entering into a written contract, annul the contract by giving the superintendent a written notice of at least thirty days, and the superintendent shall pay for the full time the teacher has taught, provided the teacher has taught as much as twenty days. But if the teacher breaks the contract without giving thirty days notice, it shall be the duty of the superintendent to report the name of the teacher to the State Superintendent and the certificate held may either be revoked or reduced to the next lower grade

And no other superintendent shall employ or recommend for employment in any year a teacher who has broken his or her contract for that year. This section shall also apply alike to principals and supervisors.

Sec. 162. How teachers are selected. All teachers shall be employed by the committee or the board of trustees of the district in which they are to teach, but no election is valid in any district without the approval of the superintendent. The election by the committee or board of trustees shall be at a regular meeting of the committee or board of trustees called for that purpose, and when elected the committee or board of trustees shall enter into a written contract with the teacher for the ensuing year. When the contract is signed by the superintendent on the recommendation of the committee or board of trustees, it is a valid contract and the teacher is properly elected. But no teacher under eighteen years of age shall be eligible for election, and no teacher who has willfully broken her written contract can again legally be elected for that year.

C. S., 5645, 5661, 5662, 5664, revised.

Sec. 163. How teachers may be dismissed. The school committee or board of trustees, with the approval of the superintendent, may dismiss a teacher for immoral or disreputable conduct in the community, or for failure to comply with the provisions of the contract. The superintendent, with the approval of the committee or the board of trustees, has authority, and it is his duty, to dismiss a teacher who may prove himself or herself incompetent or may willfully refuse to discharge the duties of a public school teacher, or who may be persistently neglectful of such duties. Every teacher dismissed for cause shall be reported by the superintendent to the State Superintendent, and he shall have authority to revoke the certificate and debar the teacher from teaching in any other county.

C. S., 5432, 5661, revised.

Sec. 164. The salaries of teachers. The salaries of all teachers employed in a county shall be fixed by the county board of education on the recommendation of the county superintendent, unless the General Assembly has given special authority to some other board to fix the salaries of teachers in special charter districts. But the salary fixed for all teachers must be in accord with the authorized salary schedule.

Sec. 165. Duties of teachers. It shall be the duty of all teachers to maintain good order and discipline in their respective schools; to encourage temperance, morality, industry, and neatness; to promote the health of all pupils, especially of the children in the first three grades, by providing frequent periods of recreation; to supervise the play activities during recess and to encourage wholesome exercise for all children; to teach as thoroughly as they are able all branches which they are required to teach; to provide for singing in school, and so far as possible to give instruction in public school music; to ascertain the cause for non-attendance of pupils, and report all violators of the compulsory school law to the attendance officer in accordance with the rules governing attendance and reports; and to enter actively into the plans of the county superintendent for the professional growth of the teachers of the county.

C. S., 5666, revised.

Sec. 166. **Power to suspend or dismiss pupils.** A teacher in a school having no principal, or the principal of a school, shall have authority to suspend any pupil who willfully and persistently violates the rules of the school or who may be guilty of immoral or disreputable conduct, or who may be a menace to the school. But every suspension for cause shall be reported at once to the attendance officer, who shall investigate the cause and shall deal with the offender in accordance with rules governing the attendance of children in school.

C. S., 5666, revised.

Sec. 167. **Duty to make reports to superintendent.** Every teacher or principal of a school under the jurisdiction of the county board receiving aid from the public school fund shall be required to make such reports as are required by the county board of education, and the county superintendent shall not approve the voucher for the pay of teachers at the end of each month until the monthly reports required are made and at the end of the year until the final reports are made: *Provided*, the county superintendent may require teachers to make reports to principals, and principals to make reports to the superintendent.

C. S., 5667, revised.

Sec. 168. **The care of the school building.** It is the duty of the teachers and principals in charge of school buildings to instruct the children in the proper care of public property, and it is their duty to exercise due care in the protection of school property against damage, either by defacement of the walls and doors or breakage on the part of the pupils, and if they shall fail to exercise a reasonable care in the protection of property during the school day, they may be held financially responsible for all such damage, and if the damage is due to carelessness or negligence on the part of the teachers or principal, the superintendent may hold those in charge of the building responsible for the damage, and if it is not repaired before the close of the term a sufficient amount may be deducted from their final vouchers to repair the damage for which they are responsible under the provisions of this section. If any child in school shall carelessly or willfully damage school property, the teacher shall report the damage to the parent, and if he refuses to repair the same, the teacher shall report the offense to the superintendent of public welfare.

Sec. 169. **No teacher can serve as committeeman, member of county board or county superintendent.** No person while actively engaged in teaching in the public schools or in a private school which receives money from the county school fund shall be permitted to serve as a member of the county board of education or as a member of the school committee, nor shall a teacher be allowed to teach school and at the same time serve as county superintendent.

C. S., 5409, revised.

Sec. 170. **Teachers to make physical examination of children.** Upon receipt of instructions, rules, and regulations from the State Board of Health and from the State Superintendent of Public Instruction, it shall be the duty of every teacher in the public schools to make a physical examination of every child attending the school, and enter on cards and

official forms furnished by the State Board of Health a record of such examinations. The examination shall be made at the time directed by the State Board of Health and the State Superintendent of Public Instruction, but every child shall be examined at least once every three years. The State Board of Health and the State Superintendent of Public Instruction shall so arrange the work as to cover the entire State once every three years.

The teacher or principal shall transmit the record cards and other blank forms made by him or her to the North Carolina State Board of Health, and if any teacher or principal fails within sixty days, after receiving the aforesaid forms and requests for examination and report, to make such examination and report as herein provided, the teacher or principal shall be guilty of a misdemeanor and subject to a fine of not less than ten dollars nor more than fifty dollars, or imprisonment at the discretion of the court.

C. S., 5748, 5749.

Sec. 171. Principal of a union school. The principal of a union school shall be the executive officer of the school, and all teachers in both the high school and in the elementary school departments shall be responsible to the principal. He shall have authority, subject to the approval of the county superintendent, to grade and classify the pupils, outline study courses for teachers, and exercise discipline over the pupils of the school. He shall make all reports to the county superintendent, and give suggestions to teachers for the improvement of instruction in school. And it shall be the duty of each teacher in a union school to coöperate with the principal in every way possible to promote good teaching in the school and a progressive community spirit among its patrons.

PART VI

REVENUE FOR THE PUBLIC SCHOOLS

ART. 13. HOW TO ESTIMATE AMOUNT NECESSARY FOR SIX MONTHS TERM

Sec. 172. Duty of county board of education and county commissioners. It shall be the duty of the county board of education of each county to make a fair estimate in accordance with law of the amount necessary to provide a six months school term, and it shall be the duty of the county commissioners of each county to determine and provide the amount necessary to maintain the schools six months in accordance with law. And either the members of the county board of education or the members of the board of county commissioners failing to perform their respective duties shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Sec. 173. The equalizing fund. There is hereby appropriated annually from the State public school fund, as may be otherwise provided by law, an amount sufficient to equalize as near as may be the financial burden of supporting a six months school term in the several counties of the State. This fund shall be designated "The State Equalizing Fund," which shall be

apportioned by the State Board of Education to counties needing aid in such a way as to encourage the counties receiving aid to improve their schools by securing efficient organization, administration, supervision, and well trained teachers.

Sec. 174. **The May budget.** The county board of education shall fix a date during the month of May when the school budget for all the schools of the county for the next ensuing year shall be prepared. The county board of education shall notify the board or boards of trustees of the special charter districts to prepare their budgets for the six months school term and present the same at the time fixed by the county board of education for preparing the May budget. Said board shall also notify the chairman of the board of county commissioners at least twenty days before the date of meeting that the school budget for the next ensuing year is to be prepared and that the board of county commissioners or a representative selected by the commissioners is required by law to be present and sit with the county board of education when the May budget is prepared. But if the board of county commissioners or its representative shall fail to attend said meeting after being duly notified, the county board of education shall have authority to proceed and prepare the budget in accordance with the provisions of this article.

If for good and sufficient reason the budget is not completed at the time appointed by the county board for preparing the May budget, said board may appoint a later date and notify the board or boards of trustees and the county commissioners of the later date selected. The budget shall be prepared by the county board of education on blanks provided for that purpose, and it shall set forth the total estimated cost of maintaining all the schools of the county for six months, including the special charter districts, and it shall be subscribed and sworn to by the chairman and secretary of the county board of education and presented to the board of county commissioners on or before the first Monday in June.

Sec. 175. **The contents of the May budget.** The May budget prepared by the county board of education shall provide three separate school funds—(a) a salary fund, (b) an operating and equipment fund, and (c) a fund for the repayment of all notes, loans and bonds.

(a) The salary fund shall include the salaries of all superintendents, principals, supervisors, teachers of all sorts, the per diem of the county board of education, and the salaries of all other officials authorized by law.

(b) The operating and equipment fund shall provide for janitors, fuel, school supplies, insurance, rent, interest not otherwise provided for, traveling expenses of all school officials, transportation of pupils, all legal operating expenses, all necessary assistance to the county superintendent not provided in the salary fund, all needed repairs, sites, the erection of school buildings, including dormitories, teachers' homes, additions to buildings, and all other equipment authorized or required by law.

(c) A fund for the repayment of all loans due the State and of all interest and installments on bonds and other evidences of indebtedness shall be provided in the budget. This shall be a separate fund and shall include all interest and installments due each year.

Sec. 176. **How to estimate the salary fund.** It shall be the duty of the county board of education, in estimating the amount of the salary fund for the ensuing year in the May budget, to set forth on blanks supplied by the State Superintendent of Public Instruction, the actual salary paid each teacher in each district for the previous year, the proposed salaries for the ensuing year, and the number of additional teachers needed in each school. It shall also exhibit the grade of certificate held by each teacher, the average attendance of pupils in each district for the previous year, and such other information as the State Superintendent of Public Instruction may require. The number of teachers for the next ensuing year in each school shall be based on the average attendance of pupils for the previous year, as given below: *Provided*, that in the case of the enlargement or consolidation of a district, the superintendent shall add to the attendance of said district the number of children transferred who were attending school the previous year. In case of an extraordinary increase in population, the superintendent shall estimate said increase that may attend school for the year and allow the same in estimating the attendance for said school.

(a) *In each elementary school:* Not more than one teacher shall be allowed, except as follows: Wherever the average attendance for the previous year was at least thirty, two teachers may be allowed, but the commissioners may not be compelled to provide the funds for the second teacher, except when the average attendance for the previous year was at least forty. Wherever the average attendance for the previous year was sixty-five, three teachers shall be considered reasonable, and wherever the average attendance for the previous year was one hundred, four teachers shall be considered reasonable. And one additional teacher for every thirty-five additional pupils in average daily attendance for the previous year shall be considered reasonable.

(b) *In each high school:* One whole-time teacher for the high school grades may be allowed for the ensuing year wherever the number of pupils in attendance for the previous year was twenty; two teachers may be allowed wherever the average attendance was thirty; three teachers may be allowed wherever the average attendance was forty-five; four teachers may be allowed for seventy pupils in average daily attendance; and one additional teacher may be allowed for every thirty additional pupils in average daily attendance.

(c) Wherever the total number of teachers and the total estimated salary fund for the ensuing year are not greater than the total actual salaries paid or authorized by law for the previous year, the amount shall not be considered excessive. Wherever the average attendance for the previous year authorizes an increase in the number of teachers for the ensuing year, and the number provided in the budget is in accordance with the provisions of this section, the amount necessary to supply the needed extra teachers at the average monthly salary paid teachers the previous year shall be deemed reasonable and necessary: *Provided*, the term "legal salaries for the previous year" shall be construed to mean the salaries for the county six-months term in accordance with the adopted salary schedule.

(d) The per diem of the county board of education, the salary of the superintendent of public welfare, and other school officials authorized by law shall be legitimate items of expense in the budget.

The amount of the salary fund for the county schools having been determined, and the amount of the salary fund for special charter districts having been determined in accordance with the provisions of Section 177 of this article, the total for the county and the special charter districts shall constitute the total amount of the salary fund for the ensuing year, and if the amount is approved by the commissioners they shall levy a tax sufficient to produce the amount clear of all fees, commissions, rebates, losses, and cost of collection.

Sec. 177. How to estimate the salary fund for the special charter or city schools. The salary fund for special charter districts shall be estimated as follows:

The county board of education shall determine the number of additional teachers needed in both the high school and the elementary grades of the special charter districts for the ensuing year in the same manner as that provided in Section 176 above for determining the number of high school and elementary school teachers in all other schools of the county. It shall then calculate, using the adopted salary schedule for the county, the average per capita cost for six months of instructing all high school pupils of the county, and the average per capita cost of instructing all elementary school pupils of the county for the ensuing year; and the county board of education shall provide in the May budget for the special charter districts for the ensuing year the average per capita cost of instructing all high school pupils in average daily attendance for the previous year and the average per capita cost of instructing all elementary school pupils in average daily attendance for the previous year, and the total amount determined on this basis shall be a reasonable salary fund to provide in the budget for the special charter districts: *Provided*, the county board of education shall have authority to incorporate the budget of the special charter districts in the county budget and allow the actual salary for six months in accordance with the adopted salary schedule for each teacher permitted under Section 176 of this article. In all counties where the schools of a special charter district are operated as part of the county system, and are under the control of the county board of education, and pupils living outside the special charter district are permitted, as the county board of education may direct, to attend, free of all tuition charges, the amount of the salary budget of said special charter district shall be estimated in the same way as the budget for any other district school of the county is estimated.

The board of trustees of all special charter districts may petition the board of education to take over the management of the school or schools within the special charter district. When such a petition is presented, the county board of education shall grant the petition, and the school or schools within the district shall be governed as all other schools in local tax districts are governed: *Provided*, the county board of education shall not have the authority to change the method of electing the

board of trustees unless the charter is surrendered and the title to the property is transferred to the county board of education.

Sec. 178. How to determine the amount of the operating and equipment fund. All poll taxes, fines, forfeitures, penalties, and all public school revenues of the county not otherwise appropriated shall be placed to the credit of the operating and equipment fund authorized in Section 175, subsection (b) of this article, except as otherwise provided.

The county board of education shall allow the same per capita amount per pupil enrolled for the previous year, to the special charter district that is allowed to all other schools of the county, and the total amount for all schools of the county shall be the amount of the operating and equipment fund to be incorporated in the budget. If the amount derived or to be derived from the sources mentioned above in this section is insufficient for this fund the commissioners are authorized to levy an additional tax to meet the actual needs.

Whenever a district issues bonds or borrows from the county board of education for the erection of any school building, thus relieving the county board of education in whole or in part of providing suitable building or buildings for said district for the six months school term, the county board of education is hereby directed to apportion to said district its pro rata part of the operating and equipment fund on the same basis that the county board of education apportions this fund to the special charter districts until the amount so apportioned equals the amount of the bond issue or loan paid or payable by the district.

Sec. 179. A fund for the repayment of bonds, notes and loans. The county board of education shall set forth in the budget the amount of the interest and installments on all loans due the State, and of all interest and installments on bonds and other evidences of indebtedness that may fall due. This shall be a separate item in the budget, and the commissioners shall levy annually a tax sufficient clear of all fees, commissions, rebates, delinquents and the cost of collection to repay the same, and if the taxes are not collected when the repayments fall due the commissioners shall borrow the money and place the amount to the credit of the county board of education.

Sec. 180. The May budget completed. The completed May budget shall be sworn to and subscribed by the chairman of the county board of education and the county superintendent of schools and a copy shall be filed in the office of the State Superintendent of Public Instruction.

The county board of education shall present a copy to the board of county commissioners on or before June first of each year. If the board of county commissioners shall approve the total amount of the budget, it shall levy sufficient rates, after deducting the amount to be received from the State, to produce the amount asked for in the budget, and if the tax rate levied fails to produce, clear of all commissions, fees and cost of collections, the amount approved in the budget, it shall be the duty of the county commissioners to supply the deficit either out of the general county fund or by borrowing in accordance with law.

Sec. 181. **The November budget.** On or before the fifteenth day of November of each year the county board of education and the board of trustees of all special charter school districts shall prepare a budget, on blanks furnished by the State Superintendent of Public Instruction, setting forth the names and number of teachers actually employed in each district in the county, the grade of certificate held, the salary paid, and all other information asked for by the State Superintendent of Public Instruction. The November budget shall be checked by the State Superintendent to ascertain whether the teachers are properly certificated, whether the number of teachers is excessive, and whether the authorized salary schedule is observed. The county shall settle with the special charter districts for teachers' salaries in accordance with the corrected budgets and the State equalizing fund shall be finally apportioned in accordance with such corrected budgets.

The checked and approved November budget shall exhibit the legal salary due each teacher according to the State salary schedule and the number of teachers to which each district is entitled. A copy shall be returned to the county board of education or board of trustees as the case may be to be filed in the office of the superintendent. And not more than three-fourths of the estimated maximum amount of the equalizing fund shall be paid to a county until the November budget is approved, and if it shall appear at any time that the superintendent refuses to observe the law providing a uniform salary schedule, the State Superintendent of Public Instruction shall notify the chairman of said board which board is hereby authorized to remove said superintendent from office.

After the November budget is checked if it shall appear that the county has provided for its part of the salary fund, and the amount of the equalizing fund submitted to the county is needed to meet the demands on the salary fund, then the State Board of Education shall pay in full the amount it specified in such a way as to be of the greatest aid to the counties before the taxes for the year have been collected.

ART. 14. POWERS, DUTIES AND RESPONSIBILITIES OF THE BOARD OF COUNTY COMMISSIONERS IN PROVIDING FUNDS FOR SIX MONTHS TERM

Sec. 182. **Duty to provide funds for six months term.** The board of county commissioners shall provide the funds necessary to maintain the schools for six months, and the May budget submitted to the commissioners shall be presumed to be correct unless it is formally rejected by the commissioners within thirty days after presentation, and an entry is recorded in the minutes of the board stating the time when it was rejected and the reason for rejecting it, and a copy of the entry on the minutes of the board of county commissioners shall be sent to the superintendent or the chairman of the county board of education.

Sec. 183. **Commissioners required to raise full amount.** When the budget is accepted by the commissioners, or by order of the court, the commissioners are hereby directed and required to levy a tax sufficient to

raise the amount necessary to maintain the schools for six months according to the provisions of the budget or the order of the court. At the close of the school year if it shall appear that the amount of money actually received by the treasurer, clear of all fees, commissions, rebates, etc., is insufficient to meet all the necessary expenses of the schools for the year the county commissioners shall provide the necessary amount and place the same to the credit of the county board of education.

Sec. 184. What the commissioners may require of county board of education. The commissioners or a representative selected by them shall sit with the county board of education when the May budget is being prepared, and whenever the commissioners or their representative are in doubt as to the reasonableness of the budget, or any item in the same, it may require the county board of education to compare the salaries of teachers as estimated in the May budget for the ensuing year with the actual salaries authorized by law in the approved November budget for the current school year, and to give the cause of the increase, district by district, and the difference between the total salaries of the current school year as authorized by law for the six months school term and the proposed salaries for the ensuing school year.

It may require in similar detail a statement of the differences in the amount of the operating and equipment fund for the two years. It may require the county board of education to show that existing debts were incurred in strict accordance with the law, and the county commissioners hereafter shall not be liable for any debt, other than loans from the State, incurred by the county board of education in excess of the amount set forth in the May budget, unless the making of the debt was approved by the county commissioners. The county board of education shall file with the clerk of the board of commissioners a list of the bonded indebtedness for schools of the county and of local tax districts, and a certified statement of all loans derived from the State together with the amount of the annual payments.

Sec. 185. Where commissioners have no discretion. The commissioners are hereby required to levy annually a tax sufficient to repay interest and installment on all loans from the State, and interest and installments on bonds and notes falling due. And this shall be a separate tax, and if, after all interest and installments are paid each year, any balance that may remain shall be accounted for by the treasurer, and it shall be applied the following year to the repayment of interest and installment on loans. But if the amount secured from this tax is not sufficient for these needs it shall be the duty of the commissioners to borrow any amount needed to meet these payments.

Sec. 186. Require county board to publish May budget. The commissioners before approving the May budget may require the county board of education to publish the same in some leading newspaper published or circulating in the county, and when so published it shall set forth the cost, district by district, and the amount of the increase for each district over the previous year, and the total amount of the increase, and the cost

of publishing the May budget shall be paid by the commissioners out of the general county fund.

Sec. 187. Procedure in cases of disagreement or refusal of county commissioners to levy school taxes. In the event of a disagreement between the county board of education and the board of county commissioners as to the amount of salary fund or the fund necessary to pay interest and installments on bonds, notes, and loans, the county board of education and the board of county commissioners shall sit in joint session and each board shall have one vote on the question of the adoption of these amounts in the budget. A majority of the members of each board shall cast the vote for each board. In the event of a tie, the Clerk of the Superior Court shall act as arbitrator upon the issues arising between said two boards, and shall render his decision thereon within ten days. But either the county board of education or the board of county commissioners shall have the right to appeal to the Superior Court within thirty days from the date of the decision of the Clerk of the Superior Court, and it shall be the duty of the judge hearing the case on appeal to find the facts as to the amount of the salary fund and the fund necessary to pay interest and installment on bonds, notes, and loans, which findings shall be conclusive; and he shall give judgment requiring the county commissioners to levy the tax which will provide the amount of the salary fund which he finds necessary to maintain the schools for six months in every school district in the county and the amount necessary to pay interest and installment on bonds, notes, and loans. Any board of county commissioners failing to obey such order and to levy the tax ordered by the court shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court.

In case of an appeal to the Superior Court, all papers and records relating to the case shall be considered a part of the record for consideration by the court.

Sec. 188. Commissioners may demand a jury trial. The county commissioners shall have the right to have the issues tried by a jury, as to the amount of the teachers' salary fund and the operating and equipment fund, which jury trial shall be set at the first succeeding term of the Superior Court, and shall have precedence over all other business of the court: *Provided*, that if the judge holding the court shall certify to the Governor, either before or during such term, that on account of the accumulation of other business, the public interests will be best served by not trying such action at said term, the Governor shall immediately call a special term of the Superior Court for said county to convene as early as possible and assign a judge of the Superior Court or an emergency judge to hold the same, and the said action shall be tried at such term. There shall be submitted to the jury for its determination the issue as to what amount is needed to maintain the schools for six months, and they shall take into consideration the amount needed and the amount available from all sources as provided by law. The final judgment rendered in such action shall be conclusive and the county commissioners shall forthwith levy taxes in accordance with such judgment, otherwise those who refuse so to do shall be in contempt and may be punishable accordingly: *Provided*,

that in case of a mistrial or an appeal to the Supreme Court which would result in a delay beyond a reasonable limit for levying the taxes for the year, the judge shall order the commissioners to levy for the ensuing year a rate sufficient to pay interest and installment on notes, loans and bonds, and to produce, together with what may be received from the State Public School Fund and from other sources, an amount for the teachers' salary fund equal to the amount of this fund for the previous year.

Sec. 189. **Commissioners authorized to borrow money.** The commissioners are hereby authorized to borrow money for the schools of the county and place the same to the credit of the county board of education, as follows: Whenever the amount provided in the budget shall be insufficient to meet the absolute needs of running a six months school term and providing equipment for same, or paying existing indebtedness for said purpose and the county commissioners, after investigating, shall find as a fact that additional funds are necessary, they are hereby authorized to borrow the necessary amount and place the same to the credit of the county board of education, and it shall be the duty of the county commissioners to levy sufficient taxes for the next ensuing year to repay money so borrowed in addition to providing for the maintenance of the six months school term and the county commissioners may issue notes of the county for money so borrowed. (For duty of commissioners to fund school indebtedness see Article 23.)

Sec. 190. **Commissioners to require fines, forfeitures and penalties paid to treasurer.** The board of county commissioners shall require all clerks of all State and municipal courts, justices of the peace and all other clerks or officials having in custody the records of any city or town in the State, to furnish the county board of education and the county commissioners a detailed statement of all fines, forfeitures and penalties that have come into their hands or that have been recorded or should have been recorded in the books kept by them. And it shall be the duty of the county commissioners to require all officials collecting fines, forfeitures and penalties to pay over the same to the treasurer of the county school fund monthly and a failure on the part of said officials to comply with the provisions of this section shall be considered a misdemeanor, and upon conviction they may be removed from office by the court and shall be fined or imprisoned in the discretion of the court.

Sec. 191. **Commissioners to estimate what per cent the school fund is of the total county fund.** It is the duty of the county commissioners to furnish the county board of education, as soon as the tax books for the year are complete, a statement showing what per cent the school fund is of the total county fund and at least this same per cent of the amount of taxes as they are collected and deposited in the treasury shall be placed to the credit of the county board of education.

Sec. 192. **Commissioners require sheriff to settle.** Every sheriff or tax collector shall deposit the county and other local taxes collected by him with the county treasurer as often as he shall collect or have in his possession at any one time a sum equal to five hundred dollars (\$500.00).

On or before the close of the fiscal year the sheriff in settling with the board of county commissioners shall exhibit the total amount of the school fund from all sources received, the net amount paid over to the county treasurer, and the net amount due each of the following funds: (1) The salary fund, (2) the operating and equipment fund, and (3) the fund for the repayment of all loans, bonds and notes. The sheriff shall also exhibit the amount of uncollected taxes due because of insolvent polls, releases, errors, and rebates allowed by the board of county commissioners, and other causes for failure to collect the entire amount of the taxes due, and the sheriff shall furnish to the county board of education at the time of his settlement with the county commissioners, as provided in this section, a complete itemized copy of his statement; and the State Auditor shall prepare and furnish free of cost to the sheriff or the county commissioners, blanks on which the sheriff shall make his final report to the county commissioners. Said blanks shall set forth the items specified above in such a way as to make the settlement clear and intelligible.

ART. 15. THE TREASURER: HIS POWERS, DUTIES AND RESPONSIBILITIES
IN DISBURSING SCHOOL FUNDS

Sec. 193. **Treasurer shall disburse funds.** The county treasurer of each county shall be the treasurer of the school funds in his county. He shall receive and disburse all public school funds and shall keep the same separate and distinct from all other funds. In all counties in which the office of county treasurer has been abolished all banks or other corporations handling public school funds shall be required to keep the same accounts, perform the same duties as required of the county treasurer, and to give the same bond and make the same reports as are required of the treasurer of the county board of education.

Sec. 194. **Treasurer shall keep special charter district and county school funds separate.** When the total amount of county school taxes has been computed the county board of education, in mutual agreement with the respective special charter district boards of trustees, shall furnish the county treasurer with a statement showing the per cent of the total amount of county school taxes that belongs to the county board of education and the per cent that belongs to each respective special charter district board.

When this per cent basis has been determined, the county board of education shall furnish the treasurer of the county board of education with a statement showing what per cent of the total amount of school funds shall be set aside and held as a separate account in his hands to the credit of each special charter board, and what per cent shall be held to the credit of the county board of education.

Upon receipt of moneys collected for county taxes from the sheriff or other collecting officer the county treasurer shall immediately separate the school fund, which shall include all moneys received from taxes or otherwise for all school purposes, from all county taxes on a per cent basis in accord with the statement supplied by the board of county commissioners, and on the receipt given to the sheriff or other collecting officer, he shall show the amount credited to the school fund.

The county treasurer shall then immediately place to the credit of the county board of education that per cent of the county school fund which belongs to the county board of education, and to each special charter district board of trustees the per cent which belongs to each respective special charter district board as determined on the basis of the statement provided him by the county board of education in mutual agreement with the respective special charter district boards of trustees in said county. He shall then notify the respective boards of the amounts placed to their respective credit, and shall pay over to the treasurers of the respective boards of education said amounts on properly executed order. After the final settlement of the sheriff or other collecting officer with the board of county commissioners, as provided by law, the county treasurer shall make all needed adjustments between the school funds and other county funds, and immediately place to the credit of the respective boards of education the final amounts belonging to each respective board of education for the given fiscal year.

Sec. 195. Action against the treasurer to recover funds. After final settlement with the sheriff, if it shall appear that any part of the public school fund received by the county treasurer has not been properly placed to the credit of the respective board of education, either the county board of education or the special charter district board of trustees, as the case may be, shall bring action on the treasurer's bond to recover any part of the fund still belonging to the respective board. If the county treasurer fails to perform his duties as herein and above prescribed, he shall be guilty of a misdemeanor and be fined or imprisoned in the discretion of the court.

Sec. 196. Treasurer to keep separate record of local taxes received. (See Section 147.)

Sec. 197. How school funds shall be disbursed. The county board of education shall divide the funds belonging to the county into two classes—(1) those apportioned to districts for teachers' salaries and for supplies, and (2) those reserved to the county board of education for repairs, erection of buildings, salary and expenses of county school officials, teacher training, and all other necessary expenses.

The treasurer shall pay out funds designated as the district funds only on warrants signed by the chairman and one other member of the school committee, countersigned by the county superintendent. He shall pay out funds reserved to the county board of education only on warrants signed by the chairman and secretary of the county board of education. No local tax district funds shall be paid out by the treasurer except on properly executed order signed by the chairman and one other member of the committee and countersigned by the county superintendent.

Sec. 198. County board required to have accounts of treasurer audited. On or before the first day of August of each year the county board of education shall cause to be audited the books of the treasurer of the county school fund and the accounts of the county board of education, and shall provide for the cost of the same, where a county auditor is not provided by special statute, out of the incidental fund. The auditor's report shall show:

(1) The total amount belonging to the county for the six-months school term as shown by the tax books, what part has been collected and deposited with the treasurer for the current year, what balance for the previous year has been collected or still remains uncollected by the tax collector.

(2) The number of schools in the county, other than city schools, supported in part by local taxes, and the number supported entirely from the funds appropriated wholly from the State and county six-months school fund, and it shall show the total amount of local taxes raised for schools and belonging to the credit of each local tax district, and how this fund has been disbursed.

(3) The salary, traveling expenses, clerical assistance, and other office expenses of the county superintendent and the county board of education.

(4) The salary paid to each teacher, supervisor, principal, and all other employees employed in the county system, what part was paid out of the State and county six-months school fund, and what part was paid out of local tax funds.

(5) The amount of the operating and equipment fund received, the source of the fund, and how it was disbursed.

The auditor shall compare the expenditures with the budget approved by State Superintendent of Public Instruction, and report whether all salaries and other expenses have been paid in accordance with law, and by what amount the school fund received or to be received exceeds or falls short of the estimated amount needed, as set forth in the May budget.

The auditor's report shall be published in some newspaper circulating in the county, or in bulletin form, and one copy shall be sent to the State Superintendent of Public Instruction, and one copy shall be given to the chairman of the board of county commissioners, and one copy to the chairman of the county board of education.

In like manner and in similar details, unless otherwise provided in special act, the board of trustees of each special charter district shall cause to be audited the accounts of the treasurer and board of trustees of the special charter district.

If the county board of education or special charter district board of trustees shall fail to have all accounts audited as provided herein, the State Superintendent of Public Instruction shall notify the State Auditor, and said State Auditor shall send an auditor to said county and have the accounts audited in accordance with the provisions of this section, and all expenses for the same shall be paid by the county board of education or the board of trustees, as the case may be.

Sec. 199. **Treasurer to give bond.** Before entering upon the duties of his office, the treasurer shall execute a justified bond, with security, in an amount to be fixed by the board of county commissioners, not less than one-half of the total amount of the moneys received by him or his predecessor during the previous year, conditioned for the faithful performance of his duties as treasurer of the county school fund, and for the payment to his successor in office of any balance of school moneys that may be in his hands unexpended. This bond shall be a separate bond, not including

liabilities for other funds, and shall be approved by the board of county commissioners, and that board may from time to time, if necessary, require him to strengthen his bond.

C. S., 5445.

Sec. 200. Action on the treasurer's bond. The board of county commissioners shall bring action in the name of the State for any breach of the bond of the treasurer or for any failure to account properly for the funds received by him, except in cases where action is otherwise provided for. If the commissioners shall fail to bring such action, it may be brought in the name of the State upon the relation of any taxpayer.

C. S., 5446.

Sec. 201. Annual report to State Superintendent. The treasurer of any county, town, or special charter district school fund shall report to the State Superintendent of Public Instruction, on the first Monday of August of each year, the entire amount of money received and disbursed by him during the preceding school year, designating by items the amount received, respectively, from property tax, poll tax, fines, forfeitures and penalties, auctioneers, estrays, from the State Treasurer and from other sources. He shall also designate by item the sum paid to teachers of each race respectively, the sums paid for schoolhouses, school sites in the several districts, and for all other purposes, specifically and in detail, by item.

C. S., 5451.

Sec. 202. Report to county board. On the same date that he reports to the State Superintendent he shall file a duplicate of such report in the office of the county board of education. He shall make such other reports as the county board of education may require from time to time.

C. S., 5452.

Sec. 203. Exhibit books, vouchers, and money to county board. The treasurer of the county school fund shall, when required by the county board of education, produce his books and vouchers for examination, and shall also exhibit all moneys due the public school fund of the county at such settlement required by this article.

C. S., 5453.

Sec. 204. Duties on expiration of term. Each treasurer of the county school fund, in going out of office, shall deposit in the office of the board of education of his county his books in which are kept his school accounts, and all records and blanks pertaining to his office. If his term expires on the thirtieth day of November during any fiscal school year, or if for any reason he shall hold office beyond the thirtieth day of November and not for the whole of the current fiscal school year, he shall at the time he goes out of office file with the county board of education and with his successor a report, itemized as required by law, covering the receipts and disbursements for that part of the fiscal school year, from the thirtieth of June preceding to the time at which he turns over his office to his successor, and his successor shall include in his report to the State Superintendent of Public Instruction the receipts and disbursements for the current fiscal year.

C. S., 5454.

SEC. 205. Treasurers of school fund failing to report a misdemeanor. If any treasurer of the county, or special charter district school fund shall fail to make reports required of him at the time and in the manner prescribed, or to perform any other duties required of him by law, he shall be guilty of a misdemeanor and be fined not less than fifty dollars and not more than two hundred dollars or imprisoned not less than thirty days nor more than six months, in the discretion of the court.

C. S., 5456.

Sec. 206. Treasurer of special charter districts bonded. The treasurer of every special charter district shall be required by the board of trustees of said school district to execute a justified bond, with security, in an amount to be fixed by the board of trustees, not less than one-half of the total amount of money received by him or his predecessor during the previous year, conditioned for the faithful performance of his duties as treasurer of the funds of the special charter district, and for the payment over to his successor in office of any balance of school moneys that may be in his hands unexpended. This bond shall be a separate bond, not including liabilities for other funds, and shall be approved by the board of trustees of said special charter district; and that board may from time to time, if necessary, require him to strengthen his bond.

Sec. 207. Obsolete.

Sec. 208. Speculating in claims against towns, cities and the State. If any clerk, sheriff, register of deeds, county treasurer or other county, city, town or State officer shall engage in the purchasing of any county, city, town or State claim, including teacher's salary voucher, at a less price than its full and true value or at any rate of discount thereon, or be interested in any speculation on any such claim, he shall be guilty of a misdemeanor and shall be fined or imprisoned, and shall be liable to removal from office at the discretion of the court.

C. S., 4389, revised.

ART. 16. FINES, FORFEITURES AND PENALTIES

Sec. 209. Constitutional provisions. All moneys, stocks, bonds and other property belonging to a county school fund, also the net proceeds from the sale of estrays, also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as an equivalent for exemption from military duty shall belong to and remain in the several counties and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties in this State: *Provided*, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

S. 5, Art. IX, Const.

Sec. 210. Statement of fines kept by clerk. It is the duty of the clerks of the several courts and of the several justices of the peace to enter in a book, to be supplied by the county, an itemized and detailed statement of the respective amounts received by them in the way of fines, penalties,

amercements and forfeitures, and said books shall at all times be open to the inspection of the public.

C. S., 1323.

Sec. 211. Fines paid to treasurer for schools; annual report. All fines, forfeitures, penalties and amercements collected in the several counties by any court or otherwise shall be accounted for and paid to the county treasurer by the officials receiving them within sixty days after receipt thereof, and shall be faithfully appropriated by the county board of education for the establishment and maintenance of free public schools; and the amounts collected in each county shall be annually reported to the Superintendent of Public Instruction on or before the first Monday in January, by the board of commissioners.

C. S., 1324.

Sec. 212. Failure to file report of fines. If any officer who is by law required to file any report or statement of fines or penalties with the county board of education shall fail so to do at or before the time fixed by law for the filing of such report, he shall be guilty of a misdemeanor.

C. S., 4398.

Sec. 213. Fines and penalties to be paid to school fund. Whenever any officer, including justices of the peace, receives or collects a fine, penalty, or forfeiture in behalf of the State he shall, within thirty days after such reception or collection pay over and account for the same to the treasurer of the county board of education for the benefit of the fund for maintaining the free public schools in such county. Whenever any fine or penalty is imposed by any officer the said fine or penalty shall be at once docketed, and shall not be remitted except for good and sufficient reasons which shall be stated on the docket.

C. S., 7875.

Sec. 214. Misappropriation of taxes a misdemeanor. Any officer, including justices of the peace, violating the preceding section, shall be guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment, at the discretion of the court.

C. S., 7876.

Sec. 215. Unclaimed fees of jurors and witnesses paid to school fund. All moneys due jurors and witnesses which remain in the hands of any Clerk of the Superior Court on the first day of January after the publication of a third annual report of the said clerk showing the same shall be turned over to the county treasurer for the use of the school fund of the county, and it is the duty of said clerk to indicate in his report any moneys so held by him for a period embracing the two annual reports.

C. S., 960.

Sec. 216. Use by public until claimed. The money aforesaid, while held by the clerks, shall be paid, on application, to the person entitled thereto; and after it ceases to be held, it may be used as other revenue, subject, however, to the claim of the rightful owner.

C. S., 961.

Sec. 217. Sheriffs' liability civil and criminal for failure to settle school tax. (See Section 192.)

C. S., 5500.

Sec. 218. **Authority to use fines, forfeitures, penalties and dog tax to increase school term.** The county board of education with the approval of the county commissioners may set aside all or a part of the amount derived from fines, forfeitures, penalties, dog tax and amercements which accrue to the school fund and use said amount for the purpose of aiding the weaker union school districts of the county which, after having levied a special tax of not less than thirty cents on the one hundred dollars valuation of property or its equivalent, are still unable to provide a minimum school term of eight months.

PART VII

LOCAL TAX ELECTIONS FOR SCHOOLS

ART. 17. SCHOOL DISTRICTS AUTHORIZED TO VOTE LOCAL TAXES

Sec. 219. **How elections may be called.** The citizens of any duly created school district are hereby authorized to petition for a local tax election for schools as follows: A written petition signed by twenty-five qualified voters who have resided at least twelve months within the district, or if fewer than seventy-five of such qualified voters reside in the territory, then by one-third of such qualified voters, shall be presented to the county board of education asking for an election in the district to ascertain whether there shall be levied in said district a local annual tax not to exceed fifty cents on the one hundred dollars valuation of all property, real and personal, to supplement the funds for the six months public school term for that district. *Provided*, that the petition for an election to be held in any special charter district shall be presented to the board of trustees of said district.

Sec. 220. **The board to consider petition.** The county board of education, or the board of trustees, as the case may be, shall receive the petition and give it due consideration. If the board shall approve the petition for an election, it shall be endorsed by the chairman and secretary of the board and a record of the endorsement shall be made in the minutes of the board of education. The petition shall then be presented to the board of county commissioners or the governing body authorized to order the election and it shall be the duty of the board of county commissioners or said governing body to call an election and fix the date for the same: *Provided*, the county board of education, or board of trustees, as the case may be, may, for any good and sufficient reason, withdraw the petition before the close of the registration books, and if the petition be so withdrawn, the election shall not be held.

Sec. 221. **Rules governing election for local taxes.** In all elections held under this act the board of county commissioners, or the body authorized to order said election, shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of said election when the returns have been filed with them by the officers holding the election, and shall record such determination on their records. The notice of the election shall be given by publication at least three times in some newspaper published or circulating in the territory.

It shall set forth the boundary lines of the district, the maximum rate of tax to be levied, which shall not exceed fifty cents on the one hundred dollars valuation of property, real and personal, and the purpose of the tax. The first publication shall be at least thirty days before the election. A new registration of the qualified voters of the territory shall be ordered, and notice of said new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in said district at least thirty days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of voters and the place or places on which they will be open on Saturdays. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day and except as otherwise provided in this act such election shall be held in accordance with the law governing general elections. At the election those who are in favor of the levy and collection of the taxes shall vote a ticket on which shall be printed or written the words "For local tax," and those who oppose shall vote a ticket on which shall be printed or written the words "Against local tax." All other details of said election shall be fixed by the board or other governing body ordering the election, and the expenses of holding and conducting the election in all districts other than in special charter districts shall be provided by the county board of education out of the Operating and Equipment Fund of the county. But the expenses of conducting the election in all special charter districts shall be paid by the board of trustees of said district out of the local tax funds of the district.

Sec. 222. Levy and collection of taxes. In case a majority of the qualified voters in the district or territory referred to above shall vote at the election in favor of the tax, it shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes, and the maximum rate so voted shall be levied, unless the county board of education or board of trustees shall request a levy at a lower rate, in which event the rate requested shall be levied and collected; and the county superintendent of schools and the officer in charge of county tax records shall keep records in their respective offices, showing the valuation of the property, real and personal, in the district, the rate of tax authorized annually to be levied, and the amount annually derived from the local tax, and it shall be illegal for any part of the local tax funds to be used for any other purpose other than to supplement the funds for a six months school term in the district.

Sec. 223. Increasing levy in districts having less than fifty cent rate. Authority is hereby given any local tax district having voted a maximum rate less than fifty cents to increase the levy to a maximum of fifty cents on the one hundred dollars valuation of property, real and personal. Such increase shall be made after an election has been held as provided for in this article.

Sec. 224. **Validating rates heretofore voted.** If any local tax district in which a fixed or maximum rate of more than thirty cents, but not exceeding fifty cents, has been voted at one election under the authority of sections 5526 and 5535, Consolidated Statutes, the election in all respects is hereby validated.

Sec. 225. **Frequency of election.** In the event that a majority of the qualified voters of a district do not at the election cast their votes for the local tax, another election or elections under the provisions of this article may be held after the lapse of six months in the same district.

Sec. 226. **Enlargement of local tax or special charter districts.** Upon a written petition of a majority of the governing board of any district, the county board of education, after approving the petition, shall present the same to the board of county commissioners and ask for an election on the question of the enlargement of the boundary lines of any such district so as to include any contiguous territory, and an election in such new territory may be ordered and held under rules governing elections for local taxes as provided in this article: *Provided*, the local tax rate specified in the petition and submitted to the qualified voters shall be a local tax of the same rate as that voted in the said district to which the territory is to be added. If a majority of the qualified voters in such new territory shall vote in favor of such tax, the new territory shall be and become a part of said district, and the term "local tax of the same rate" herein used shall include, in addition to the usual local tax, any tax levied to meet the interest and sinking fund of any bonds heretofore issued by the district proposed to be enlarged. In case a majority of the qualified voters at the election shall vote in favor of the tax, the district shall be deemed enlarged as so proposed.

C. S., 5530, revised.

Sec. 227. **Abolition of district upon election.** Upon petition of one-half of the qualified voters residing in any local tax district established under this article, the same shall be endorsed and approved by the county board of education, and the board of county commissioners shall order another election in the district for submitting the question of revoking the tax and abolishing the district, to be held under the provisions prescribed in this act for holding other elections. It shall be the duty of the board of education to endorse the petition when presented, containing the proper number of names of qualified voters, and this provision is made mandatory, and the board is allowed no discretion to refuse to endorse the same when so presented. If at the election a majority of the qualified voters in the district shall vote "Against Local Tax," the tax shall be deemed revoked and shall not be levied, and the district shall be discontinued.

C. S., 5531, revised.

Sec. 228. **Local tax district in debt may not be abolished.** The provisions of this article as to abolishing local tax districts shall not apply when such local tax district is in debt in any sum whatever.

Sec. 229. **Election for abolition not oftener than once a year.** No election for revoking a local tax in any local tax district shall be ordered and held in the district within less than one year from the date

of the election at which the tax was voted and the district established, nor at any time within less than one year after the date of the last election on the question of revoking the tax in the district; and no petition revoking such tax shall be approved by the county board of education oftener than once a year: *Provided*, this section shall not apply to any indirect abolition or reduction of taxes as may be elsewhere provided.

C. S., 5533, revised.

Sec. 230. Enlarging boundaries of district within incorporated town. Every school district in this State which is situated entirely within and is coterminous with the boundary lines of an incorporated town or city, which, by reason of changes made in the corporate limits of such city or town after the establishment of such school district, is not coterminous with such city or town, may be made coterminous with such city or town by the county board of education, which may consolidate the newly incorporated territory with the school district heretofore created: *Provided*, the tax rates are the same.

Sec. 231. Transfer of persons living contiguous to local tax or special charter districts. (See Section 78.)

C. S., 5478.

Sec. 232. Local tax districts from portions of contiguous counties. Local tax districts may be formed as provided in this article out of contiguous portions of two or more counties. The petition for such a district must be endorsed by the boards of education of such counties.

The commissioners of each county shall then provide a separate polling place and officers of the election as if there are two or more elections to be held. If a majority of the voters in the portion in each county approve the tax, the district shall thereby be incorporated. The governing body shall be a board of trustees composed of five members, who shall serve for a term of three years, but shall be so elected that the term of a majority shall not expire in any one year. The trustees shall have authority to elect school officials and teachers, to erect, repair and locate buildings, and to do all things necessary to maintain a school or schools in said district not inconsistent with the provisions of this act. They shall be selected by the county superintendent of the counties from which the joint district is formed, but the members shall be residents of the districts. In case the superintendents cannot agree, the superintendent of the county in which the building is located or is to be located shall select three and the other superintendent or superintendents shall select two: *Provided*, that after the first board is selected the superintendents may agree to permit the committee to fill all vacancies on the board. But in case of dissatisfaction on the part of the patrons, the superintendents by agreement may change the method of selecting the board back to either method provided above. The district so formed shall be a body corporate by the name and style of "..... Joint School District ofCounties." The specific name of the district shall be agreed upon by the superintendents. The board of trustees of said district shall appoint a chairman and secretary of the board and a tax collector who shall collect all local school taxes, including bond

taxes, if any, of the joint district, and who shall be required to give bond in such sum and with such securities as may be approved by the board, and he shall deposit all money collected with the treasurer of the county in which the school building is or is to be located, and this shall be held as a separate fund by the treasurer and placed to the credit of the district. Such county treasurer shall be the custodian of all funds of the district. Any such joint school district may issue bonds as elsewhere provided in this act, except that in lieu of a request therefor by the county board of education the request shall be from the board of trustees of the joint district, and no petition of the county board of education shall be necessary, and the said election shall be called and held by the board of trustees of the joint district, and returns shall be made to it and canvasses by it, and records thereof shall be kept as elsewhere provided in this act for the conduct, canvass, returns and records of bond elections. The election shall be held under "Rules Governing Elections for Local Taxes," as provided in this article.

Sec. 233. District already created out of portion of two or more counties. Districts that have already been created out of portions of two or more counties may be incorporated in the following manner: Upon petition of the county board of education of each county calling for an election the commissioners of each county shall call an election which shall be conducted in all respects as an election for voting local taxes. But the qualified voters in favor of incorporation shall cast a ballot on which is written or printed "For Incorporation," and those against shall cast a ballot on which is written or printed "Against Incorporation." If a majority of the qualified voters in the portion in each county shall cast their ballots for incorporation, the district is thereby incorporated and shall possess all the authority of incorporated districts as provided in this article.

ART. 18. SPECIAL SCHOOL TAXING DISTRICTS

Sec. 234. School taxing districts created. The following territorial divisions of a county are hereby declared to be special school taxing districts in which special school taxes may be voted as hereinafter provided: (1) A township; (2) Two or more contiguous or consecutive districts, all of which may be embraced within one common boundary; (3) Two or more contiguous or consecutive townships all of which may be embraced within one common boundary; (4) One or more districts and one or more townships contiguous, all of which may be embraced within one common boundary, and (5) the entire county excluding one or more townships or one or more special charter districts.

Sec. 235. Boundary lines. The county board of education, after ascertaining in what special school taxing district it is desirable to levy a special tax for schools, in addition to the county tax for the six months school term shall define or describe the boundary lines so as to include the territorial divisions embracing only the special school taxing district in which a special school tax election for schools is to be called, and to exclude all other territory. The boundary lines of the special school tax-

ing district, having been defined and recorded on the minutes of the board of education, a special school tax election may be held as hereinafter provided to equalize school advantages within the special school taxing district.

Sec. 236. Petition for an election. The petition for an election in a special school taxing district shall be made as follows: The governing school boards of at least a majority of the school districts within the special school taxing district shall endorse the petition and it shall be approved by the county board of education. Said petition shall state the maximum rate of tax to be voted on which rate shall not exceed 50 cents on the one hundred dollars valuation of all property, real and personal.

Sec. 237. The election. Whenever a petition properly endorsed and approved is presented to the board of county commissioners, said board shall call an election in said special school taxing district and fix a date for holding the same. The rules governing the election, the levy and collection of taxes, and the frequency of elections in a special school taxing district shall be the same as rules governing elections, the levy and collection of taxes, and the frequency of elections as provided in article 17 of this act.

Sec. 238. Special school taxing districts. If a majority of the qualified electors in the special school taxing district shall vote in favor of the special school tax, then it shall operate to repeal all school taxes theretofore voted in any local tax or special charter district located within said special school taxing district, except such taxes as may have been voted in said local tax or special charter district to pay the interest on bonds and to retire bonds outstanding. But the county board of education shall have the authority to assume all indebtedness, bonded and otherwise, of said local tax or special charter district and pay all or a part of the interest and installments out of the revenue derived from the rate voted in the special school taxing district: *Provided*, the revenue is sufficient to equalize educational advantages and pay all or a part of the interest and installments on said bonds.

Sec. 239. Organization of the schools in special school taxing districts. The county board of education is hereby authorized to organize the schools in a special school taxing district after a special school tax has been voted, in such a way as to equalize educational opportunities within said district. Transportation of pupils may be provided for wherever the needs are apparent out of county funds for the six months school term and out of funds derived from special school taxes for the remainder of the term. But all consolidation of schools in said special taxing district shall be in accordance with article 6, which provides for creating and consolidating school districts.

ART. 19. LEGAL ATTENDANCE OF PUPILS IN LOCAL TAX OR SPECIAL CHARTER DISTRICTS

Sec. 240. Children residing in a school district shall have the advantage of the public school. The following persons residing in local tax, special

charter or special school taxing districts shall be entitled to all the privileges and advantages of the public schools of said district or districts unless removed from school for cause:

(a) All residents of the district who have not completed the prescribed course for graduation in the high school.

(b) All children whose parents have recently moved into the district for the purpose of making their legal residence in the same.

(c) Any child or children living with either the father or the mother or guardian who has made his or her permanent home within the district.

(d) Any child received into the home of any person residing in the district as a member of the family, who receives board and other support free of cost.

Sec. 241. Credits on tuition to non-residents whose children attend in district. Any parent or person in *loco parentis* residing outside of any local tax, special charter or special school taxing district, and owning property within said district, whose child, children, or wards shall attend school in said district, shall be entitled to receive as a credit on the tuition of said child, children, or wards the amount of special school taxes paid on said property. The county board of education may arrange with any such district to send any child or children residing in the county to the school in such district, if they are without adequate educational advantages, for the constitutional term of six months, and to pay the actual cost of the instruction of the children, including the appropriations from the six months school fund.

C. S., 5477, revised.

ART. 20. SPECIAL COUNTY TAX IN WHICH PART OF LOCAL TAXES MAY BE RETAINED

Sec. 242. Election upon petition of county board of education. Upon the petition of the county board of education of any county, the county commissioners shall order an election to be held in the county to ascertain the will of the people whether there shall be levied on all taxable property and polls in the county a special county tax not to exceed fifty cents on the one hundred dollars valuation of property, to supplement the six months school fund of the county.

Sec. 243. Rules governing election. The election shall be conducted for the county as nearly as may be under the "Rules Governing Elections for Local Taxes" as provided in this act.

Sec. 244. Maximum tax levy. In the event that a majority of the qualified voters at said election shall vote in favor of a special county tax, said tax shall be in addition to all taxes theretofore voted in any local tax or special charter district, except as provided in section 245. The maximum rate voted shall be annually levied and collected each year in the same manner and at the same time as other taxes of the county are levied and collected, unless the county board of education shall petition for a lower rate. In that event the county commissioners shall levy the rate requested.

Sec. 245. **The rate in local tax or special charter districts.** Whenever the maximum special county tax rate levied or to be levied under the provisions of this article is less than 50 cents, each local tax, special charter or special school taxing district shall have the authority to levy an additional rate, not in excess of the local tax rate voted in the district, but the total special tax levy in said district, including the special county tax rate and the special local tax rate shall not exceed 50 cents on the hundred dollar valuation of all property, real and personal: *Provided*, this limitation shall not apply to taxes for bonds or other indebtedness which remain an obligation against the district, unless such indebtedness is assumed by the county board of education, and full provisions are made for the payment of the same.

All indebtedness, bonded and otherwise, of said district or districts may be assumed by the county board of education; and such indebtedness, if assumed by the county board of education, shall be paid out of the special county tax levied under the provisions of this article.

Sec. 246. **Subsequent elections upon failure of first.** In case a majority of qualified voters of said election in any county shall fail to vote for special county tax, on petition of a majority of the members of the county board of education of the county, the county commissioners may, after six months, order another election in the same manner and under the same rules governing elections for local taxes.

C. S., 5509, revised.

Sec. 247. **Payment of election expenses.** The expense of holding said election shall be paid out of the school fund of the county.

C. S., 5510, revised.

ART. 21. OBSOLETE

Sec. 248. Obsolete.

Sec. 249. Obsolete.

Sec. 250. Obsolete.

Sec. 251. Obsolete.

Sec. 252. Obsolete.

Sec. 253. Obsolete.

Sec. 254. Obsolete.

Sec. 255. Obsolete.

Sec. 256. Obsolete.

PART VIII

BONDS AND LOANS FOR BUILDING SCHOOLHOUSES

ART. 22. AUTHORITY TO ISSUE BONDS IN ANY COUNTY, SCHOOL DISTRICT OR SPECIAL TAXING DISTRICT

Sec. 257. **Elections; how called.** Whenever the county board of education shall so petition, the board of county commissioners of any county shall order a special election to be held in any county or special school-

taxing district, or in any local-tax district within which a union school is maintained, for the purpose of voting upon the question of issuing bonds and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings and purchasing sites in such county or district, or for any one or more of said purposes. Said election shall be called and held under the same rules and regulations as provided in this act for "Local Tax Elections for Schools" (Article 17). The ballots to be used in said election shall have written or printed thereon the words "For the issuance of \$..... school bonds and the levying of a tax for the payment thereof," and "Against issuance of \$..... school bonds and the levying of a tax for the payment thereof."

Sec. 258. **Bonds; how issued.** If a majority of the qualified voters of said county or district shall vote in favor of the issuance of said bonds and the levy of said tax, then the board of county commissioners shall have power to issue the said bonds which bonds shall be issued in the name of the county, but unless the election was held in the entire county they shall be made payable exclusively out of taxes to be levied in the district. They shall be issued in such form and denominations, and with such provisions as to time, place and medium of payment of principal and interest as the said board may determine, subject to the limitations and restrictions of this act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time, or in blocks, from time to time. The bonds shall be serial bonds, and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue, and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment of the same bond issue. The bonds shall bear interest at a rate not exceeding six per cent per annum, payable semi-annually, and may have interest coupons attached, and may be made registrable as to principal or as to both principal and interest. They shall be signed by the chairman of the board of county commissioners, and the seal of the county shall be affixed to or impressed on each bond and attested by the register of deeds of the county or by the clerk of said board; and the interest coupons shall bear the printed, lithographed or etched facsimile signature of such chairman. The delivery of bonds, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Sec. 259. **Bonds; how sold.** The said bonds shall be sold by the board of county commissioners in the manner provided by the Municipal Finance Act then in force for the sale of bonds of cities and towns. They shall not be sold for less than par and accrued interest.

Sec. 260. **Proceeds of bonds.** The proceeds derived from the sale of said bonds shall be turned over to the county treasurer, who shall hold same under his official bond, and shall be placed in a separate fund, and paid out, for the purpose for which the bonds were issued, only upon order

of the county board of education: *Provided*, that no treasurer handling the funds derived from the sale of any school bonds shall receive any commission therefor.

Sec. 261. **Taxes for interest and principal.** In the event the issue of said bonds is authorized by the voters as above provided, and when same are issued, the board of county commissioners is hereby authorized and directed to levy annually a special tax, *ad valorem*, on all taxable property in said county if county bonds are authorized, or in said district if district bonds are authorized, sufficient to pay the principal and interest of said bonds as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such county or district. The taxes provided for in this section shall be collected by the county officer collecting other taxes, and paid over by him to the county treasurer, who shall hold same under his official bond, and be applied solely to the payment of principal and interest of said bonds.

Sec. 262. **Frequency of elections.** Nothing in this act shall be construed as preventing more than one election and more than one bond issue in the same school district under this act.

Sec. 263. **Bonds in special charter districts.** Elections may be held in special charter districts and bonds issued and taxes levied to pay the same in the manner provided by the previous sections of this article, except as otherwise provided in this section.

Sub-section (a). In the case of every special charter district coterminous with an incorporated city or town having authority by virtue of its charter, or other special or local laws, to maintain a system of schools, the petition for the election shall be made to the principal governing body of each city or town by the board of trustees, unless said board is the principal governing body of said city or town, in which case no petition shall be necessary. But said principal governing body may, in its discretion, grant or refuse said petition. In every special charter district of the kind described in this sub-section, all powers and duties conferred or imposed by this article on boards of county commissioners shall be exercised and performed by the principal governing body of said city or town with which the district is coterminous, and the bonds shall be issued in the corporate name of each city or town.

Sub-section (b). In the case of special charter districts not coterminous with an incorporated city or town, the petition for the election shall be made by the board of trustees to the board of county commissioners, which board shall call, hold, and determine the result of the election as provided in this article, and the bonds shall be issued by the board of trustees: *Provided, however*, that in districts of the kind described in this sub-section in which special school taxes are now levied by the principal governing body of a city or town situated within the district, the powers and duties conferred by this article on boards of county commissioners shall be exercised and performed by said principal governing body.

Bonds of districts of the kind described in this sub-section shall be issued in the corporate name of the district, if the district is incorporated or in the corporate name of the board of trustees, if the district is not incorporated.

Sec. 264. **Limit of bonds.** No bonds shall be issued by or on behalf of a district under this act which, including indebtedness for schools thereof then outstanding, shall exceed five per cent of the assessed valuation of taxable property therein; and no school indebtedness of any kind or nature shall be created or assumed by a county under this act, including all school indebtedness of such county and the aggregate amount of all school indebtedness of the districts within such county in excess of five per cent of the assessed valuation of taxable property within such county. In computing the amount of indebtedness under the district or the county limitations hereinabove fixed, school indebtedness of cities and towns lying within a school district or within a county shall be included as if the same were a school district indebtedness, but there shall not be included any indebtedness of a district, city, town, or county payable from current revenues, and school bonds issued under the provisions of this act shall not be subject to any debt limitation by any other act.

Sec. 265. **Bonds authorized by other acts.** If bonds or other indebtedness have heretofore been voted under any act and have not yet been issued or incurred, they may be issued or incurred pursuant to the provisions of the act under which they were voted. But nothing in this article shall be construed to prevent any city or town from issuing bonds for school purposes under the provisions of the Municipal Finance Act. Any city or town now having the power to issue bonds for school purposes under the Municipal Finance Act, may, at its option, issue such bonds either under the Municipal Finance Act or under this act.

ART. 23. COUNTY COMMISSIONERS DIRECTED TO FUND SCHOOL INDEBTEDNESS

Sec. 266. **Indebtedness for necessary expenses.** When the outstanding indebtedness created for the necessary expenses of conducting the six months school term for the previous year or years exceeds the sum of ten thousand dollars (\$10,000.00) then the board of county commissioners is authorized, empowered and directed to fund the same by issuing either the serial notes of the county or serial bonds of the county for the amount of such indebtedness. If notes be issued, they shall be issued in such form and shall carry such rate of interest not in excess of six per cent (6%) and payable at such time and places as to the commissioners shall seem best.

Sec. 267. **Bonds; how issued.** In the event that bonds are issued, they shall be issued in such denominations and form and with such provisions as to time, place and medium of payment of principal and interest as such board of commissioners may determine, subject to the following limitations and restrictions: Said bonds shall bear interest at a rate not exceeding six per cent (6%) per annum, payable semi-annually. They shall

be coupon bonds and shall be signed by the chairman of said board of county commissioners and the seal of the county shall be affixed to said bonds and attested by the Register of Deeds of said county. Said bonds shall mature in annual installments or series of one or more bonds, the last of which installments shall be payable not more than thirty (30) years after the date of issue. No single installment or series shall be more than two and one-half ($2\frac{1}{2}$) times as great in amount as the smallest prior installment of said issue. The coupons of said bonds shall be authenticated by a printed or lithographed or engraved facsimile signature of the chairman of said board who is in office on the date of said bonds. The delivery of said bonds signed as aforesaid, shall be valid notwithstanding any changes occurring in office after the signing of said bonds. Said bonds shall be sold by the board of commissioners of the county in the manner provided by the Municipal Finance Act of the State of North Carolina for the sale of bonds of cities and towns. Said bonds shall not be sold for less than par and accrued interest. The proceeds of said bonds shall be used only for the purpose of liquidating the outstanding indebtedness created for the necessary expense of conducting the six months school term in said county as provided by law for the year or years previous to the year 1923. Such notes or bonds issued shall not be considered a part of the indebtedness of the county in reckoning any limit on indebtedness.

Sec. 268. **Commissioners required to levy tax.** The commissioners are hereby authorized and directed to levy annually, at the date fixed by law for the levying of other county taxes, a special *ad valorem* tax upon all taxable property in their county for the purpose of paying the principal and interest of all bonds and notes issued under the provisions of this article as such principal and interest become due, which shall be in an amount sufficient for said purpose and shall be in addition to all other taxes authorized by law to be levied in said county.

Sec. 269. **Determining the validity of the bonds.** The county board of education of any county in which the outstanding indebtedness created for the necessary expenses of conducting the six months school term exceeds five thousand (\$5,000.00) dollars, and said board shall find and determine the amount of outstanding indebtedness incurred prior to 1923 and certify the same to the board of county commissioners, and the board of county commissioners shall then advertise the amount of the debt together with the advertisement for the sale of said bonds as required in the Municipal Finance Act. Such determination by the county board of education, after being duly advertised by the county commissioners, shall be conclusive in any suit, action or proceeding involving the validity of bonds issued under this article, except in a suit, action, or proceeding commenced within fifteen days after the first publication of the notice of sale of said bonds.

Sec. 270. **Loans.** Wherever any board of county commissioners has issued notes for funds borrowed to erect buildings at the request of the county board of education in order to provide necessary school buildings for the six months school term and the plans for such buildings and the location of the same have been approved by the State Superintendent of

Public Instruction, the said note or notes are hereby validated in all respects, and the debt may be funded as provided in this article.

Sec. 271 and 272. Obsolete.

ART. 24. LOANS FROM STATE LITERARY FUND

Sec. 273. **Made by State Board from State literary fund.** The State Board of Education, under such rules and regulations as it may deem advisable, not inconsistent with the provisions of this article, may make loans from the State Literary Fund to the county board of education of any county for the building and improving of public schoolhouses or dormitories for rural high schools and teacherages and buildings for county farm-life schools in such county; but no warrant for the expenditure of money for such purposes shall be issued by the Auditor except upon the order of the State Superintendent of Public Instruction, with the approval of the State Board of Education.

C. S., 5681.

Sec. 274. **Terms of loans.** Loans made under the provisions of this article shall be payable in ten installments, shall bear interest at four per centum, payable annually, and shall be evidenced by the note of the county board of education, executed by the chairman and secretary thereof, and deposited with the State Treasurer. The first installment of such loan, together with the interest on the whole amount then due, shall be paid by the county board on the tenth day of February after the tenth day of August subsequent to the making of such loan, and the remaining installments, together with the interest, shall be paid, one each year, on the tenth day of February of each subsequent year till all shall have been paid.

C. S., 5673.

Sec. 275. **How secured and paid.** At the January meeting of the county board of education before any installment shall be due on the next tenth day of February, the county board shall set apart out of the school funds an amount sufficient to pay such installment and interest to be due, and shall issue its order upon the treasurer of the county school fund therefor, who, prior to the tenth day of February, shall pay over to the State Treasurer the amount then due. And any amount loaned under the provisions of this law shall be a lien upon the total school funds of such county, in whatsoever hands such funds may be; and upon failure to pay any installment or interest, or part of either, when due, the State Treasurer may deduct a sufficient amount for the payment of the same out of any fund due any county from any special State appropriation for public schools, or he may bring action against the county board of education of such county, any person in whose possession may be any part of the school funds of the county, and the tax collector of such county; and if the amount of school funds then on hand be insufficient to pay in full the sum so due, then the State Treasurer shall be entitled to an order directing the tax collector of such county to pay over to the State Treasurer all moneys collected for school purposes until such debt and

interest shall have been paid: *Provided*, this lien shall not lie against taxes collected or hereafter levied to pay interest and principal on bonds issued by the authorities of any county or any district.

C. S., 5674.

Sec. 276. Loans by county boards to school districts. The county board of education, from any sum borrowed under the provisions of this article, may make loans only to districts that have already levied a local tax sufficient to repay the installments and interest on said loan for the purpose of building schoolhouses in the district, and the amount so loaned to any district shall be payable in ten annual installments, with interest thereon at four per centum, payable annually. Any amount loaned under the provisions of this act shall be a lien upon the total local tax funds produced in the district. Whenever the local taxes may not be sufficient to pay the installments and the interest, the county board of education must supply the remainder out of the operating and equipment fund, and shall make provision for the same when the county budget is made and presented to the commissioners in May.

All loans hereafter made to such districts shall be made upon the written petition of a majority of the committee of the district asking for the loan and authorizing the county board to deduct a sufficient amount from the local taxes to meet the indebtedness to the county board of education. Otherwise, the county board of education shall have no lien upon the local taxes for the repayment of this loan: *Provided*, this lien shall not lie against taxes collected or hereafter levied to pay interest and principal on bonds issued by the authorities of the district.

C. S., 5675, revised.

Sec. 277. Appropriation from loan fund for free plans and inspection of school buildings. The State Board of Education may annually set aside and use out of the funds accruing to the interest of said State loan fund a sum not exceeding twelve thousand dollars, to be used for providing plans for modern school buildings to be furnished free of charge to districts, for providing proper inspection of school buildings and the use of State funds, and for such other purposes as said board may determine, to secure the erection of a better type of school building and the better administration of said State loan fund.

C. S., 5672, revised.

ART. 25. LOANS FROM SPECIAL BUILDING FUND

Sec. 278. The special building fund. That for the purpose of providing "A Special Building Fund," to be loaned to the county boards of education for maintaining a six months school term, the Treasurer is authorized and directed to issue bonds of the State of North Carolina, payable in the manner and on the date hereinafter described, to an amount not to exceed five million dollars (\$5,000,000). All of said bonds shall bear interest at a rate not to exceed 5 per cent per annum, payable semi-annually on the first days of January and July of each year, and the said bonds shall bear date as of the first day of January of each and every year in which they may be issued, under the provisions of this act.

(a) *Special building fund a separate fund.*—That the proceeds from the sale of these bonds shall be a separate fund in the hands of the State Treasurer and shall be kept distinct from all other funds of the State. The funds shall be paid out upon the warrant of the State Auditor, but no warrant shall be issued by the Auditor except upon the requisition of the State Superintendent of Public Instruction, with the approval and at the direction of the State Board of Education. The bank or banks in which any money belonging to this fund is deposited by the State Treasurer shall be required to pay interest on monthly balances on said money at the rate of three per cent per annum, and all such money so collected shall be credited monthly by the State Treasurer to this fund.

(b) *County board of education authorized to make loans.*—That the State Board of Education, under such rules and regulations as it may deem advisable, not inconsistent with the provisions of this chapter, may make loans from "The Special Building Fund" to the county board of education of any county for building, equipping and repairing public school buildings, dormitories, teacherages, and for the purchase of suitable sites: *Provided*, that no loan shall be made from this fund until the application for said loan has been made by the county board of education and approved by the county commissioners, nor until said commissioners shall certify that the loan is necessary to maintain a six months school term: *Provided further*, that no loan shall be made from this fund for erecting or repairing any school building containing less than five rooms, nor shall any building be erected in whole or in part from funds borrowed from the State unless the plans for said building shall have been approved by the State Superintendent of Public Instruction.

Sec. 279. **How loans shall be repaid.** Loans to county boards of education made under the provisions of this act shall be payable in twenty equal installments, shall bear interest payable annually in advance at the same rate that the State had to pay on the bonds issued under this act for securing "The Special Building Fund," and said loans shall be evidenced by the note or notes of the county board of education, executed by the chairman and secretary thereof, and deposited with the State Treasurer. The first installment of such loan, together with the interest on the balance of the principal remaining unpaid, shall be paid by the county board of education on or before the fifteenth day of December subsequent to the making of such loan, and the remaining installments, together with the interest, shall be paid, one each year, on the fifteenth day of December of each subsequent year until all shall have been paid: *Provided*, if at the end of any five-year period it shall appear that the earnings of said fund are more than sufficient to retire said bonds the State Board may direct the State Treasurer to transfer such surplus to the State Literary Fund, and after all bonds are retired any balance remaining shall be turned over to the State Literary Fund.

Sec. 280. **To be provided for in May budget.** The county board of education shall provide in its May budget for a special tax, to be styled "A Special Building Fund Tax," sufficient to repay the annual installment, together with the interest due, and shall issue its order upon the treasurer

of the county school fund therefor, who, prior to the fifteenth day of December, shall pay over to the State Treasurer the amount then due. Any amount loaned under the provisions of this act shall be a lien upon the total school fund of such county, in whatsoever hands such funds may be; and if the board of county commissioners fail to provide for a sufficient tax in building and incidental fund to pay the loans and interest when due, so long as any part of said loan and the interest are due, the board of county commissioners shall borrow the money in order that the six months school term may be maintained in accordance with the Constitution. Upon failure of any county to pay any installment or interest, or part of either, when due, the State Treasurer may deduct a sufficient amount for the payment of the same out of any fund due such county from any special State appropriation for public schools, and if the amount necessary to conduct a six months school has been decreased thereby, thus making it impossible to provide the funds for a six months term in every district in said county in accordance with law and the Constitution, the county commissioners shall borrow the amount necessary to meet the deficit caused thereby.

The State Treasurer may bring action against the county board of education of such county, or against any person in whose possession may be any part of the school funds of the county, or against the tax collector of such county; and if the amount of school fund then on hand be insufficient to pay in full the sum so due, then the State Treasurer shall be entitled to an order directing the tax collector of such county to pay over to the State Treasurer all moneys collected for school purposes until such debt and interest shall have been paid: *Provided*, this lien shall not lie against taxes collected to pay interest and principal on bonds issued by the authorities of any county or any district.

Sec. 281. **State Board of Education shall approve all applications and provide funds.** That the State Board of Education shall approve all applications for loans and the amount to be loaned to each county. When said board has received and approved applications for loans in an amount of not less than five hundred thousand (\$500,000.00) dollars, the State Board of Education shall direct the State Treasurer to sell, and he shall sell, in accordance with the provisions of this article, North Carolina bonds to provide funds for making the loans in accordance with the application approved: *Provided*, that whenever applications are received and approved, in accordance with the provisions of this article, if the State Board of Education shall deem it unwise to sell bonds at that time, the State Treasurer, by and with the consent of the Governor and the Council of State, is hereby authorized to borrow money at the lowest rate of interest obtainable, in anticipation of the sale of the bonds herein authorized, and for the purposes for which said bonds are authorized. The State Treasurer shall execute and issue notes of the State for the money so borrowed, and he is hereby authorized to renew any such notes from time to time by issuing new notes. The rate of interest, the date of payment of said notes or renewals, and all matters and details in connection with the issuance and sale thereof shall be fixed and determined by the Governor and Council of State. Such notes when issued shall be entitled to all privileges, im-

munities and exemptions that the bonds authorized to be issued are entitled to. The full faith, credit and taxing power of the State are hereby pledged for the payment of such notes as may be issued, and interest thereon. The proceeds received from said notes shall be used for making loans to county boards of education in accordance with this article. The notes issued in anticipation of the sale of bonds shall be paid with the funds derived from the sale of said bonds, whenever said bonds are sold.

Sec. 282. Treasurer to sell bonds. That the bonds authorized and directed to be issued by the preceding sections shall be coupon bonds of the denomination of five hundred dollars (\$500) and one thousand dollars (\$1,000) each, as may be determined by said State Treasurer, and shall be signed by the Governor of the State and State Treasurer and sealed with the Great Seal of the State. The coupons thereon may be signed by the State Treasurer alone, or may have a facsimile of his signature printed, engraved, or lithographed thereon, and the said bonds shall in all other respects be in such form as the State Treasurer may direct; and the coupons thereon shall, after maturity, be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of North Carolina, of any kind whatsoever which shall be expressed on the face of said bonds. Before selling any of the series of bonds herein authorized to be issued, the State Treasurer shall advertise the sale and invite sealed bids in such manner as in his judgment may seem to be most effectual to secure the par of said bonds at the lowest rate of interest.

He is authorized to sell the bonds herein authorized in such manner as in his judgment will produce the par value of said bonds at the lowest rate of interest, and where the conditions are equal he shall give the preference of purchase to the citizens of North Carolina.

One-twentieth of the total bonds issued under date of January 1, 1924, shall be due and payable on the first day of January, one thousand nine hundred and twenty-nine, and another one-twentieth of the amount of said bonds shall be due and payable on January first of each year thereafter until the whole series shall be paid, and any bonds issued under this act on any subsequent January first shall be due and payable as follows: One-twentieth of the total amount of said bonds shall be due and payable on the first day of January five years after the date of issuance of said bonds, and one-twentieth on each subsequent January first of each year thereafter until the whole series authorized by this act shall be paid in full.

Sec. 283. Exempt from taxation. The said bonds and coupons shall be exempt from all State, county or municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest paid thereon shall not be subject to taxation as for income, nor shall said bonds and coupons be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation, and it shall be lawful for all executors, administrators, guardians, or other fiduciaries, generally, to invest in said bonds.

Sec. 284. **County board may make loans to districts.** The county board of education, from any amount borrowed under the provisions of this act, may make loans to special charter, local tax or special school taxing districts, and the amount so loaned to any such district shall be payable in twenty annual installments, with interest thereon at the rate the county is required to pay, payable annually in advance. Any amount loaned under the provisions of this act shall be a lien upon the total local tax funds produced in the district. Whenever the local taxes at any time may not be sufficient to pay the installments with the interest, the county board of education must supply the remainder out of the operating and equipment fund, and shall make provisions for the same when the county budget is made and presented to the commissioners in May: *Provided*, nothing in this section shall prevent the county board of education from assuming the entire expense of erecting said building or buildings in any district of the county.

All loans made to such districts, under the provisions of this act, shall be made upon the written petition of a majority of the committee, or board of trustees, of the said district asking for the loan and authorizing the county board to deduct a sufficient amount from the local taxes or other funds belonging to said district other than the teachers' salary fund to meet the indebtedness to the county board of education. Otherwise, the county board of education shall have no lien upon the local taxes for the repayment of this loan: *Provided*, this lien shall not lie against taxes collected or hereafter levied to pay interest and principal on bonds issued by the authority of any district.

PART IX

VOCATIONAL EDUCATION

ART. 26. DUTIES, POWERS AND RESPONSIBILITIES OF STATE BOARD FOR VOCATIONAL EDUCATION

Sec. 285. **Acceptance of benefits of federal vocational education act.** The State of North Carolina hereby accepts all of the provisions and benefits of an act passed by the Senate and House of Representatives of the United States in congress assembled, entitled "An act to provide for the promotion of vocational education, to provide for coöperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for coöperation with the States in the preparation of teachers of vocational subjects, and to appropriate money and regulate its expenditure"; approved February twenty-third, nineteen hundred and seventeen.

C. S., 5502.

Sec. 286. **State board for vocational education created.** There is hereby created a State board for vocational education, to consist of four members, as follows: The State Superintendent of Public Instruction and three other members, to be appointed by the Governor, one to represent agriculture, one to represent home economics, and one to represent trades and industries. The terms of office of these members shall be, for one

member two years, for one member four years, and for one member six years, who shall serve till their successors are appointed; and thereafter each member shall be appointed for a term of four years.

C. S., 5393; 1919, c. 119, s. 3.

Sec. 287. Powers and duties of board. The State board for vocational education shall have all necessary authority to coöperate with the federal board for vocational education in the administration of the Federal Vocational Educational Act, to administer any legislation pursuant thereto enacted by the State of North Carolina, and to administer the funds provided by the Federal Government and the State of North Carolina for the promotion of vocational education in agricultural subjects, trade and industrial subjects and home economics subjects. It shall have full authority to formulate plans for the promotion of vocational education in such subjects as an essential and integral part of the public school system of education in the State of North Carolina, and to provide for the preparation of teachers in such subjects. It shall have full authority to fix the compensation of such officials and assistants as may be necessary to administer the federal act and this article for the State of North Carolina, and to pay such compensations and other necessary expenses of administration from funds appropriated. It shall have authority to make studies and investigations relating to vocational education in such subjects; to publish the result of such investigations, and to issue other publications as seem necessary by the board; to promote and aid in the establishment by local communities of schools, departments, or classes giving instruction in such subjects; to coöperate with local communities in the maintenance of such schools, departments, or classes; to prescribe qualifications for the teachers, directors, and supervisors of such subjects; to coöperate in the maintenance of classes supported and controlled by the public for the preparation of teachers, directors and supervisors of such subjects, or to maintain such classes under its own direction and control; to establish and determine by general regulations the qualifications to be possessed by persons engaged in the training of vocational teachers.

C. S., 5394; 1919, c. 119, s. 5.

Sec. 288. State Superintendent to enforce article. The State Superintendent of Public Instruction shall serve as executive officer of the State board for vocational education, and shall designate, by and with the advice and consent of the board, such assistants as may be necessary to properly carry out the provisions of this article. The State Superintendent shall also carry into effect such rules and regulations as the board may adopt, and shall prepare such reports concerning the condition of vocational education in the State as the board may require.

C. S., 5395; 1919, c. 119, s. 4.

Sec. 289. State appropriation equal to federal appropriation. The State of North Carolina appropriates out of the State public school fund a sum of money for each fiscal year equal to the maximum sum which may be allotted to the State of North Carolina from the federal treasury, under the provisions of the Smith-Hughes Act and the Industrial Rehabilitation Act, namely, for the fiscal year ending June 30, 1924, \$147,405.88; for the fiscal year ending June 30, 1925, \$171,990.03; and for the fiscal year ending

June 30, 1926, and thereafter, \$196,664.18: *Provided*, that only such portion of above State appropriation shall be used as may be absolutely necessary to carry on the work outlined in this article and to meet the Federal requirements.

C. S., 5503; 1919, cc. 102, s. 13; 119, s. 7; revised.

Sec. 290. State treasurer authorized to receive and disburse vocational education fund. The State Treasurer is hereby designated and appointed custodian of all moneys received by the State from the appropriation made by said act of Congress, and he is authorized to receive and to provide for the proper custody of the same, and to make disbursement thereof in the manner provided in the said act and for the purpose therein specified. He shall also pay out moneys appropriated by the State of North Carolina for the purpose of carrying out the provisions of this article upon the order of the State board for vocational education.

C. S., 5504; 1919, c. 119, s. 2.

Sec. 291. Coöperation of county authorities with State Board; funds. The county board of education, board of county commissioners, or the board of trustees of any district may coöperate with the State board for vocational education in the establishment of vocational schools or classes giving instruction in agricultural subjects, or trade or industrial subjects, or in home economics subjects, or all three subjects, and may use moneys raised by public taxation in the same manner as moneys are used for other public school purposes: *Provided*, that nothing in this article shall be construed to repeal any appropriations heretofore made by any of said boards for said purposes.

C. S., 5396; 1919, c. 119, s. 6; revised.

Sec. 292. Report to Governor. The State board for vocational education shall make a report annually to the Governor, setting forth the conditions of vocational education in the State, a list of the schools to which federal and State aid have been given, and a detailed statement of the expenditures of federal funds and the State funds provided for in this article.

C. S., 5397; 1919, c. 119, s. 8.

ART. 27. COUNTY FARM-LIFE SCHOOLS

Sec. 293. Establishment of school in county. There shall be established and maintained in every county complying with the provisions of this article, as hereinafter set forth, a school to be known as a "County Farm-life School," for the training and preparation of the boys and girls of the county for farm life and home-making.

C. S., 5566.

Sec. 294. Aim of school and course of study. The aim of said school shall be to prepare boys for agricultural pursuits and farm life and to prepare girls for home-making and housekeeping on the farm. The course of study shall include practical work on the farm by the boys and practical work in all subjects relating to housekeeping and home-making by the girls. The course of study in said school shall be subject to the approval of the State board for vocational education.

C. S., 5567; 1919, c. 257, s. 1.

Sec. 295. **Board of trustees; appointment; terms; vacancies.** The school shall be under the control and management of a board of trustees of practical farmers, consisting of one member from each township in the county, appointed by the county board of education, who shall serve until their successors shall be appointed. The first board of trustees shall be divided by the county board of education into three as nearly equal groups as possible; one group shall be appointed for a term of two years, one group for a term of four years, and one group for a term of six years. Upon the expiration of the term of office of any trustee his successor shall be appointed for a term of six years. The county Superintendent of public instruction shall be *ex officio* a member of said board and secretary thereof. All vacancies occurring by death, resignation, or otherwise in said board shall be filled for the unexpired term by the county board of education.

C. S., 5568.

Sec. 296. **Qualification and organization of board.** Within ten days after any county, township, or townships shall have complied with the provisions of this article, as hereinafter set forth, for the maintenance and equipment of the school, the members of the board of trustees shall be appointed, and the county superintendent shall duly notify them to meet at the county-seat within ten days after their appointment to qualify and organize.

C. S., 5569.

Sec. 297. **Location of school.** After due advertisement, inviting bids for the location of said school within the county, the board of trustees shall locate it at such place in said county as shall offer the largest financial aid for maintenance and equipment, having due regard for desirability and suitability of location: *Provided, however,* that said school shall not be located in any city or town of more than one thousand inhabitants, nor within two miles of the corporate limits of any city or town of more than five thousand inhabitants.

C. S., 5571.

Sec. 298. **Buildings; farm; maintenance.** For the maintenance of said school, the county or township or school district, or all combined, wherein it is located, shall provide annually, by taxation or otherwise, not less than twenty-five hundred dollars. The county or township or school district, or all combined, shall provide by bond issue, or otherwise, the following equipment for said school: a school building with recitation rooms and laboratories and apparatus necessary for efficient instruction in the prescribed subjects of study; dormitory buildings with suitable accommodations for not less than twenty-five boys and twenty-five girls; a barn and dairy building with necessary equipment; a farm of not less than fifty acres of good arable land. All of said buildings shall be located on said farm and shall be constructed in accordance with plans approved by the State Superintendent of Public Instruction, and the entire equipment shall be subject to his approval and acceptance after inspection: *Provided, however,* that upon the recommendation of the board of trustees and the presentation of satisfactory reasons therefor, the State Superintendent of Public Instruction may grant permission to the board of trustees to accept any

suitable and properly equipped school building already constructed, though it may not be located on the farm, provided it be located within reasonable and convenient distance thereof.

C. S., 5571, 5572; 1919, c. 257, s. 3; revised.

Sec. 299. **Election in county to establish schools.** 1. Upon written request of the county board of education of any county the board of county commissioners of said county may in their discretion order an election to be held in said county, in accordance with the law governing general elections therein, as nearly as may be. A new registration shall be ordered for said election; and not less than thirty days notice of said election shall be given at the courthouse door and three other public places in the county; and if there be newspapers published in the county, a notice of said election shall also be published weekly for four successive weeks preceding said election in one newspaper therein; and the registrars and pollholders shall canvass the vote cast, declare the result, and duly certify the returns to the board of county commissioners, and the returns shall be recorded in the records of said board of county commissioners.

2. At said election shall be submitted to the qualified voters of the county the question of levying and collecting a special tax on all taxable property and polls of said county for the maintenance and equipment of a "County Farm-life School" therein. At such election those favoring the levying and collecting of such a tax for such purpose shall vote a ballot on which shall be written or printed the words "For County Farm-life School"; and those opposed shall vote a ballot on which shall be written or printed the words "Against County Farm-life School."

3. If a majority of the qualified voters shall vote "For County Farm-life School," then all the provisions of this article shall be in full force and effect, and the county commissioners shall annually levy and cause to be collected, in the same manner and at the same time as other taxes of the county are levied and collected, a tax on all property and polls of the county sufficient to provide the sum required for the annual maintenance of said school, and, in addition, the sum required for the payment of the annual interest on such bond issue as may be found necessary for providing the equipment for the school as said interest accrues, and to create a sinking fund for the purpose of paying off and discharging said bonds as they become due. The bond of the sheriff or tax collector of said county shall be responsible for the tax to the same extent as it is liable for other taxes collected by him.

C. S., 5573.

Sec. 300. **Issuance of bonds.** If a majority of the qualified voters at the election shall vote "For County Farm-life School," it shall be deemed and held that a majority of the qualified voters are in favor of granting to the board of county commissioners of said county authority to issue bonds in an amount not to exceed fifty thousand dollars for the purpose of providing the necessary equipment; and such authority shall be granted to and vested in said board of county commissioners, and said board is hereby authorized and empowered to issue and sell bonds in the name of said county to an amount not to exceed fifty thousand dollars, of such denomination and of such proportion as said board of county commissioners

may deem advisable, bearing interest at a rate not to exceed six per cent, with interest coupons attached, payable at such time or times, and at such place or places as they may deem advisable, such bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not less than fifteen years from the date thereof, and at such place or places as the board of county commissioners may determine.

The proceeds arising from the sale of said bonds shall be expended by said board of county commissioners in providing, by purchase or otherwise, the equipment in land, buildings, and apparatus required under this article for the "County Farm-life School." The treasurer of said county shall receive no compensation for receiving or disbursing the money which may be received from the sale of said bonds.

C. S., 5574; 1919, c. 257, s. 4; revised.

Sec. 301. Township election to secure location. The county commissioners of any county that has voted for the establishment of a "County Farm-life School" therein shall, upon petition of one-fourth of the freeholders in any township applying to the trustees of said "County Farm-life School" to secure the location of said school therein, order an election therein, to be held after thirty days notice at three public places in said township, under the law governing State and county elections as nearly as may be, and the returns of said election shall be certified by the registrars and pollholders to the board of county commissioners, and the same shall be recorded in the records of said county commissioners. At the election shall be submitted to the qualified voters of said township the question of issuing bonds in a sum not to exceed fifty thousand dollars, the amount of said bond issue to be set out in the petition for said election, and of levying and collecting on all taxable property and polls in said township a special tax sufficient to provide for the payment of the interest on said township bonds as it accrues, and to create a sinking fund for the purpose of paying off and discharging said township bonds as they become due. At such election, those favoring the levying and collection of such tax for such purpose shall vote a ballot on which shall be written or printed the words "For County Farm-life School," and those opposed shall vote a ballot on which shall be written or printed the words "Against County Farm-life School."

C. S., 5575; 1919, c. 257, s. 5.

Sec. 302. Township bonds to secure location. If a majority of the qualified voters at said election shall vote "For County Farm-life School," then it shall be deemed and held that a majority of the qualified voters are in favor of granting to the board of county commissioners of said county authority to issue bonds in the name of said township in such amount as shall have been named in the petition and notice of election, to be sold by said commissioners for the purpose of aiding in providing the buildings and farm and other equipment for "The County Farm-life School," provided said school shall be located in said township; and if said school shall be located in said township, the board of county commissioners shall annually levy and cause to be collected, in the same manner and at the same time as other taxes of the county are levied and

collected, a tax on all property and polls in said township sufficient to provide for the payment of interest on said township bonds as it accrues and to create a sinking fund for the purpose of paying off and discharging said township bonds as they become due. The board of county commissioners is authorized and empowered to issue and sell said bonds of the township to the amount specified in the petition and notice of election, of such denomination and of such proportion as they may deem advisable, bearing interest at a rate not to exceed six per cent, with interest coupons attached, payable at the time or times, and at the same place or places, and of the same form and tenor, and the principal thereof payable or redeemable at the same time or times and at the same place or places as the county bonds issued by the board of county commissioners for the equipment of said "County Farm-life School."

The proceeds arising from the sale of the township bonds shall be added to the proceeds arising from the sale of the county bonds and expended therewith by the board of county commissioners in providing by purchase or otherwise, the equipment in land, buildings, and apparatus required in this article for the "County Farm-life School."

C. S., 5576.

Sec. 303. Election by contiguous townships to secure location. Any two or more contiguous townships bidding for the location of the "County Farm-life School" may unite and hold an election upon the same terms and conditions as are provided for one township for the location of the "County Farm-life School" at such point in said townships as may be determined by the board of trustees of said "County Farm-life School": *Provided*, that the amount of bonds authorized to be issued by one or more townships in order to secure the location of the "County Farm-life School" in a given township shall be deducted from the amount of bonds authorized to be issued by the county, so as to limit the total issue of bonds for farm, buildings, and equipment to fifty thousand dollars.

C. S., 5577; 1919, c. 257, s. 5.

Sec. 304. Election in townships to establish on failure of county election.
1. In case an election shall be ordered and held in any county as herein provided, for the establishment and maintenance of a "County Farm-life School" therein, and a majority of the qualified voters at such election shall fail to vote "For County Farm-life School," any township in said county, or any two or more contiguous townships in said county, shall, upon petition of one-fourth of the freeholders therein to the board of county commissioners of the county, have an election ordered by the commissioners upon the same terms and conditions prescribed in the three preceding sections of this article: *Provided*, that a new registration shall be ordered.

2. If in such election a majority of the qualified voters in said township or townships shall vote "For County Farm-life School," then, in that event, it shall be deemed and held that the board of county commissioners of the county is authorized and empowered to issue and sell bonds in the name of said township or townships in an amount not to exceed fifty

thousand dollars, and to levy and cause to be collected, in the same manner and at the same time as other taxes of the county are levied and collected, a sufficient tax on all property and polls in said township or townships to comply with all conditions named in this article for the maintenance and equipment of a "County Farm-life School," subject to the same conditions as are herein provided for the issuance and sale of county bonds and the levying and collection of a county tax for said purpose.

3. The said "County Farm-life School" shall thereupon be located at such point in said township or townships as may be determined by the board of trustees of said "County Farm-life School" provided for in this article. Such school, when thus established, shall be a "County Farm-life School" for said county, and shall be subject to all the rights, privileges, and obligations and conditions prescribed in this article for "County Farm-life Schools," except as herein otherwise provided.

C. S., 5578, revised.

Sec. 305. Provisions for township school becoming county farm-life school. At any time after the establishment of the "County Farm-life School" by the township or townships under the provisions of the preceding section, the county may hold an election as provided in this article for the establishment of a county farm-life school by the county; and if at the election a majority of the qualified voters of the county shall vote "For County Farm-life School," and the tax and bond issue provided for in this article for the maintenance and equipment of a "County Farm-life School" shall be provided, as directed herein, by the county commissioners for the entire county, such school established by the township or townships shall become a county farm-life school in all respects like a county farm-life school established under this article and the bonds of the township or townships and the tax levied for the maintenance of the school and for interest and sinking fund on the bonds shall be assumed by the entire county, and the bonds of the township or townships shall be cancelled by substituting therefor county bonds as provided for a county farm-life school.

C. S., 5579.

Sec. 306. High school department in connection with county farm-life school. There shall be established and maintained in connection with each county farm-life school such a high school course of study as may be approved by the State Superintendent of Public Instruction. If said county farm-life school shall be located in the same place with some existing public high school in said county, then said public high school shall be merged into and become the high school department of said farm-life school as an organic part thereof; and the appropriations for the maintenance thereof shall be the same as the appropriations now required for accredited public high school. The requirements for teachers in said high school department of the county farm-life school shall be the same as are now required for high school teachers under the public school law. Said high school department and course of study, however, and the entire management of the same shall be under the direction and control of the board of trustees and the principal of the county farm-life school, and shall be conducted as an organic part of said school.

C. S., 5580; 1919, c. 257, s. 6.

Sec. 307. **Agricultural and farm-life extension and demonstration.** It shall be a part of the duty of the faculty of each "County Farm-life School" to conduct agricultural instruction work in said county, in coöperation, as far as possible, with such work carried on in said county by the State Department of Agriculture, the North Carolina State College of Agriculture and Engineering, and the United States Department of Agriculture; to hold township and district meetings in various parts of the county from time to time for farmers and farmers' wives; to coöperate with the county superintendent of public instruction and with the county commissioner of agriculture, where such officer exists, in stimulating, directing, and supervising practical farm-life work in the public high schools and the elementary schools of the county, and in providing instruction, through the county teachers' association and through special short courses of study at said "County Farm-life School," for the public school teachers of said county.

C. S., 5582.

Sec. 308. **Short courses for adults.** There shall be provided in the courses of study of the "County Farm-life School" short courses in farm-life studies to which shall be admitted adult farmers, men and women, and boys and girls not in regular attendance upon the school; and there shall be held at the school annually one or more county meetings for the farmers and their wives of the county for instruction and demonstration work. All of the work herein required and all other work of the "County Farm-life School" shall be under the general supervision of the county superintendent of public instruction, and the school shall in all respects be an organic part of the county public school system.

C. S., 5583.

Sec. 309. **Admission of students from other counties.** The board of trustees of the "County Farm-life School" of any county is hereby authorized and empowered to admit students from other counties of the State to said school upon payment of such rate of tuition as said board of trustees may fix; but all students who are residents of the county in which said school is located shall be admitted to said school without charge for tuition, except as otherwise provided in this article; and said board of trustees shall fix all other charges in said school at actual cost.

C. S., 5584.

Sec. 310. **Treasurer of county farm-life school; compensation.** The treasurer of the county shall be the treasurer of the "County Farm-life School," and shall receive and disburse all funds therefor, keeping and rendering annually to the board of trustees of said school a separate account of such receipts and disbursements. If he be employed on salary, he shall receive no additional compensation for his services; and if employed on commission, he shall receive as compensation not to exceed one per cent on all disbursements and nothing on receipts. The official bond of said treasurer shall be responsible and held liable for all funds coming into his hands for said school to the same extent as it is liable for other funds received by him as treasurer of said county.

C. S., 5585.

Sec. 311. **Incorporation and powers.** The board of trustees of said "County Farm-life School" and their successors in office shall be and are

hereby constituted a body corporate by the name and style of "The Board of Trustees of the County Farm-life School of.....County," and by that name may sue and be sued, contract and be contracted with, purchase, hold, and sell real estate and personal property, receive donations by gift or otherwise and exercise such other rights and privileges as are conferred by law upon corporate bodies so far as such powers are necessary or convenient to the attainment of the objects of the school or to the performance of the duties of the board. The title to all lands and other property of the "County Farm-life School" shall vest in said board of trustees.

C. S., 5586.

Sec. 312. Appropriation of State funds; number of schools. Upon satisfactory evidence furnished by the State board for vocational education to the State Board of Education that all the provisions of this article for the establishment, maintenance, and equipment of a "County Farm-life School" have been complied with in any county, the State Superintendent of Public Instruction shall issue a requisition upon the State Auditor for a sum equal to the amount appropriated by the county board of education or secured from local donations or both, but not to exceed five thousand dollars annually for the maintenance of said school, and the State Auditor shall issue his warrant in favor of the county treasurer of said county for said amount, which shall be paid out of the State Treasury and the money placed to the credit of the "County Farm-life School" of said county and sufficient moneys to pay said warrants are hereby appropriated out of the State public school fund, if the amount of that fund is sufficient, after meeting all of the requirements of the law, otherwise the appropriations shall be made out of the State funds not otherwise appropriated: *Provided, however,* that there shall not be established more than ten such schools in any one year, and that not more than one such school shall be established in any county.

C. S., 5587; 1919, c. 257, s. 8; 1921, c. 179, s. 4.

Sec. 313. County board may supplement funds. If the funds available for the maintenance and support of any county farm-life school shall be insufficient to provide for the proper maintenance and support of said school, the county board of education of any county is hereby empowered to add to its annual budget for the maintenance and support of such school, an amount not greater than one thousand dollars, provided that this amount shall not be duplicated out of the State public school fund.

C. S., 5588; 1919, c. 181.

ART. 28. FARM-LIFE SCHOOLS OPERATING UNDER SPECIAL ACTS

Sec. 314. All high schools having departments of agriculture and home economics and organized to give farm-life instruction under Article 25, sections 5589-5601 Consolidated Statutes, shall, at the conclusion of this school year, 1922-1923, be reorganized under the county farm-life school law, Article 27 of this act, or as all other high schools or union schools giving instruction in agriculture and home economics are organized under the authority of the State Board for Vocational Education. This act shall not affect the schools operating under the following special legislation:

Catawba County Farm-life School, Chapter 180, Private Laws, 1921; Rowan County Farm-life School, Chapter 272, Public-Local Laws 1919; Iredell County Farm-life School, Chapter 184, Public-Local Laws, Extra Session, 1920; Durham County Farm-life School, Chapter 229, Public-Local Laws, 1913.

ART. 29. VOCATIONAL REHABILITATION OF PERSONS DISABLED IN
INDUSTRY OR OTHERWISE

Sec. 315. **Acceptance of federal aid.** The State of North Carolina hereby accepts all of the provisions and benefits of an act passed by the Senate and House of Representatives of the United States in Congress assembled to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise, and their return to civil employment, approved June 2, 1920.

C. S., 5502; s. 14, c. 91, Public Laws, Extra Session 1920.

Sec. 316. **The State board for vocational education shall have all necessary authority to coöperate** with the federal board for vocational education in the administration of the act of Congress providing for the vocational rehabilitation of persons injured in industry and otherwise; to administer any legislation pursuant thereto enacted by the State of North Carolina; and to administer the funds provided by the federal government and the State of North Carolina under the provisions of section 289. It shall have full authority to formulate plans for the promotion of vocational rehabilitation; to fix the compensation of such officials and assistants as may be necessary to administer the federal act and this article for the State of North Carolina; and to pay such compensation and other expenses of administration as are necessary from funds appropriated under this act. It shall have authority to make studies and investigations relating to vocational rehabilitation; to publish the result of such investigations and to issue other publications as seem necessary by the board; to promote and aid in the establishment of schools, departments, or classes giving instruction in vocational subjects for rehabilitation purposes; and to prescribe qualifications for the teachers, directors, and supervisors of such subjects.

C. S., 5394; s. 13, c. 91, Extra Session 1920.

Sec. 317. **State appropriation from State public school fund.** The State of North Carolina appropriates out of the State public school fund a sum of money for each fiscal year equal to the maximum sum which may be allotted to the State of North Carolina from the Federal Treasury under an act of Congress to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise, and their return to civil employment: *Provided*, that only such portion of the above State appropriation shall be used as may be absolutely necessary to carry on the work outlined in articles twenty-six and twenty-nine.

C. S., 5503; s. 15, c. 91, Extra Session 1920.

Sec. 318. **The State Board of Health shall:** (a) Coöperate with the State Board for Vocational Education in arranging with all public and private hospitals, clinics, dispensaries, health officers, and practising physi-

cians, to send to the State Board for Vocational Education prompt and complete reports of any persons under treatment in such hospitals, clinics, dispensaries, or by such physicians or health officers, for any injury or disease that may render them permanently, physically, and vocationally handicapped to such an extent that they are or will be unable to support themselves; and (b) Coöperate generally with the State Board for Vocational Education in carrying out the provisions of this article.

Sec. 319. **State appropriation.** The State of North Carolina appropriates for each fiscal year the sum of fifteen thousand dollars, or as much thereof as is necessary, from the State Treasury to the State Board for Vocational Education for the purpose of assisting worthy persons who enter training under the Federal Vocational Rehabilitation Act: *Provided*, (1) that this fund shall be used only to pay for the actual living expenses of deserving persons, as determined by investigation of the board, who have no other means of paying said living expenses; (2) that this fund shall be paid out by the State Treasurer on the order of the State Board for Vocational Education; (3) that not to exceed ten dollars per week for not more than twenty weeks, unless an extension of time is granted by the board, be paid for the maintenance of any one person in training; (4) that the said State Board for Vocational Education shall keep an accurate account of all expenditures, showing date, the person to whom paid, for what paid, and the amount of each warrant, and shall make a report of same to the Governor on or before the first of January each year; and (5) that this act shall be in force from and after its ratification.

C. 172, 1921.

PART X

TEXT BOOKS AND PUBLIC LIBRARIES

ART. 30. TEXT-BOOKS FOR ELEMENTARY GRADES

Sec. 320. **State Board of Education adopts.** The State Board of Education is hereby authorized to adopt text-books for use in all elementary public schools of the State supported wholly or in part out of public funds, And six months before the expiration of the contracts now in force it shall adopt for a period of five years from a multiple list submitted by the text-book commission, as hereinafter provided, two basal primers for the first grade and two basal readers for each of the first three grades, and one basal book or series of books on all other subjects contained in the outline course of study for the elementary grades where a basal book or books are recommended for use: *Provided*, the State Board of Education may enter into contract with a publisher for a period less than five years, if any advantage may accrue to the schools as a result of a shorter contract than five years.

Sec. 321. **Books adopted for an indefinite period.** At the expiration of the contract now existing between the State Board of Education and the publisher for any particular book or books, the State Board of Education, upon satisfactory agreement with the publisher, may continue the contract for any particular book or books indefinitely; that is, for a period not less than one nor more than five years.

The State Board of Education may, at any time it finds a book unsatisfactory, call for a new report from the Text-book Commission on that subject adopted for an indefinite length of time. Moreover, the Text-book Commission at any time, with the approval of the State Superintendent of Public Instruction, may recommend to the State Board of Education that a given book adopted indefinitely is unsatisfactory or may be greatly improved by the adoption of a new book or books.

In the event that a change of text-books contracted for for an indefinite length of time is deemed necessary by the State Board of Education or by the Text-book Commission, the publisher shall be given at least three months notice prior to the first of May, and at the expiration of which time the State Board of Education is authorized to adopt from a list submitted by the Text-book Commission a new book or books on said subject. Moreover, the publisher of any text-book desiring to end a contract that has been extended indefinitely shall give the State Board of Education at least three months notice prior to the first day of May. In either event, when it becomes necessary to substitute a new book for an old one on the adopted list, the State Board of Education shall call for new recommendations from the Text-book Commission on that book and proceed as in the first instance.

Sec. 322. Classification of text-books. The text-books in use in the public schools are hereby divided into two classes: (1) major subjects, which include readers, arithmetics, language and grammar, history and geography; and (2) all other books on all other subjects shall be considered as minor subjects.

Sec. 323. Basal and supplementary books. All subjects on which text-books are to be adopted by the State Board of Education shall be the basal books, and all other books necessary to complete the course of study shall be supplementary books.

Sec. 324. Adoption of supplementary books. County boards of education and boards of trustees are hereby authorized to select supplementary books necessary to complete the course of study for the schools. But said supplementary books shall neither displace nor be used to the exclusion of the basal books.

Sec. 325. The Text-book commission. The Governor and the Superintendent of Public Instruction shall appoint a text-book commission composed of seven members to be selected from among the teachers, supervisors, principals, and superintendents actually engaged in school work in the State, to serve for five years or until their successors are appointed and qualified, and the Governor and Superintendent of Public Instruction shall have authority to fill any vacancy that may occur in the Text-book Commission, or to remove for sufficient cause any member of the commission.

Sec. 326. Organization of commission. Immediately after the appointment of the Text-book Commission the Superintendent of Public Instruction shall cause said Text-book Commission to meet in his office and organize by electing a chairman and secretary, and shall adopt such rules and regu-

lations to govern their work as may be deemed necessary, subject to the approval of the State Superintendent of Public Instruction. The work of the Text-book Commission shall then be apportioned among the members, and the rules and regulations governing its work shall be published in the daily papers, and a copy shall be sent to all publishers that may submit bids and samples of books for adoption.

The several members of the Text-book Commission may work independently, seeking information from every legitimate source, but if the members of the Text-book Commission receive information from representatives of book companies they shall keep a record of each such visit and the purpose of the visit.

Sec. 327. Compensation of commission. Each member of the Text-book Commission shall be paid out of the State Public School Fund, on the requisition of the Superintendent of Public Instruction, two hundred dollars (\$200) for services, and, in addition, the necessary traveling expenses authorized by the Superintendent of Public Instruction: *Provided*, that the chairman of this commission shall be paid two hundred and twenty-five dollars (\$225). The members so appointed shall serve for a period of five years, or until their successors are appointed, and shall be subject to the call of the State Board of Education at any time during their term of service: *Provided further*, that for any service rendered more than one year after appointment each member shall be paid a per diem of five dollars (\$5) and necessary traveling expenses.

Sec. 328. Duties of commission. The Text-book Commission shall first prepare, subject to the approval of the Superintendent of Public Instruction, and publish at the expense of the State, an outline course of study setting forth what subjects shall be taught in each of the elementary grades. It shall give in outline the number of basal and supplementary books on each subject to be used in each grade, in accordance with law. All subjects on which books are to be adopted by the State Board of Education shall be basal books, and all others shall be considered supplementary books.

After the outline course of study has been prepared and published the Text-book Commission shall then prepare a multiple list of basal books to be submitted to the State Board of Education. The multiple list shall contain not more than six books or series of books on all subjects where two basal books or series of books are to be adopted, and not more than four basal books for each of the other subjects in the course of study for each grade.

On or before February first, one thousand nine hundred and twenty-two, the chairman of the Text-book Commission shall submit to the Superintendent of Public Instruction a report setting forth the multiple list of books that have been selected in conformity with the outline course of study. No book shall be included in the multiple list that a majority of the Text-book Commission deems unsuitable, or that does not conform to the outline course of study.

The Text-book Commission shall report whether any of the major subjects containing a series of books may be divided, taking one part from

one series and another part from another series of books on the same subject, and the commission's report in this respect shall be binding on the State Board of Education.

Sec. 329. State Board of Education makes all contracts. The State Board of Education shall make all needful rules and regulations governing the advertisement for bids, when and how prices shall be submitted, when and how sample books for adoption shall be submitted, the nature of the contract to be entered into between the State Board of Education and the publishers, the nature and kind of bond, if any is necessary, and all other needful rules and regulations governing the adoption of books for the elementary schools not otherwise specified in this act. After a contract has been entered into between the State Board of Education and the publisher, if the publisher shall fail to keep its contract as to prices, distribution of books, etc., the Attorney-General shall bring suit against said company, when requested by the State Board of Education, for such amount as may be sufficient to enforce the contract or to compensate the State because of the loss sustained by a failure to keep this contract.

Sec. 330. Not more than one major subject to be changed in any one year. At the expiration of the present contracts between the State Board of Education and the publishers not more than one major and two minor subjects shall be changed in any one year, provided satisfactory arrangements as to prices and distribution may be made.

Sec. 331. Publishers to register all agents or employees. Publishers submitting books for adoption shall register in the office of the State Superintendent of Public Instruction all agents or other employees of any kind authorized to represent said company in the State, and this registration list shall be open to the public for inspection.

Sec. 332. Contracts now in force not affected. All contracts heretofore entered into between publishers and the State of North Carolina shall in no wise be affected by amendments to chapter 145, Public Laws 1921.

ART. 31. TEXT-BOOKS FOR HIGH SCHOOLS

Sec. 333. County boards of education adopt. The county board of education is hereby authorized to adopt text-books for use in the high schools of the county as hereinafter provided.

Sec. 334. State committee on high school text-books; duties; reports to State Superintendent. The Governor and the State Superintendent of Public Instruction shall appoint a State committee on high school text-books, consisting of five members, who shall serve without pay except reimbursement out of the State Treasury upon the requisition of the State Superintendent of Public Instruction for actual expenses incurred by attendance upon meetings of the committee that may be called by, or under the direction of, the State Superintendent of Public Instruction; it shall be the duty of the State committee on high school text-books to make an examination of each book submitted to any publisher, under the provisions of this article, with a view to determining whether or not the contents, quality, and price of said book are such as to make it suitable and desirable

for use in public high schools of this State; and the said State committee on high school text-books shall, every five years, except as herein otherwise provided, submit to the State Superintendent of Public Instruction, on or before the first day of January of each year within which county adoptions are to be made, a report of its findings with recommendations as to the books that shall be placed on the State approved list, which list shall constitute the State adopted list for a period of five years, except as herein otherwise provided.

C. S., 5726, revised.

Sec. 335. State Board of Education approves the list; State Superintendent approves list. All books recommended for use in the public high school of the State by the State committee on high school text-books that meet with the approval of the State Board of Education shall then be placed upon the State list of approved text-books at the prices agreed upon under contract entered into between the State Board of Education and the publishers.

C. S., 5727, revised.

Sec. 336. County committee to recommend books. The county board of education of each county shall, upon the recommendation of the county committee on high school text-books, every five years, except as hereinafter provided, adopt a county list which shall be made up from the State list of approved books provided for in the preceding section; and the said committee to select high school text-books for each county shall be composed of the county superintendent of public instruction, the superintendent of the largest city or union school system of the county, and three high school principals or teachers chosen from the different high schools of the county, to be selected jointly by the two above mentioned county and city superintendents: *Provided*, that in a county where such a committee cannot be secured according to the manner provided above, the State high school inspector shall recommend to the county board of education of said county the high school books to be used in said county, and the county board of education shall adopt the list of books so recommended; and the county adoptions of high school text-books under this article shall be limited to the State list of approved high school text-books to be selected under the direction of the State Board of Education and published as provided in the preceding section: *Provided*, nothing in this article shall be so construed as to prevent the county committee on high school text-books from recommending the use of, and the county board of education from adopting, more than one book on a subject for use in the different types of high schools that may require books of greater or less difficulty, nor shall any high school be prevented from using necessary supplementary books.

C. S., 5724.

Sec. 337. Text-books adopted for five years; exceptions. The county board of education of each county at a regular meeting held between the first day of February and the first day of June preceding the expiration of present contracts, shall act upon the recommendations of the county committee on high school text-books, and shall adopt a list of high school text-books recommended by the said committee, under the provisions of

this article, to be used in the county for the next five years; and when such county adoption shall have been made, no basal book or books, except those on the list adopted for use in the public high schools of the county for the next five years period from the time of an adoption, shall be used by any public high school of the county: *Provided*, that in adopting text-books of history and science, the committee may adopt and the State Board of Education may make contracts for a period of two years.

C. S., 5730, revised.

Sec. 338. State Board of Education to make contracts. The State Board of Education shall make all needful rules and regulations governing the advertisement for bids, when and how prices shall be submitted, when and how sample books for adoption shall be submitted, the nature of the contract to be entered into between the State Board of Education and the publishers, the nature and kind of bond, if any, is necessary, and all other needful rules and regulations governing the adoption of books for the high schools not otherwise specified in this article. After a contract has been entered into between the State Board of Education and the publisher, if the publisher shall fail to keep its contract as to prices, distribution of books, etc., the Attorney-General shall bring suit against said company, when requested by the State Board of Education, for such amount as may be sufficient to enforce the contract or to compensate the State because of the loss sustained by a failure to keep this contract.

Sec. 339. Students removing from county may sell books; resale. When a pupil in any public high school of one county removes to another county and enters a high school in that county and has regularly adopted high school text-books not used in the high schools of such other county, and wishes to dispose of them the county board of education in the county from which he removes, if requested to do so, shall purchase through any of its depositories or agencies, such books at a fair valuation thereof, depending on the condition of the books, and shall provide for reselling them to other pupils at a profit not exceeding fifteen per cent.

C. S., 5732.

ART. 32. FURNISHING TEXT-BOOKS

Sec. 340. Free text-books. On and after July first, one thousand nine hundred and twenty-three, any county board of education, the committee of any local tax district, or the board of trustees of any special charter district in the State, is hereby authorized to purchase books for the use of pupils in said county or district to be loaned to said pupils, without charge for the same, under such needful rules and regulations governing the loan of said text-books as the said board may prescribe.

If instruction is given in the manual and domestic arts, the county board of education, the committee, or board of trustees may, in its discretion, purchase and lend the necessary implements and materials to the pupils. And it shall also in a similar manner procure such apparatus, reference books, and other means of illustration as may be needed in the school.

(1). The board of county commissioners, in addition to levying taxes for the salary fund, the operating and equipment fund, and the fund for

the repayment of loans, bonds and notes, is hereby authorized to levy an additional tax to be known as the "tax for supplying free text-books," which shall be sufficient to pay the cost of purchasing and loaning text-books as provided in section one of this act, after an estimate has been submitted by the county board of education and approved by the commissioners. Any committee of a local tax district, or any board of trustees of a special charter district in a county not supplying free text-books, is hereby authorized to use any part of the local tax funds, not otherwise appropriated in the district, to carry out the provisions of section one authorizing said district to supply free text-books.

(2). In the event that the county board of education, or the board of county commissioners, or both, shall fail to provide in the budget a sum sufficient to supply free text-books in accordance with section one of this act, or in the event that the sum derived from the local taxes in any local tax or special charter district is insufficient to provide free text-books in such district after other necessary expenses are met, the question of supplying free text-books may be submitted to the qualified voters in the following manner:

Whenever the written petition of one-fourth of the qualified voters of a county, or of a local tax or special charter district setting forth the tax rate to be levied and calling for an election to be held upon the question of levying an additional special annual tax with which to purchase and supply free text-books is presented to the governing board, said board shall present the petition to the tax levying authority of said county or district, which body shall order an election and conduct the same as near as may be under the rules governing the election for local taxes: *Provided*, that in the election the voters shall cast a ballot on which shall be printed or written the words "For free text-books," and those who oppose shall cast a ballot on which shall be printed or written the words "Against free text-books," and if a majority of the qualified voters in said county or district shall cast their ballots "For free text-books," the tax shall be levied and collected as all other county or local taxes for schools are levied and collected. It shall be the duty of the governing body of the school to purchase books for the use of the pupils in said county or district, and loan the same to pupils without charge, in accordance with section one of this act.

Sec. 341. Rental of text-books. The county board of education or the board of trustees of any local-tax district or special charter district is hereby authorized to rent such books to the children of any school district at a rental price not to exceed fifty per cent of the publisher's contract price with the State; and wherever books are rented that have not been contracted for by the State, the rental price shall not exceed fifty per cent of the publisher's list prices.

C. S., 5735.

Sec. 342. County and local boards to make rules; to use incidental expense fund. The county board of education or the board of trustees of any local-tax district or special-charter district is hereby authorized to make all needful rules and regulations governing the rental of public-school text-books, and to apply any funds of the operating and equipment fund

remaining to the credit of the county or the special-charter district to the purpose of this article: *Provided*, that before any amount is appropriated from this fund for these purposes, provision shall be made for all needful expenses of said schools.

C. S., 5736.

Sec. 343. Books for indigent children. County boards of education or the board of trustees of any local-tax district may set aside an amount not to exceed one hundred dollars (\$100) from the incidental expense fund to be used in purchasing public-school text-books, to be used in the manner designated, namely, that when it shall appear that the education of any child is limited because of the inability of said child to purchase necessary text-books or to pay the rental price, said board or boards may loan free of cost all necessary books to any such child during the term of the school, subject to rules and regulations by the county board of education or the board of trustees of any local-tax district or special-charter school, and approved by the State Superintendent of Public Instruction.

C. S., 5737.

Sec. 344. State Superintendent to inform local school authorities. The State Superintendent of Public Instruction is hereby requested to inform superintendents of county and all local-tax schools of the provisions of this article.

C. S., 5739.

ART. 33. PUBLIC LIBRARIES

Sec. 345. Rules and regulations governing their establishment. The State Board of Education is hereby authorized to adopt such rules and regulations governing the establishment of public libraries receiving State aid as will best serve the educational interests of the people. It shall have authority to use all of the State appropriation for rural libraries, to encourage the establishment of county circulating libraries, or to coöperate with the State Library Commission in providing circulating libraries for the schools.

Sec. 346. Aid in establishing local libraries. The State Board of Education may use such a portion of the State appropriation to rural libraries as it may deem necessary to aid the public schools in establishing local libraries as provided herein.

When the patrons and friends of any union school in which a standard high school is or is to be maintained shall raise by private subscription and tender to the treasurer of the county school fund for the establishment of a library to be connected with the school the sum of fifty dollars, the county board of education shall appropriate from the operating and equipment fund the sum of fifty dollars for this purpose.

As soon as the county board shall have made an appropriation for a library in the manner prescribed, the county superintendent shall inform the Secretary of the State Board of Education of the fact, whereupon the State Board, if the funds on hand are sufficient, shall remit to the treasurer of the county school fund the sum of fifty dollars additional for the purchase of books.

C. S., 5618, amended.

PART XI

COMPULSORY ATTENDANCE IN SCHOOLS

ART. 34. GENERAL COMPULSORY ATTENDANCE LAW

Sec. 347. **Parent or guardian required to keep child in school; exceptions.** Every parent, guardian, or other person in the State having charge or control of a child between the ages of seven and fourteen years shall cause such child to attend school continuously for a period equal to the time which the public school in the district in which the child resides shall be in session. The principal, superintendent, or teacher who is in charge of such school shall have the right to excuse the child from temporary attendance on account of sickness or distance of residence from the school, or other unavoidable cause which does not constitute truancy as defined by the State Board of Education.

C. S., 5758.

Sec. 348. **State Board of Education to make rules and regulations; method of enforcement.** It shall be the duty of the State Board of Education to formulate such rules and regulations as may be necessary for the proper enforcement of the provisions of this article. The board shall prescribe what shall constitute truancy, what causes may constitute legitimate excuses for temporary non-attendance due to physical or mental inability to attend, and under what circumstances teachers, principals, or superintendents may excuse pupils for non-attendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State. It shall be the duty of all school officials to carry out such instructions from the State Board of Education, and any school official failing to carry out such instructions shall be guilty of a misdemeanor: *Provided*, that the preceding section shall not be in force in any city or county that has a higher compulsory attendance law now in force than that provided herein; but in any such case it shall be the duty of the State Board of Education to investigate the same and decide that any such law now in force has a higher compulsory attendance feature than that provided by this article: *Provided*, that wherever any district is without adequate buildings for the proper enforcement of this article, the county boards of education may be allowed not more than two years from July the first, one thousand nine hundred and nineteen, to make full and ample provision in every district.

C. S., 5759.

Sec. 349. **Attendance officers; reports; prosecutions.** The State Superintendent of Public Instruction shall prepare such rules and procedure and furnish such blanks for teachers and other school officials as may be necessary for reporting each case of truancy or lack of attendance to the chief attendance officer referred to in this article. Such rules shall provide, among other things, for a notification in writing to the person responsible for the nonattendance of any child, that the case is to be reported to the chief attendance officer of the county unless the law is immediately complied with. County boards of education and boards of trustees of special-charter districts have the right to appoint district at-

tendance officers when deemed by them necessary, to assist in carrying out the provisions of this article, and the rules and instructions which may be promulgated by the State Superintendent of Public Instruction. But in every case in which it becomes necessary to prosecute for non-attendance the case shall be referred to the chief attendance officer of the county for further action: *Provided*, that in special charter districts having special attendance officers paid out of local funds, said officers shall have full authority to prosecute for violations of this article.

C. S., 5760.

NOTE.—The county superintendent of public welfare is chief attendance officer. C. S., 5017.

Sec. 350. Violation of law; penalty. Any parent, guardian, or other person violating the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than five dollars nor more than twenty-five dollars, and upon failure or refusal to pay such fine, the said parent, guardian or other person shall be imprisoned not exceeding thirty days in the county jail.

C. S., 5761.

Sec. 351. Investigation and prosecution by county superintendent and attendance officer. The county superintendent of public welfare or chief school attendance officer or truant officer provided for by law shall investigate and prosecute all violators of the provisions of this article.

C. S., 5762.

Sec. 352. Investigation as to indigency of child. If affidavit shall be made by the parent of a child or by any other person that any child between the ages of seven and fourteen years is not able to attend school by reason of necessity to work or labor for the support of itself or the support of the family, then the attendance officer shall diligently inquire into the matter and bring it to the attention of some court allowed by law to act as a juvenile court, and said court shall proceed to find whether as a matter of fact such parents, or persons standing in *locus parentis*, are unable to send said child to school for the term of compulsory attendance for the reasons given. If the court shall find, after careful investigation, that the parents have made or are making a bona fide effort to comply with the compulsory attendance act, and by reason of illness, lack of earning capacity, or any other cause which the court may deem valid and sufficient, are unable to send said child to school, then the court shall find and state what help is needed for the family to enable the attendance law to be complied with. The court shall transmit its findings to the county board of education of the county or, in special-charter districts, to the board of trustees in which the case may arise.

C. S., 5763.

Sec. 353. Aid to indigent child. The county board of education shall, in its discretion, order aid to be given the family from the operating and equipment fund of the county school budget to an extent not to exceed ten dollars per month for such child during the continuance of the compulsory term; and shall at the same time require said officer to see that the money is used for the purpose for which it is appropriated and to report from time to time whether it shall be continued or withdrawn. And the

county board of education is hereby authorized in making out the county budget to provide a sum to meet the provisions of this article.

C. S., 5764.

ART. 35. COMPULSORY ATTENDANCE OF DEAF AND BLIND CHILDREN

Sec. 354. Deaf and blind children to attend school; age limits; minimum attendance. Every deaf and blind child of sound mind in North Carolina who shall be qualified for admission into a State school for the deaf or the blind shall attend a school for the deaf or blind for a term of nine months each year between the ages of seven and eighteen years. Parents, guardians, or custodians of every such blind or deaf child between the ages of seven and eighteen years shall send, or cause to be sent, such child to some school for the instruction of the blind or deaf as is herein provided: *Provided*, that the board of directors of any school for the deaf or blind may exempt any such child from attendance at any session or during any year, and may discharge from their custody any such blind or deaf child whenever such discharge seems necessary or proper. Whenever a deaf or blind child shall reach the age of eighteen and is still unable to become self-supporting because of its defects, such a child shall continue in said school until it reaches the age of twenty-one unless it becomes self-supporting sooner.

C. S., 5765, 5769.

Sec. 355. Parents, etc., failing to send to school guilty of misdemeanor; provisos. The parents, guardians, or custodians of any deaf children between the ages of seven and eighteen years failing to send such deaf child or children to some school for instruction, as provided in this article, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, for each year said deaf child is kept out of school, between the ages herein provided: *Provided*, (1) that parents, guardians, or custodians may elect two years between the ages of seven and eighteen years that a deaf child or children may remain out of school, and (2) that this section shall not apply to or be enforced against the parent, guardian, or custodian of any deaf child until such time as the superintendent of any school for the instruction of the deaf, by and with the approval of the executive committee of such institution, shall in his and their discretion serve written notice on such parent, guardian, or custodian, directing that such child be sent to the institution whereof they have charge.

C. S., 5766.

Sec. 356. Parents, etc., failing to send guilty of misdemeanor; provisos. The parents, guardians, or custodians of any blind child or children between the ages of seven and eighteen years failing to send such child or children to some school for the instruction of the blind shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, for each year that such child or children shall be kept out of school between the ages specified: *Provided*, (1) that this section shall not be enforced against the parents, guardians, or custodians of any blind child until such time as the authorities of some school for the instruction of the blind shall serve written notice on such parents, guardi-

ans, or custodians, directing that such child be sent to the school whereof they have charge; and (2) that the authorities of the State School for the Blind and the Deaf shall not be compelled to retain in their custody or under their instruction any incorrigible person or persons of confirmed immoral habits.

Sec. 357. To report defective children. It shall be the duty of the superintendent to report, through proper legal channels, the names and addresses of parents, guardians, or custodians of deaf, dumb, blind and feeble-minded children to the principal of the institution provided for each and upon the failure of the county superintendent to make such reports he shall be fined five dollars for each child of the class mentioned above not so reported.

C. S., 5567, 5571.

PART XII

STATE BOARD OF EDUCATION TO LICENSE CERTAIN INSTITUTIONS

ART. 36. STATE BOARD OF EDUCATION TO REGULATE DEGREES

Sec. 358. Right to confer degrees restricted. No educational institution hereafter created or established by any person, firm or corporation in this State shall have power or authority to confer degrees upon any person except as herein provided.

C. S., 5398.

Sec. 359. Empowered to grant license to confer degrees. The State Board of Education is authorized to issue its license to confer degrees in such form as it may prescribe to any educational institution hereafter established by any person, firm or corporation in this State; but no educational institution hereafter established in the State shall be empowered to confer degrees unless it has income sufficient to maintain adequate faculty and equipment sufficient to provide adequate means of instruction in the arts and sciences; and unless its baccalaureate degree is conferred only upon students who have completed a four-year college course, preceded by the usual four-year high school course, or their equivalent.

C. S., 5400.

Sec. 360. Inspection of institutions; revocation of license. All institutions chartered under this article shall file such information with the State Superintendent of Public Instruction as the State Board of Education may direct, and it shall have full authority to send an expert to visit any institution applying for a license to confer degrees under this article. And if any one of them shall fail to keep up with the required standard the State Board of Education shall revoke the license to confer degrees, subject to a right of review of this decision by the judge of the Superior Court upon action instituted by the educational institution whose license had been revoked.

C. S., 5401.

ART. 37. LICENSE COMMERCIAL SCHOOLS

Sec. 361. **Licenses for commercial schools.** Before any business college or commercial school shall receive or solicit students, or open any business school for the purpose of giving instruction in this State, said school or college shall first secure a license from the State Board of Education to the effect that it has complied with the requirements of this article, which license shall be issued by the State Board of Education upon the payment of an annual fee of ten dollars.

C. S., 5775.

Sec. 362. **Report to be filed before license.** Before any such business college or commercial school shall be entitled to receive such license it shall file with the State Board of Education a report setting forth:

1. That it is the owner or lessee of suitable building or rooms for the conduct of its work.

2. That it has acquired suitable equipment for the courses given by the school.

3. That the said school has secured a faculty of teachers whose training has not been less than that required of teachers engaged in similar work in public schools of the State.

4. That said school or college has adopted an approved course of study which includes at least the following subjects: bookkeeping, commercial law, commercial arithmetic, English, commercial correspondence, business writing, shorthand and typewriting.

5. The owner and manager of such school or college shall further file a certificate signed by the county superintendent of public instruction and the chairman of the county board of education of the county in which the school is situated to the effect that the owner or manager of such school or college, after investigation, has shown satisfactory evidence of his or her efficiency and good moral character for fair and honest dealings with their students and the public.

C. S., 5776.

Sec. 363. **Advertising literature to be filed.** The institutions securing license under this article shall file with the State Board of Education copies of all advertising literature, including catalogue, pamphlets, circulars, etc., and an annual report on or before the first day of July of each year.

C. S., 5777.

Sec. 364. **Conducting school without license misdemeanor.** Any person who shall open or conduct any business college or commercial school within this State without having first procured the license herein provided for shall be guilty of a misdemeanor and upon conviction thereof shall be fined or imprisoned at the discretion of the court.

C. S., 5778.

Sec. 365. **Blanks for reports and licenses; disposition of license tax.** The Superintendent of Public Instruction is authorized to furnish all necessary blanks for reports and licenses provided for under the provisions of this article, and all funds received from the license tax herein provided for shall be paid to the State Treasurer and shall be credited to the State Public School Fund.

C. S., 5779.

Sec. 366. **Application of article.** The provisions of this article shall apply to all existing chartered business colleges and commercial schools and all other business colleges and commercial schools now conducted or to be hereafter conducted in this State.

C. S., 5780.

PART XIII

OBSERVANCE OF SPECIAL DAYS

ART. 38. SPECIAL DAYS TO BE OBSERVED IN PUBLIC SCHOOLS

Sec. 367. **North Carolina Day.** That the 12th day of October in each and every year, to be called "North Carolina Day," may be devoted, by appropriate exercises in the public schools of the State, to the consideration of some topic or topics of our State history, to be selected by the Superintendent of Public Instruction: *Provided*, that if the said day shall fall on Saturday or Sunday, then the celebration shall occur on the Monday next following: *Provided further*, that if the said day shall fall at a time when any such schools may not be in session, the celebration may be held within one month from the beginning of the term, unless the Superintendent of Public Instruction shall designate some other time.

Sec. 368. **Temperance or Law and Order Day.** That there be one day in each scholastic year of the public and high schools of the State of North Carolina, to be known as Temperance or Law and Order Day, and that the fourth Friday in January in each year, or some other day to be set by the Superintendent of Public Instruction to suit local conditions, is hereby designated as Temperance or Law and Order Day. This day shall be observed as such in each public and high school of the State, or if preferred, in each subdivision thereof. The State Superintendent of Public Instruction shall have prepared and furnished in due time to every teacher of said public and high school for the State a suitable program to be used on said Temperance or Law and Order Day.

The State Superintendent of Public Instruction may have prepared and furnished to the teachers in the public and high schools placards printed in large type which shall set forth in attractive style statistics, epigrams, mottoes, and up-to-date scientific truths showing the evils of intemperance and lawlessness.

When placards are distributed it shall be the duty of every teacher in the State, paid entirely or in part out of the public funds, to keep posted in a conspicuous place in the schoolroom occupied by said teacher one of said placards.

Sec. 369. **Arbor Day.** Friday following the first day of November of each year shall be known as Arbor Day, to be appropriately observed by the public schools of the State. The Superintendent of Public Instruction shall issue each year a program for its observance by the school children of the State, in order that they may be taught to appreciate the true value of trees and forests to their State. The Superintendent of Public Instruction

is authorized to provide a suitable program and plan of instruction to county school officials under his charge for the appropriate observance of this day.

Sec. 370. **Other days.** The Superintendent of Public Instruction is hereby authorized to provide suitable material for the proper observance in schools of the birthday of Washington, Lee, Jackson, Armistice Day, Memorial Day, and such other days as may be deemed of educational and patriotic value not only to the children but to the citizens of the State. All literature necessary for the proper observance of the days specified in this article shall be prepared by the Superintendent of Public Instruction and printed at the expense of the State.

Sec. 371. **Combined programs.** The State Superintendent of Public Instruction may fix a later or an earlier date for the observance of any special day the observance of which is required for a specific date if it shall appear to him to be more convenient; and he may combine the programs required to be issued in the foregoing sections so as to require the observance of any two or more of the special days at the same time.

ART. 39

Sec. 372. **Desecration of State and National flag.** Any person who in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature upon any flag, standard, color, or ensign of the United States or State flag, or ensign of this State, or shall expose or cause to be exposed to public view any such flag, standard, color, or ensign upon which shall have been printed, painted or otherwise placed, or to which shall be attached, appended, affixed or annexed, any word, figure, mark, picture, design or drawing or any advertisement of any nature, or who shall expose to public view, manufacture, sell, expose for sale, give away, or have in possession for sale or to give away, or for use for any purpose, any article or substance of merchandise, or a receptacle of merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached or otherwise placed a representation of any such flag, standard, color, or ensign, to advertise, call attention to, decorate, mark or distinguish the article or substance upon which it is so placed, or who shall publicly mutilate, deface, defile, or defy, trample upon or cast contempt, either by words or act, upon any such flag, standard, color, or ensign, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding fifty dollars or by imprisonment for not more than thirty days. Any person violating this section shall also forfeit a penalty of fifty dollars for each offense, to be recovered with costs in a civil action or suit in any court having jurisdiction. Such action or suit may be brought by and in the name of any citizen of this State, and such penalty, when collected, less the costs and expenses of the action or suit, shall be paid one-half to the person suing and one-half to the school fund of the county in which suit was brought, and two or more penalties may be sued for and recovered in the same action or suit.

The words, flag, standard, color, or ensign, as used in this section, shall include any flag, standard, color, ensign, or any picture or representation

of any of them, made of any substance or represented on any substance, and of any size, evidently purporting to be a flag, standard, color, or ensign of the United States of America, or a picture or a representation of any of them, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation, may believe it to represent the flag, colors, standard, or ensign of the United States of America.

The possession by any person other than a public officer, as such, of a flag, standard, color, ensign, article, substance, or thing, on which there is anything made unlawful by this section, shall be presumptive evidence that the same is in violation of this section.

C. S., 4500.

PART XIV

PROVISIONS AS TO REPEAL OF LAWS CONFLICTING WITH THIS ACT

ART. 40. FORMER PUBLIC SCHOOL LAWS REPEALED

Sec. 373. **All of chapter 95 of Consolidated Statutes**, including such articles and sections as were amended by the Public Laws of the Extra Sessions of 1920 and 1921 and the regular session of 1921, except articles number 2, 3, 27, 28, 31, 32, and 45 are hereby repealed, and articles number 2, 3, 27, 28, 31, 32, and 45 of Chapter 95 Consolidated Statutes, are hereby declared to be of full force and effect; except section 5632 of article 31, which section is hereby repealed.

Sec. 374. **Specific chapters repealed.** Chapter 87, Public Laws Extra Session of 1920, chapters 145, 225, and 226 Public Laws of 1921, and chapters 37, 60, and 93 Public Laws Extra Session of 1921 are hereby repealed.

Sec. 375. **Specific sections of certain chapters repealed.** Sections 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of chapter 91 Public Laws of Extra Session of 1920 and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of chapter 179 Public Laws of 1921 are hereby repealed. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 of chapter 146 Public Laws of 1921 are hereby repealed.

Sec. 376. **Article 1 of chapter 123 Consolidated Statutes** relating to incorporation of rural communities is hereby repealed.

Sec. 377. **If any section of this act** shall be hereafter declared invalid by the courts of this State such decree shall not be construed as rendering this entire act invalid but shall affect only the specific part, article, or section involved in the decree.

Sec. 378. **All laws and clauses of laws**, including all acts passed by the General Assembly of 1923, in conflict with this act, are hereby repealed.

If, however, any section or part of a section or separate clause of any section in this act shall hereafter be declared unconstitutional, the effect of such declaration shall be to continue in force the law as it now exists so far as it is attempted hereby to repeal that law.

Sec. 379. **This act** shall be in full force and effect from and after April 15, 1923.



Photomount
Pamphlet
Binder
Gaylord Bros.
Makers
Syracuse, N. Y.
PAT. JAN 21, 1908

