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**STATE OF WASHINGTON
1913**

**CODE OF PUBLIC
INSTRUCTION**

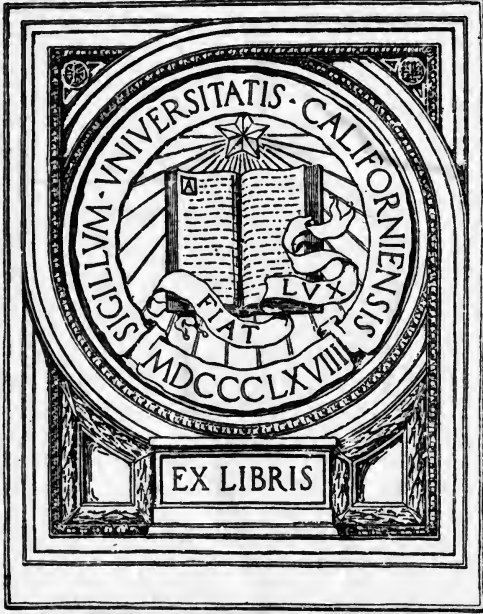
ANNOTATED

**Together with Opinions of the Attorney
Generals, Citations from Decisions of the
Supreme Court, Rules of the State Board
of Education, Instructions Relative to the
Issuance of Bonds, and an Appendix of
blank forms for guidance of school officers**



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PUBLISHED BY AUTHORITY

MRS. JOSEPHINE C. PRESTON

Superintendent of Public Instruction

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TO THE
ADDRESS

INTRODUCTION

One of the duties of the Superintendent of Public Instruction is the publication at timely seasons of the laws of the state relating to the administration of the public schools. It is now four years since the Code of Public Instruction was issued. In the two subsequent sessions of the legislature, while the school laws were not materially changed, important amendments were made and new legislation enacted rendering imperative the general demand for a new edition of the school code. Accordingly this Code of Public Instruction has been compiled and issued for the benefit of the school officers of the state.

Since a full knowledge of the school laws of the state is necessary before officers responsible for the administration of the schools can properly discharge their duties, it has seemed wise to prepare not only a complete code, but to prepare it in such a way that the use of the code may be facilitated in every possible manner. This code, therefore, has followed the regular method of the codification of laws. All the laws dealing with the common schools, the higher institutions of learning, the state charitable institutions, and relating to the control of children have been compiled and fully annotated. After each section, has been placed all matter that explains or modifies the meaning of the section, including the opinions of the Attorney Generals or their assistants, citations from decisions of the Supreme Court, and cross references to related sections in the laws. In this respect it differs from preceding editions of the code. It is the hope and belief, however, that this arrangement will prove most helpful to all persons who make frequent use of the code.

No such complete edition could have been prepared had not Attorney General W. V. Tanner graciously offered the services of his department in the preparation of the code. The work of compiling and editing has been done by Mr. William J. Coyle, of the Attorney General's office. The conscientious and thor-

ough way in which Mr. Coyle has performed his task is attested all through the work and has earned for him a high tribute of praise from school officers.

Among the changes made in the 1911 and 1913 sessions of the legislature, which are specially important, are the following:

1. An act providing for the wider use of the school plant.
2. An amendment to the certification law allowing grades to be accepted from certificates granted in certain other states.
3. An act allowing union high school districts to be dissolved by a three-fifths vote at any time after five years from date of organization.
4. An amendment providing that attendance of all children of school age attending private schools be credited to the home districts of the children.
5. A new Juvenile Court law.
6. A new act governing the State Institution for the Feeble-Minded.
7. An act making a division of the State School for the Deaf and Blind into the State School for the Blind and the State School for the Deaf.
8. A law requiring county commissioners to levy a sinking fund at the expiration of one-half the time for which bonds are issued.
9. An act making the prosecuting attorney the attorney for school districts in all actions involving legal procedure.

I wish to urge all county superintendents and school district officers to familiarize themselves thoroughly with this code. We are called upon to answer hundreds of questions on the school law where the inquirer has simply failed to look up the matter in the code. A full index has been provided so that all points of law may be quickly referred to. School officers should study carefully the special portions of the code treating of their duties. In addition they should read the other provisions of the laws relating to the common schools. Time spent in a careful perusal of the law is time employed most profitably. Especially is this true with regard to laws governing the expenditure of funds.

The State Superintendent will answer legal questions from county superintendents. District officers and school patrons desiring information on points of school law should communicate with their county superintendent rather than with the Superintendent of Public Instruction.

Josephine Preston

Superintendent of Public Instruction.

Olympia, Washington, August 1, 1913.

DEPARTMENT OF EDUCATION

- MRS. JOSEPHINE C. PRESTON, *Superintendent of Public Instruction* Olympia
- CHARLES A. SPRAGUE, *Assistant Superintendent*.....Olympia
- MISS MARTHA A. SHERWOOD, *Deputy Superintendent*.....Olympia
- EDWIN TWITMYER, *High School Inspector*....810 E. Denny Way, Seattle
- MRS. MARY A. BRYAN, *Secretary State Board of Examiners*....Olympia
- MISS HANNA M. CORDY, *Chief Clerk*.....Olympia

STATE BOARD OF EDUCATION

- MRS. JOSEPHINE C. PRESTON, *President, ex-officio*.....Olympia
- MISS MARTHA A. SHERWOOD, *Secretary, ex-officio*.....Olympia
- THOMAS F. KANE, *President University of Washington*.....Seattle
- ENOCH A. BRYAN, *President Washington State College*.....Pullman
- W. E. WILSON, *Principal State Normal School*.....Ellensburg
- FRANK B. COOPER, *Superintendent of Schools*.....Seattle
- HENRY B. HART, *Principal South Central High School*.....Spokane
- W. E. GAMBLE, *County Superintendent, Okanogan County*...Conconully

OFFICIAL SCHOOL CALENDAR

- July 1—Fiscal year begins.
- July 4—Independence Day (legal holiday).
- July 15—On or before July 15, clerks transmit annual report to county superintendent.
- August 1—County superintendents transmit annual report to Superintendent of Public Instruction.
- August, first Saturday—Regular meeting of the board of directors in districts of the third class.
- August, last Thursday, Friday and Saturday—Teachers' examination.
- September 1—On or before September 1, clerk must report to board of county commissioners detailed estimate of expenditures during current year.
- September—At opening of school, clerk must furnish teacher with copy of last school census.
- September, first Monday—Labor Day (legal holiday).
- November, first Saturday—Regular meeting of board of directors in districts of the third class.

November, last Thursday—Thanksgiving Day and day following are legal holidays for schools.

November—Ten days before first Saturday in December, notices of annual school election in districts of the first class must be posted by the secretary.

December, first Saturday—Annual school election in districts of the first class.

December, second Thursday, Friday and Saturday—Teachers' examination.

December 25—Christmas (legal holiday).

January 1—New Year's Day (legal holiday).

January, first Monday—Organization of board in districts of the first class.

February, first Saturday—Regular meeting of board of directors in districts of the third class.

February 22—Washington's Birthday (legal holiday).

February—Ten days before first Saturday in March notices of annual school election in districts of the second and third class must be posted by clerk.

March, first Saturday—Annual school election in districts of second and third class.

March, fourth Monday after annual school election—Directors take office and organize at two o'clock p. m. by election of chairman and clerk.

May 1—Enumeration of children of school age.

May, first Saturday—Regular meeting of board of directors in districts of the third class.

May, second Thursday, Friday and Saturday—Teachers' examination.

May 30—Memorial Day (legal holiday).

June, third Tuesday—Annual meeting of State Board of Education.

June 30—End of fiscal year.

Each month, first Friday—Regular meeting of directors of districts of the second class.

EXPLANATIONS OF TERMS, SYMBOLS, AND ABBREVIATIONS.

Code Pub. Ins.—Code of Public Instruction.

et seq.—and following.

infra—Within, meaning that the section referred to follows in this book.

L.—Laws; e. g. "L. '09, p. 163," means that the section is part of the Laws of 1909 and may be found on page 163 of the Session Laws of that year.

Rem. & Bal.—Remington and Ballinger Annotated Codes and Statutes of Washington. Reference is made to the sections in Rem. & Bal. Code from which the sections in this Code are taken.

supra—Above, meaning that the section referred to precedes.

§—Section.

§§—Sections.

Cross references, opinions of the Attorney Generals, and citations from Supreme Court decisions are put in smaller type following the sections to which they relate. In each case the name of the author of the opinion rendered by the Attorney General or his assistant is given; also reference is made to the reports of Supreme Court cases from which citations are made.

CODE OF PUBLIC INSTRUCTION.

TITLE I—SYSTEM OF PUBLIC INSTRUCTION

CHAPTER 1—THE STATE

1. State system of schools

A general and uniform system of public schools shall be maintained throughout the State of Washington, and shall embrace common schools (including high and elementary schools, schools for special help and discipline, schools or departments for special instruction), technical schools, the University of Washington, the State College of Washington, state normal schools, state training schools, schools for defective youth, and such other educational institutions as may be established by law and maintained at public expense. (L. '09, p. 230, § 1; Rem. & Bal., § 4302.)

Const., art. IX, § 2, provides: "The public school system shall include common schools, and such high schools, normal schools, and technical schools as may hereafter be established."

A common school, within Const., art. IX, § 2, means one that is common to all children of proper age and capacity, free, and subject to, and under the control of the qualified voters of the district. *School District v. Bryan*, 51 Wash. 498.

The provisions in the school law for compulsory vaccination is within and germane to the title, "An act to establish a general and uniform system of public schools." *State ex rel. McFadden v. Shorrock*, 55 Wash. 208.

2. Administrative officers

The administration of the public school system shall be intrusted to a Superintendent of Public Instruction, a State Board of Education, to regents or trustees for educational institutions, to county superintendents of common schools, to boards of directors and district clerks. (L. '09, p. 230, § 2; Rem. & Bal., § 4303.)

CHAPTER 2—SUPERINTENDENT OF PUBLIC INSTRUCTION

3. Election and term of office

A Superintendent of Public Instruction shall be elected by the qualified electors of the state, on the first Tuesday after the first Monday in November of the year in which state officers

are elected, and shall hold his office for the term of four years, and until his successor is elected and qualified. (L. '09, p. 231, § 1; Rem. & Bal., § 4305.)

See Const., art. III, §§ 1 and 3.

4. Salary

The Superintendent of Public Instruction shall receive an annual salary of three thousand dollars, payable monthly, upon warrant of the State Auditor, drawn upon the State Treasurer, in the same manner as other state officers are paid. (L. '09, p. 231, § 2; Rem. & Bal., § 4306.)

See Const., art. III, § 22.

5. Powers and duties

The powers and duties of the Superintendent of Public Instruction shall be:

First. To have supervision over all matters pertaining to the public schools of the state.

Second. To report biennially to the Governor on or before the first day of November preceding the regular session of the legislature, of which report five thousand copies shall be printed and delivered to the Superintendent of Public Instruction, who shall furnish one copy to be deposited in the state library, one copy to each county superintendent of schools and one copy to each district library. Said report shall contain a statement of the general condition of the public schools of the state, with full statistical tables by counties showing the number of schools and the attendance, the state and county funds apportioned, amount received from special tax and from other sources, amount expended for salaries of teachers, the salaries paid by the several counties to the county superintendent of schools and the amount paid for incidentals and expenses; the amount paid for building and providing school houses with furniture and apparatus, the amount of bonded and other school indebtedness, with the rate of interest paid thereon, the reports of all state educational institutions, or such portions of them as he may think advisable, together with such other facts as he may deem of general interest. He shall also in-

clude in his report a statement of plans for the management and improvement of the schools.

Third. To prepare and have printed such blanks, forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of teachers, and such other blanks and books as may be necessary for the discharge of the duties of teachers and officers charged with the administration of the laws relating to the common schools, and to distribute the same to the county superintendents.

Fourth. To travel, without neglecting his other official duties as Superintendent of Public Instruction, for the purpose of attending educational meetings or conventions within this or adjoining states, of visiting schools, of consulting county superintendents or other school officers.

Fifth. To submit to the State Auditor a monthly statement of his expenditures for traveling expenses.

Sixth. To cause to be printed with an appendix of approximate forms and instructions for carrying into execution the laws relating to public schools, and to distribute to each county superintendent a sufficient number of copies to supply each district officer, and to cause the same to be printed and distributed as often as any change in the laws shall make it of sufficient importance, in his opinion, to justify the same.

Seventh. To act as *ex-officio* president of the State Board of Education.

Eighth. To hold, annually, a convention of the county superintendents of the state at such time and place as he may deem convenient, for the discussion of questions pertaining to supervision and the administration of the school laws and such other subjects affecting the welfare and interests of the common schools as may be brought before it. Said convention shall continue in session not less than two days nor more than three days, at the option of the Superintendent of Public Instruction. It shall be the duty of every county superintendent in this state to attend said convention during its entire

session, and any county superintendent who attends the convention shall receive actual traveling expenses in attending said convention.

Ninth. He shall file all papers, reports and public documents transmitted to him by the school officers of the several counties of the state, each year separately. Copies of all papers filed in his office, and his official acts, may be certified by him and attested by his official seal, and when so certified shall be evidence equally and in like manner as the original paper.

Tenth. To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report of such facts arranged in such form as he may prescribe, and he shall furnish blanks for such reports; and it is hereby made the duty of every president, manager or principal, to fill up and return such blanks within such time as the Superintendent of Public Instruction shall direct.

Eleventh. To keep in his office a directory of all boards of regents and trustees of state educational institutions, of the faculties of said institutions, and of all teachers receiving certificates to teach in the common schools of this state.

Twelfth. To issue certificates as provided by law.

Thirteenth. To keep in his office at the capital of the state, all books and papers pertaining to the business of his office, and to keep and preserve in his office a complete record of statistics, and all matters pertaining to the educational interests of the state, as well as a record of the meetings of the State Board of Education.

Fourteenth. To decide all points of law which may be submitted to him in writing by any county superintendent, or that may be submitted to him by any other person, upon appeal from the decision of any county superintendent; and he shall publish his rulings and decisions from time to time for the information of school officers and teachers; and his decision shall be final unless set aside by a court of competent jurisdiction.

Fifteenth. To administer oaths and affirmations in the discharge of his official duties.

Sixteenth. To deliver over to his successor, at the expiration of his term of office, all records, books, maps, documents and papers of whatever kind belonging to his office, or which may have been received by him for the use of his office.

Seventeenth. To prepare and from time to time to revise a State Manual of Washington, which shall be sold at actual cost of publication and distribution, said manual to contain a sketch of the history of the state, an outline of the constitution of the state, excerpts from the school code, the courses of study and rules for the general government of the common schools, a map of the state, and a map of the topography of the state, and such other matter as the State Superintendent or the State Board of Education from time to time shall determine.

Eighteenth. To make a certified copy of papers filed in his office and of his official acts, attested by his official seal. He shall charge for such certified copy fifteen cents per folio, and all money so received shall be immediately paid to the State Treasurer and credited to the general fund of the state.

Nineteenth. To perform such other duties as may be required by law. (L. '09, p. 231, § 3; Rem. & Bal., § 4307.)

The traveling expenses of the state superintendent should be paid from the appropriation made for that office. If there are no funds available at any time, the county superintendent is authorized to pay the traveling expenses of the state superintendent attending a county teachers' institute and to pay said expenses from the county institute fund.—LYLE.

6. Assistants and deputy

The Superintendent of Public Instruction is hereby authorized to appoint one Assistant Superintendent of Public Instruction, who shall be the holder of not less than a first grade certificate; a Deputy Superintendent of Public Instruction, who shall also act as an inspector of schools, who shall be the holder of not less than a first grade certificate; a stenographer, and also to employ such other assistance as the needs of his office shall require from time to time, and for the payment of whose services appropriations shall have been made by the legislature of this state. (L. '09, p. 234, § 4; Rem. & Bal., § 4308.)

CHAPTER 3—STATE BOARD OF EDUCATION

7. Personnel of the board—How appointed—Term of office

The State Board of Education shall consist of the Superintendent of Public Instruction, the president of the University of Washington, the president of the State College of Washington, the principal of one of the state normal schools elected by the principals of the state normal schools, and three persons holding life diplomas issued under the authority of this state and actively engaged in educational work, appointed by the Governor, one of whom shall be a superintendent of a district of the first class; one a county superintendent of schools, one a principal of a fully accredited four-year high school.

The appointed and elected members of the board shall hold their office for two years from the date of appointment and shall serve until their successors are appointed and qualified. (L. '09, p. 234, § 1; Rem. & Bal., § 4309.)

Vacancies, how filled. See, *infra*, § 448, Code Pub. Ins.

8. President of the board

The Superintendent of Public Instruction shall be *ex-officio* president of the board, and shall furnish all necessary record books and blanks for its use, and shall represent the board in directing the work of high school inspection. (L. '09, p. 235, § 2; Rem. & Bal., § 4310.)

9. Secretary of the board

The Deputy Superintendent of Public Instruction shall be *ex-officio* secretary of said board, but shall not be entitled to a vote in its proceedings. He shall keep a correct record of its proceedings in a good and well-bound book, which shall be kept in the office of the Superintendent of Public Instruction. He shall also, upon request, furnish to the executive head of any or all of the state institutions of higher education a certified copy of such proceedings. (L. '09, p. 235, § 3; Rem. & Bal., § 4311.)

10. Annual meeting—Expenses of the board

The State Board of Education shall hold an annual meeting at the capital of the state on the third Tuesday of June of each

year, and may hold such special meetings as may be deemed necessary for the transaction of public business, such special meetings to be called by the Superintendent of Public Instruction. The persons serving as members of the State Board of Education shall be reimbursed for the actual expenses incurred in the performance of their duties, which expenses shall be paid by the State Treasurer on warrants of the State Auditor, out of funds not otherwise appropriated, upon the certificate of the Superintendent of Public Instruction: *Provided*, That members of the board who are not under salary to whom special committee work is assigned shall be paid for such services five dollars per day. (L. '09, p. 235, § 4; Rem. & Bal., § 4312.)

11. Powers and duties of the board

The State Board of Education shall have power, and it shall be its duty:

First, To approve the preparatory requirements for entrance to the University of Washington, the State College of Washington, and the State Normal Schools of Washington.

Second. To approve courses for the state normal schools, for the department of education of the University of Washington, and the State College of Washington, and for all normal training departments of higher institutions within the State of Washington which may be accredited and whose graduates may become entitled to receive teachers' life diplomas or professional certificates.

Third. To investigate the character of the work required to be performed as a condition of entrance to and graduation from normal schools, colleges, universities and other institutions of higher education and to prepare an accredited list of those higher institutions of learning of this and other states whose graduates may be awarded teachers' certificates by the Superintendent of Public Instruction without examination except upon the State Manual of Washington: *Provided*, That the entrance and graduation requirements of all colleges and universities whose diplomas are accredited must be equal to those of the University of Washington; and the requirements for normal

schools shall be equal to the advanced course of the state normal schools of this state.

Fourth. To prepare an accredited list of state life certificates and life diplomas issued in other states by examination, upon which certificates may be issued in this state without examination, except in Washington State Manual: *Provided*, That the requirements to obtain such certificates and diplomas must be equal to the requirements for a life certificate in this state.

Fifth. To examine and accredit secondary schools: *Provided*, That no private academy shall be placed upon the accredited list so long as secret societies are allowed to exist among its students.

Sixth. When requested by any institution of higher learning situated within the state maintaining a normal training department the board shall send an inspector, qualified for such service, to examine the equipment of such department and to ascertain the extent and character of the courses provided and the preparatory requirements for admission to them, which requirements must include the completion of a high school course or its equivalent, and particularly the qualifications and experience of the instructors and supervisors who are responsible for the work of this department.

The inspector shall make a detailed report, including declaration of his opinion of the adequacy of the department for the work of educating and training teachers, which report shall be placed on file in the office of the Superintendent of Public Instruction.

If any such normal training department is ascertained to be equipped and manned adequately for the education and training of teachers and to be under reliable and responsible management and upon a basis of efficiency equal to that of the normal schools maintained by the state, it shall be the duty of the board to accredit such department and to grant life diplomas to graduates who present diplomas certifying that the holders have completed the courses approved by the board when the applicants have complied with the other requirements for life diplo-

mas. It shall be the further duty of the board to inspect all accredited normal training departments each year.

Seventh. To prepare an outline course or courses of study for the primary, grammar and high school departments of the common schools, and to prescribe such rules for the general government of the common schools as shall secure regularity of attendance, prevent truancy, secure efficiency and promote the true interests of the common schools.

Eighth. To prepare a uniform series of questions to be used by the county superintendents in the examination of teachers, and to determine rules and regulations for conducting the same, and to prepare questions for the examination of applicants for state elementary certificates and life diplomas.

Ninth. To prepare answers to all examination questions which are prepared by the board.

Tenth. To prepare uniform questions for use in the examination of the pupils of the schools of the state completing the grammar school course of study, and to prescribe uniform rules and regulations for the conducting of such examination.

Eleventh. To hear and decide appeals as provided by law. (L. '09, p. 326, § 5; Rem. & Bal., § 4313.)

See, *supra*, § 5, Code Pubs. Ins., appeals.

See, *infra*, § 448, Code Pub. Ins., vacancies.

The fact that a course of study prescribed by the State Board of Education was inadvisable is immaterial in an action to enjoin a county board from adopting another course of study, as the courts cannot review the action of the state board except for fraud. *Rand, McNally & Co. v. Hartranft*, 32 Wash. 378.

Where a board of education is by law constituted a tribunal, from which there is no appeal, for the trial of its school officers, a member of the board who has caused charges to be preferred against a school superintendent because of personal hostility toward him, and has announced a determination to vote against him, whatever the evidence, is disqualified to sit as a member of such tribunal during the trial of the superintendent, and, if he attempts to participate as a member of the tribunal, may be restrained by the issuance of a writ of prohibition. *State ex rel. Barnard v. Board of Education*, 19 Wash. 8.

12. Shall unify public school system

The board shall arrange such courses and adopt and enforce such regulations as will place the state institutions in harmonious relations with the common schools and with each other, and unify the work of the public school system. (L. '09, p. 238, § 6; Rem. & Bal., § 4314.)

13. Seal of the board

The State Board of Education shall adopt a seal, which shall be kept in the office of the Superintendent of Public Instruction. (L. '09, p. 238, § 7; Rem. & Bal., § 4315.)

**TITLE II—HIGHER AND SPECIAL INSTITUTIONS OF EDUCATION
CHAPTER 1—UNIVERSITY OF WASHINGTON****14. Establishment of**

The State University, as heretofore located and established in the city of Seattle, county of King, shall be designated and named the University of Washington. (L. '09, p. 238, § 1; Rem. & Bal., § 4316.)

See, *infra*, § 538, etc., Code Pub. Ins., University funds.

See, *infra*, § 601, etc., Code Pub. Ins., University lands.

See, *infra*, § 465, Code Pub. Ins., museum of.

15. Aim and purpose

The aim and the purpose of the University of Washington shall be to provide for students of both sexes, on equal terms, a liberal instruction in the different branches of literature, science, art, law, medicine, military science and such other departments of instruction as may be established therein from time to time by the board of regents. Tuition in the University of Washington, except as may be provided by the board of regents with reference to the arts or to special courses of study, shall be free to all *bona fide* residents of this state. Non-residents of this state shall be admitted to the said university on such terms as may from time to time be prescribed by the board of regents: *Provided*, That no student shall be admitted to any department of the university who is under the age of sixteen years. The said university shall, as far as practicable, begin its course of study in its literary and scientific departments at the points where the same are completed in the public high schools of this state. No student shall be admitted except upon examination satisfactory to the faculty of the university: *Provided, however*, That students shall be admitted without examination upon presentation of certificates from those public high schools and other educational institutions in this state whose courses of study shall

have been approved by said faculty of the university, and accredited by the State Board of Education: *Provided*, That said faculty shall have power to specify the preparation required for admission to any department of the university. (L. '09, p. 238, § 2; Rem. & Bal., § 4317.)

The board of regents cannot impose upon students of the university (except law students) a library fee of \$10 a year.—TANNER.

Under a franchise granting to the Seattle Electric Company providing that "School children going to and from school shall ride for half fare" the words school children as employed in the franchise include only those who are commonly referred to as school children, not students of the universities or colleges or schools where a particular branch of work is pursued. Such students are not entitled to half fare rate: *State ex rel. Seattle v. Seattle Electric Co.*, 29 Wash. Dec. 153.

16. Board of regents—Term of office

The government of the University of Washington shall be vested in a board of regents to consist of seven members, who shall be appointed by the Governor of the state, by and with the advice and consent of the senate, and who shall hold their offices respectively for a term of six years from the second Monday in March next succeeding their appointment and until their successors shall be appointed and shall qualify: *Provided*, That regents now serving upon such board shall continue as such during the terms for which they were respectively appointed. Four members of said board shall constitute a quorum for the transaction of business. Whenever there shall be a vacancy in the said board of regents, from any cause whatever, it shall be the duty of the Governor to fill such office by appointment, and the person or persons so appointed shall continue in office until the close of the legislature next thereafter, or until others are appointed and qualified in their stead. Each regent before entering upon the duties of his office must qualify by taking the usual oath of office before some officer authorized by law to administer the same and file a copy of said oath with the Secretary of State. (L. '09, p. 239, § 3; Rem. & Bal., § 4318.)

17. Organization of board—Meetings

The board shall organize by electing from its membership a president and an executive committee, of which committee the president shall be *ex-officio* chairman. The board shall hold regu-

lar quarterly meetings, and during the interim between such meetings the executive committee may transact business for the whole board: *Provided*, That the executive committee may call special meetings of the whole board when such action is deemed necessary. (L. '09, p. 240, § 4; Rem. & Bal., § 4319.)

See § 5396, Rem. & Bal., president a member of the geological survey board.

18. Powers and duties of regents

The board of regents may adopt by-laws or rules and regulations for its own government. The powers and duties of the board of regents are as follows:

First. The said board shall have full control of the university and its property of various kinds, and shall employ the president, members of the faculty, assistants and employes of the institution, who shall hold their positions during the pleasure of said board of regents.

Second. It shall be the duty of the board of regents, with the assistance of the faculty of the university, to prescribe the course of study in the various departments of the institution and to publish the annual catalogue.

Third. The said board shall grant to every student, upon graduation, a suitable diploma or degree, such student having been recommended for such honor by the faculty. The board shall also have power, upon recommendation of the faculty, to confer the usual honorary degrees upon other persons than graduates of this university in recognition of their learning or devotion to literature, art or science; but no degree shall ever be conferred in consideration of the payment of money or other valuable thing. The said board is also empowered, upon recommendation of the faculty, to grant normal diplomas, which shall entitle the holder to teach in any public school in the state for a period of five years; and to grant university life diplomas to candidates who shall give satisfactory evidence of having taught successfully for twenty-four months: *Provided*, That all candidates for the normal diploma and life diploma shall have satisfactorily completed not less than twelve semester hours in the Department of Education.

Fourth. The board of regents is authorized to receive such bequests and gratuities as may be granted to the said university and to invest or expend the same according to the terms of said bequests or gratuities. The said board shall adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, bequests or gratuities, and shall make full report of the same in the customary biennial report to the Governor, or more frequently, if required by law.

Fifth. The board of regents is authorized and empowered to give and execute, on behalf of the State of Washington, the bonds and other papers required by the war department for the safe keeping of the arms and equipments loaned by the United States to the University of Washington.

Sixth. The board of regents shall transmit, on the first day of January preceding each regular session of the legislature, to the Governor a printed report of all the doings since their last report, not exceeding three hundred in number, giving full information of the receipt and expenditure of money, furnish an estimate of the needs of the institution, and give such information as will be helpful to the state authorities in providing for the said institution.

Seventh. The members of said board of regents shall serve without compensation. Each regent, however, shall be paid his actual traveling expenses in going to and coming from any meeting of said board, and such claims for expenses shall be audited on vouchers issued by the president and secretary of said board the same as any other claims are audited. (L. '09, p. 240, § 5; Rem. & Bal., § 4321.)

See, *infra*, § 606, Code Pub. Ins., classification.

See, *infra*, § 447, Code Pub. Ins., authorized to apply for participation in Carnegie fund.

See, *infra*, § 478, Code Pub. Ins., authority of regents to expend income.

Professors and instructors who attend county institutes and give lectures at the request of the county superintendent may receive compensation.—LYLE.

19. Faculty

The faculty of the University of Washington shall consist of the president and the professors, and the said faculty shall

have charge of the immediate government of the institution under such rules as may be prescribed by the board of regents. (L. '09, p. 241, § 6; Rem. & Bal., § 4322.)

Faculty may prohibit fraternity and sorority houses from occupying adjacent houses if they deem it necessary for the welfare of the students and university.
—TANNER.

20. Non-sectarian

The University of Washington shall never be under the control of any religious or sectarian denomination or society whatever. (L. '09, p. 242, § 7; Rem. & Bal., § 4323.)

21. Attorney General legal advisor

The Attorney General of the state shall be the legal advisor of the president and the board of regents of the university, and he shall institute and prosecute or defend all suits in behalf of the same. (L. '09, p. 242, § 8; Rem. & Bal., § 4324.)

22. Erection of buildings

It shall be the duty of the board of regents herein provided for, as soon after their organization as practicable, and as soon as there shall be an appropriation therefor in the hands of the State Treasurer in any amount sufficient to warrant the beginning the erection of the several buildings herein provided for, or any wing or section of the same, to enter into contracts with one or more contractors for the erection and construction of such suitable buildings and improvements for the institution created by this chapter as in their judgment shall be deemed best, or the funds aforesaid shall warrant, all things considered; such contract or contracts to be let after open public notice and competition under such regulations as shall be established by said board to the person or persons who offer to execute such work on the most advantageous terms: *Provided*, That in all cases said board shall require from contractors a good and sufficient bond for the faithful performance of the work, and the full protection of the state against mechanics' and other liens: *And provided further*, That the board shall not have the power to enter into any contract for the erection of any buildings or improvements which shall bind said board to pay out any sum

of money in excess of the amount provided for said purpose. (L. '09, p. 242, § 9; Rem. & Bal., § 4326.)

The meaning of "several buildings herein provided for" is not clear, as this act does not authorize or provide for any.

23. Mechanics and employes

The board provided for in this chapter shall have power in their discretion to employ skilled architects and superintendents to prepare plans and specifications, and to supervise the construction of any of the buildings provided for in this chapter, and to fix the compensation for such services, subject to the provisions and restrictions of this act. (L. '09, p. 242, § 10; Rem. & Bal., § 4327.)

See note to last section.

24. To begin building when funds are available

Whenever there shall be any money in the hands of the State Treasurer to the credit of any of the specific funds set apart for that institution created by this chapter, deemed sufficient by the board to commence the erection of any of the necessary buildings or improvements, or to pay the necessary running or other expenses of said institution, the State Auditor, on the request in writing of said board, shall, and it is hereby made his duty to draw his warrant in favor of the treasurer of said board and upon the state treasury against the specific fund belonging to said institution in such sum not exceeding the amount on hand in such specific fund at such time as said board may deem necessary: *Provided*, That said board shall draw said money as it may be necessary to disburse the same. (L. '09, p. 243, § 11; Rem. & Bal., § 4328.)

CHAPTER 2—STATE COLLEGE OF WASHINGTON

25. Establishment and purpose

The State College, Experiment Station and School of Science of the State of Washington, as heretofore located at Pullman, Whitman county, shall be an institution of learning open to the children of all residents of this state, and to such other persons as the board of regents may determine, under such rules

and regulations as may be prescribed by the board of regents; shall be non-sectarian in character, and devoted to practical instruction in agriculture, mechanical arts, and natural sciences connected therewith, as well as a thorough course of instruction in all branches of learning upon agricultural and other industrial pursuits.

No student shall be admitted except upon examination satisfactory to the faculty of the State College: *Provided, however,* That students shall be admitted without examination upon presentation of certificates from those public high schools and other educational institutions in this state whose courses of study shall have been approved by said faculty of the State College and accredited by the State Board of Education: *Provided further,* That said faculty shall have power to specify the preparation required for admission to any department of the State College. (L. '09, p. 243, § 1; Rem. & Bal., § 4333.)

The State College of Washington is a state institution: *State ex rel. Johnson v. Clausen*, 51 Wash. 458.

26. Ex-officio visitors

The Governor of the State of Washington, the Superintendent of Public Instruction, members of the legislature, and county commissioners shall be *ex-officio* visitors of said college. But said visitors shall have no power granted to control the action of the board of regents or to negative its duties as defined by law. (L. '09, p. 244, § 2; Rem. & Bal., § 4334.)

27. Course of instruction

The course of instruction of said college shall embrace the English language, literature, mathematics, philosophy, civil and mechanical engineering, chemistry, animal and vegetable anatomy and physiology, the veterinary art, entomology, geology, political economy, rural and household economy, horticulture, moral philosophy, history, mechanics, and such other courses of instruction as shall be prescribed by the board of regents. One of the objects of said college shall be to train teachers of physical science, and thereby further the application of the principles of physical science to industrial pursuits;

to collect information as to schemes of technical instruction adopted in other parts of the United States and in foreign countries, and to hold farmers' institutes at such times and places and under such regulations as the board of regents may determine: *Provided*, That no student shall be admitted to any department of the State College who is under the age of sixteen years. (L. '09, p. 244, § 3; Rem. & Bal., § 4335.)

28. Departments of instruction

The board of regents shall provide that all instruction given in the college shall, to the utmost practicable extent, be conveyed by means of practical work in the laboratory, and shall provide in connection with said college the following laboratories: One physical laboratory or more, one chemical laboratory or more, and one biological laboratory or more, and suitably furnish and equip the same. Said board of regents shall provide that all male students shall be trained in military tactics. Said board of regents shall establish a department of elementary science, and in connection therewith provide instruction in the following subjects: Elementary mathematics, including elementary trigonometry, elementary mechanics, elementary and mechanical drawing and land surveying. Said board of regents shall establish a department of said college to be designated as the department of agriculture, and in connection therewith shall provide instruction in the following subjects: *First*. Physics, with special application of its principles to agriculture. *Second*. Chemistry, with special application of its principles to agriculture. *Third*. Morphology and physiology of plants, with special reference to the commonly grown crops and their fungus enemies. *Fourth*. Morphology and physiology of the lower forms of animal life, with special reference to insect pests. *Fifth*. Morphology and physiology of the higher forms of animal life, and in particular of the horse, cow, sheep and swine. *Sixth*. Agriculture, with special reference to the breeding and feeding of livestock, and the best mode of cultivation of farm produce. *Seventh*. Mining and metallurgy. And it shall appoint demonstrators in each of these

subjects, to superintend the equipment of a laboratory and to give practical instruction in the same. Said board of regents shall establish an agricultural experiment station in connection with the department of agriculture of said college, appoint its officers and prescribe such regulations for its management as it may deem expedient. Said board of regents may establish other departments of said college, and provide courses of instruction therein, when those are, in its judgment, required for the better carrying out of the object of the college. (L. '09, p. 244, § 4; Rem. & Bal., § 4336.)

See, *infra*, § 34, Code Pub. Ins., experiment station established by Congress.

29. Regents—Appointment and term of office—Bonds

The management of said college and experiment station, the care and preservation of all property of which the institution shall become possessed, the erection and construction of all buildings necessary for the use of said college and station, and the disbursement and expenditure of all money provided for by this chapter, shall be vested in a board of five regents; said five members of the board of regents shall be appointed in the manner provided by law; said regents and their successors in office shall have the right to cause all things to be done necessary to carry out the provisions of this chapter. The board of regents provided for in this chapter shall be appointed by the Governor, by and with the consent of the senate, one for a term of two years, two for a term of four years, and two for a term of six years; and each regent shall, before entering upon the discharge of his respective duties as such, execute a good and sufficient bond to the State of Washington, with two or more sufficient sureties, residents of the state, in the penal sum of not less than five thousand dollars (\$5,000) each, conditioned for the faithful performance of his duties as such regent: *Provided*, That all appointments made to fill vacancies caused by death, resignation or otherwise, shall be for the unexpired term of the incumbent whose place shall have become vacant. All other appointments made subsequent to the appointment of the first board of regents provided for in this act shall be for the term

of six years and until the appointment and qualification of a successor to each appointee: *Provided further*, That regents now serving upon such board shall continue as such during the term for which they were respectively appointed. (L. '09, p. 245, § 5; Rem. & Bal., § 4337.)

See, *infra*, § 447, Code Pub. Ins., authorized to apply for participation in Carnegie fund.

If a board of regents stands by and allows a succeeding board to assume and discharge the duties of such office without question, the succeeding board, although illegally appointed, becomes the *de facto* board, and the courts should aid it in obtaining possession of the funds devoted to such institution: *State ex rel. Stearns v. Smith*, 9 Wash. 195.

30. Organization of board—Treasurer—Bonds

The board of regents shall meet and organize by the election of its president and treasurer from their own number, on the first Wednesday in April of each year. The person so elected as treasurer shall, before entering upon the discharge of his duties as such, execute a good and sufficient bond to the State of Washington with two or more sufficient sureties, residents of the state, in the penal sum of not less than forty thousand dollars (\$40,000), conditioned for the faithful performance of his duties as such treasurer, and that he will faithfully account for and pay over to the person or persons entitled thereto all moneys which shall come into his hands as such officer, which bond shall be approved by the Governor of the state, and shall be filed with the Secretary of State. The president of the college shall be secretary of the board of regents, and shall perform all the duties pertaining to that office, but shall not have the right to vote. The secretary shall in like manner as the treasurer give a bond in the penal sum of not less than five thousand dollars (\$5,000), conditioned for the faithful performance of his duties as such officer. (L. '09, p. 246, § 6; Rem. & Bal., § 4338.)

The election by a *de facto* board of regents of one of their number as treasurer constitutes him treasurer, and entitles him to the funds in the hands of the treasurer of the preceding board.—*State ex rel. Stearns v. Smith*, 9 Wash. 195.

Moneys received by the treasurer of the board of regents of the state college and the students' fees and rents from sources other than the general and state government are not a part of the state's finances to be paid over by him to the state treasurer each day, although such college is a state institution: *State ex rel. Johnson v. Clausen*, 51 Wash. 548.

31. Duties of president, treasurer and secretary

The president of said board shall be the chief executive officer, shall preside at all meetings thereof, except that in his absence the board may appoint a president *pro tempore*, and sign all instruments required to be executed by said board. The treasurer shall be the financial officer of said board, shall keep a true account of all moneys received and expended by him. The secretary shall be the recording officer of said board, shall attest all instruments required to be signed by the president, and shall keep a true record of all the proceedings of said board, and do all other things required of him by said board. (L. '09, p. 247, § 7; Rem. & Bal., § 4339.)

32. Regents enact by-laws

The regents shall have the power, and it shall be their duty, to enact laws for the government of said State College, Experiment Station and School of Science: *Provided*, The board of regents shall maintain at least one experimental station in the western portion of the state. (L. '09, p. 247, § 8; Rem. & Bal., § 4340.)

33. Regents have general control of funds

The board of regents shall direct the disposition of any moneys belonging to or appropriated to the Agricultural College, Experiment Station and School of Science, established by this act, and shall make all rules and regulations necessary for the management of the same, adopt plans and specifications for necessary buildings, and superintend the construction of said buildings, and fix the salaries of professors, teachers and other employes, and tuition fees to be charged in said college. (L. '09, p. 247, § 9; Rem. & Bal., § 4341.)

34. Experiment station established by Congress

The agricultural experiment station provided for in this act in connection with the State College shall be under the direction of said board of regents of said college for the purpose of conducting experiments in agriculture according to the terms of section one (1) of an act of Congress approved March 2,

1887, and entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several states, under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto." The said college and experiment station shall be entitled to receive all the benefits and donations made and given to similar institutions of learning in other states and territories of the United States by the legislation of the Congress of the United States now in force, or that may be enacted, and particularly to the benefits and donations given by the provisions of an act of Congress entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agricultural and mechanic arts," approved July 2, 1862, and all acts supplementary thereto, including the act entitled "An act to establish agricultural experiment stations in connection with colleges established in the several cities under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," which said last entitled act was approved March 2, 1887; also "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July 2, 1862," which said last mentioned act was approved August 30, 1890. (L. '09, p. 247, § 10; Rem. & Bal., § 4342.)

35. Assent to Congressional requirements

The assent of the legislature of the State of Washington is hereby given, in pursuance of the requirements of section nine (9) of said act of Congress, approved March 2, 1887, to the granting of money therein made to the establishment of experiment stations in accordance with section one (1) of said last mentioned act, and assent is hereby given to carry out, within the State of Washington, every provision of said act. (L. '09, p. 248, § 11; Rem. & Bal., § 4343.)

36. Meetings of the board of regents

The meetings of the board of regents may be called in such manner as the board may prescribe, and the majority of said.

board shall constitute a quorum for the transaction of business; but a less number may adjourn from time to time. No vacancy in said board shall impair the rights of the remaining board. A full meeting of the board shall be called at least once a year. (L. '09, p. 248, § 12; Rem. & Bal., § 4348.)

37. Regents must subscribe to oath

Each member of the board of regents created by this chapter shall, before entering upon his duties, take and subscribe an oath to discharge faithfully and honestly his duties in the premises, and to perform strictly and impartially the same to the best of his ability; said oath shall be filed with the Secretary of State. (L. '09, p. 248, § 13; Rem. & Bal., § 4349.)

38. Expenses of regents

The regents shall be allowed their actual and necessary traveling expenses in going to and returning from all the necessary sessions of the board; and also their necessary expenses while in actual attendance upon the same. (L. '09, p. 249, § 14; Rem. & Bal., § 4350.)

39. Shall make annual report to governor

The board of regents shall, on or before the first day of November of each year, make a full and true report in detail of all their acts and doings during the previous year, their receipts and expenditures, the exact status of their institution, and other information they may deem proper and useful, or which may be called for by the Governor, which said report shall be made to the Governor, who shall transmit the same to the succeeding session of the legislature. A copy of said report shall be furnished to the Superintendent of Public Instruction. (L. '09, p. 249, § 15; Rem. & Bal., § 4351.)

40. Disbursement of funds

The treasurer of said board shall make disbursement of the funds in his hands on the order of the board, which order shall be countersigned by the secretary of the board, and shall state

on what account the disbursement is made. (L. '09, p. 249, § 16; Rem. & Bal., § 4352.)

See, *infra*, § 545, Code Pub. Ins., funds.

See, *infra*, § 550, Code Pub. Ins., investment of funds.

Superseded by, *infra*, § 546, Code Pub. Ins.

41. No pecuniary interest

No employe or member of the board created by this chapter shall be interested pecuniarily, either directly or indirectly, in any contract for any building or improvement of said institution, or for the furnishing of supplies for the same. (L. '09, p. 249, § 17; Rem. & Bal., § 4353.)

42. Governor ex-officio member

The Governor of the state shall be *ex-officio* advisory member of the board provided for in this chapter, but shall not have the right to vote, nor be eligible to office therein. (L. '09, p. 249, § 18; Rem. & Bal., § 4354.)

43. Board shall grant diplomas and degrees

The board of regents shall grant to every student, upon graduation, a suitable diploma or degree, such student having been recommended for such honor by the faculty. The board shall also have power, upon recommendation of the faculty, to confer the usual honorary degrees upon other persons than graduates of this college in recognition of their learning or devotion to literature, art or science; but no degree shall ever be conferred in consideration of the payment of money or other valuable thing. The said board is also empowered, upon recommendation of the faculty, to grant normal diplomas which shall entitle the holder to teach in any public school in the state for a period of five years; and to grant life diplomas to candidates who shall give satisfactory evidence of having taught successfully for twenty-four (24) months: *Provided*, That all candidates for the normal diploma and life diploma shall have satisfactorily completed not less than twelve semester hours in the Department of Education. (L. '09, p. 249, § 19; Rem. & Bal., § 4355.)

44. Erection of buildings

It shall be the duty of the board of regents herein provided for, as soon after their organization as practicable, and as soon as there shall be an appropriation therefor in the hands of the State Treasurer in any amount sufficient to warrant the beginning the erection of the several buildings herein provided for, or any wing or section of the same, to enter into contracts with one or more contractors for the erection and construction of such suitable buildings and improvements for the institution created by this chapter as in their judgment shall be deemed best, or the funds aforesaid shall warrant, all things considered; such contract or contracts to be let after open public notice and competition under such regulations as shall be established by said board to the person or persons who offer to execute such work on the most advantageous terms: *Provided*, That in all cases said board shall require from contractors a good and sufficient bond for the faithful performance of the work, and the full protection of the state against mechanics' and other liens: *And provided further*, That the board shall not have the power to enter into any contract for the erection of any buildings or improvements which shall bind said board to pay out any sum of money in excess of the amount provided for said purpose. (L. '09, p. 250, § 20; Rem. & Bal., § 4356.)

45. To employ architects

The board provided for in this chapter shall have power in their discretion to employ skilled architects and superintendents to prepare plans and specifications, and to supervise the construction of any of the buildings provided for in this chapter, and to fix the compensation for such services subject to the provisions and restrictions of this act. (L. '09, p. 250, § 21; Rem. & Bal., § 4357.)

46. State Auditor to issue warrants

Whenever there shall be any money in the hands of the State Treasurer to the credit of any of the specific funds set apart for that institution created by this chapter, deemed sufficient by the board to commence the erection of any of the necessary

buildings or improvements, or to pay the necessary running or other expenses of said institution, and any proper indebtedness has been incurred, the State Auditor upon receipt of properly audited vouchers shall, and it is hereby made his duty to draw his warrants for the payment thereof upon the State Treasurer against the specific fund belonging to said institution in such sum, not exceeding the amount on hand in such specific fund at such time, provided proper appropriations have been made therefor. (L. '09, p. 251, § 22; Rem. & Bal., § 4358.)

CHAPTER 3—STATE NORMAL SCHOOLS

47. Establishment and corporate title

The State Normal School at Cheney, the State Normal School at Bellingham, the State Normal School at Ellensburg, and such other state normal schools as may hereafter be established, shall each be under the management and control of a board of three trustees, to be known as "Board of Trustees of the State Normal School at" Said trustees shall be appointed by the Governor, by and with the advice and consent of the senate. (L. '09, p. 251, § 1; Rem. & Bal., § 4360.)

See, *infra*, §§ 543, 550, Code Pub. Ins., normal school funds.

48. Trustees—Appointment—Term of office

All trustees of the state normal schools serving at the time of the passage of this act shall continue to hold their respective offices as such trustees for the full term for which they were appointed; and thereafter all trustees shall be appointed for six years, except in cases of appointments to fill vacancies, in which cases the appointment shall be made for the unexpired term of the trustee whose office has become vacant. In case of the establishment of any additional state normal schools, unless otherwise expressly provided by law, the Governor shall appoint one trustee for two years, one for four years and one for six years. (L. '09, p. 251, § 2; Rem. & Bal., § 4361.)

49. Officers—By-laws—Quorum

Each board of normal school trustees shall elect one of its members chairman, and it shall elect a secretary, who may or may not be a member of the board. Each board shall have power to adopt by-laws for its government and for the government of the school, which by-laws shall not be inconsistent with the provisions of this act, and to prescribe the duties of its officers, committees and employes. A majority of the board shall constitute a quorum for the transaction of all business. (L. '09, p. 252, § 3; Rem. & Bal., § 4362.)

50. Trustees—Their powers and duties

Each board of normal school trustees shall have power, and it shall be its duty: *First.* To elect a principal and such other teachers, assistants and employes as the necessities of the school may require for a period not exceeding four years. *Second.* For good and lawful reasons to discharge any or all such teachers and employes. *Third.* To adopt the necessary text books, and to provide books of reference for the use of students and teachers, and to provide for the proper care of the same. *Fourth.* To have charge of the erection of all buildings pertaining to the school, unless otherwise expressly provided, and to have the care and management of all buildings and other property belonging to the school. *Fifth.* To audit all accounts against the school, and to certify all bills, which may be allowed, to the State Auditor, who shall draw warrants on the State Treasurer for such amounts as he shall find to have been properly or legally allowed. *Sixth.* To purchase all supplies for the use of the school, to provide a library suited to its wants, to provide for lectures on subjects pertaining to education and the art or science of teaching, and to do such other things not forbidden by law as may become necessary for the good of the school. (L. '09, p. 252, § 4; Rem. & Bal., § 4363.)

The trustees of a state normal school have power to place insurance on buildings.—LYLE.

51. Boarding houses

Each board of normal school trustees shall have power to establish and maintain a boarding house or houses for the accommodation of students, to employ a matron and such other assistance as may become necessary to conduct the same, to make such rules for its government and management as they may deem necessary, and to charge such rates for board and entertainment as will make such boarding house or houses self-sustaining. (L. '09, p. 252, § 5; Rem. & Bal., § 4364.)

52. Meetings of board

Each board of normal school trustees shall hold two regular or stated meetings each year, at such times as may be provided in its by-laws, and such special meetings shall be held as may be deemed necessary, whenever called by the chairman or by a majority of the board. (L. '09, p. 253, § 6; Rem. & Bal., § 4365.)

53. Duties of the principal

The principal each state normal school shall have a general supervision of the school, shall see that all laws and rules of the board of trustees are observed by teachers and students, that the course or courses of study prescribed are faithfully pursued, shall assign students to their proper classes or grades, and unless otherwise specially provided, he shall designate the work to be performed by each teacher. He shall, at the close of each school year, make a detailed annual report to the board of trustees, containing a classified catalogue of all students that have been enrolled during the year, and such other information as he may deem advisable or as the board may require, and it shall be his duty to superintend the printing of the same. It shall also be his duty, when required by the board of trustees, to attend county institutes and other educational gatherings, and to lecture upon educational topics that are calculated to enhance the interests of popular education or of his school. The board of trustees shall audit and allow all his necessary expenses incurred in traveling. (L. '09, p. 253, § 7; Rem. & Bal., § 4366.)

54. Model school—Manual training

A model school or training department shall be provided for each state normal school contemplated by this act, in which all students, before graduation, shall have actual practice in teaching for not less than eighteen weeks under the supervision and observation of critic and training teachers. A manual training department for each school under its control shall also be provided, and a suitable teacher employed for each. (L. '09, p. 253, § 8; Rem. & Bal., § 4367.)

See, *infra*, §§ 469, 470, 471, Code Pub. Ins., number, selection and attendance of pupils.

A common school, within Const., art. IX, § 2, means one that is common to all children of proper age and capacity, free, and subject to, and under the control of the qualified voters of the district: *School District v. Bryan*, 51 Wash. 498.

55. Diplomas and certificates

Every diploma of graduation from a state normal school, or certificate issued therefrom, shall be signed by the president of the board of trustees and by the principal of the normal school at which the holder graduated, and by the State Superintendent of Public Instruction; and all diplomas and certificates shall be stamped with the seal of the State Superintendent of Public Instruction. Every diploma and certificate shall specially state what course of study the holder has taken, and for what length of time said diploma or certificate is valid as a certificate to teach in the schools of the state. (L. '09, p. 254, § 9; Rem. & Bal., § 4372.)

56. Tuition free

No charge shall be made against any student for tuition in any of the normal schools contemplated by this act. All students shall be required to furnish satisfactory evidence of good moral character, and any student may be suspended or expelled from any state normal school contemplated by this act who is found to be immoral, or who has refused to comply with its rules and regulations for its government. (L. '09, p. 254, § 10; Rem. & Bal., § 4373.)

57. Courses of study

The State Board of Education shall prescribe courses of study for the normal schools of the state as follows: (1) An elementary course of two years; (2) a secondary course of two years; (3) advanced courses of two and three years; (4) a complete course of five years; (5) an advanced course of one year for graduates from colleges and universities. Upon the satisfactory completion of any one of these courses a student shall be awarded an appropriate certificate or diploma as follows: Upon the completion of the elementary course, a certificate to be known as an elementary normal school certificate, which shall authorize the holder to teach in any elementary school for a period of two years; upon the completion of the secondary course a certificate to be known as a secondary normal school certificate, which shall authorize the holder to teach in the common schools of the state for a period of three years; upon the completion of any advanced course a diploma to be known as a normal school diploma, which shall authorize the holder to teach in the common schools of the state for a period of five years, and upon satisfactory evidence of having taught successfully for three years such person shall receive a life diploma countersigned by the Superintendent of Public Instruction. Upon the completion of the work of the junior year any student may be given a secondary normal school certificate by vote of the faculty: *Provided*, That no one shall receive a diploma or secondary normal school certificate who has not attained the age of nineteen years, and attended the same state normal school one full school year of thirty-six weeks: *Provided further*, That no one shall receive a secondary normal school certificate or a normal school diploma who has not given evidence of ability to teach and govern a school by successful practice in the training department for a period of not less than eighteen weeks. The State Board of Education shall also prescribe uniform terms of admission to, and graduation from, the state normal schools, and shall define the qualifications for admission to each of the several courses. (L. '09, p. 254, § 11; Rem. & Bal., § 4374.)

58. Text books

The board of trustees may provide out of the funds appropriated for the purpose, such text-books and supplies as are needful for successfully carrying into effect the courses of study prescribed. Each student upon admission to the school may be required to pay into the library fund of the school a sum not to exceed ten dollars, one-half of which shall be applied to the support of the general library and reading room, and the remaining half shall be kept as indemnity for loss or damage of books belonging to the school in the hands of the student, and shall be returned to him after deducting such amount as may be justly charged for all loss or damage beyond reasonable wear. (L. '09, p. 255, § 12; Rem. & Bal., § 4375.)

59. Requirements for admission

No person shall be admitted to any state normal school as a student, who has not attained the age of sixteen years, if a male, and fifteen years, if a female, nor until by an entrance examination or otherwise he or she shall have established the fact that he or she is qualified to enter some one of the grades or courses provided for in the course of study. (L. '09, p. 255, § 13; Rem. & Bal., § 4376.)

60. Annual meeting of principals

It shall be the duty of the principals of the several state normal schools contemplated by this act to meet once annually to consult with each other relative to matters concerning their school work, and to discuss methods of teaching and plans of management. (L. '09, p. 256, § 14; Rem. & Bal., § 4377.)

61. Biennial report of trustees

Each board of normal school trustees shall biennially on or before the first day of October next preceding each regular session of the state legislature of this state, make, through its secretary, a report to the Governor of the state, which report shall be included with and constitute a part of the biennial re-

port of the Superintendent of Public Instruction. Said normal school reports shall embrace a statement of the receipts and expenditures of the schools, and the purpose for which all moneys have been expended; a classified catalogue of all students enrolled in each of said schools; a directory of all graduates of each school properly classified; the course or courses of study pursued in the several schools, and such other information as may be deemed advisable. (L. '09, p. 256, § 15; Rem. & Bal., § 4378.)

62. Trustees to have no pecuniary interest in contract

No normal school trustee shall be awarded any contract for the erection, repair or the furnishing of any building belonging to any state normal school contemplated by this act, nor for the furnishing of supplies or materials for the same; and no such trustee shall act as agent for any publishing house proposing to furnish books for such school. Any trustee who shall violate any of the above named provisions shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars, and his office as such trustee shall be declared vacant. (L. '09, p. 256, § 16; Rem. & Bal., § 4379.)

CHAPTER 4—WASHINGTON STATE TRAINING SCHOOL

63. Name of school

The reform school at Chehalis, in Lewis county, shall be known as the Washington State Training School. (L. '09, p. 256, § 1; Rem. & Bal., § 4380.)

See, *infra*, § 517, Code Pub. Ins., establishment.

See, *infra*, § 503, Code Pub. Ins., establishment of girls' training school.

Const., art. IX, § 2, limits the public school system to "common schools, and such high schools, normal schools and technical schools as may be hereafter established."

The legislature has not regarded training schools as one of its "educational institutions."

This chapter does not harmonize with other general laws on this subject.

64. Purposes of school

The said school shall be for the keeping and reformatory training of all youths between the ages of eight and eighteen years who are residents of the State of Washington and who

are committed to said institution by a court of competent jurisdiction. (L. '09, p. 256, § 2; Rem. & Bal., § 4381.)

See, *infra*, § 518, Code Pub. Ins., purpose.

65. Causes for commitment

When a boy of sane mind between the ages of eight and sixteen years or a girl of sane mind between the ages of eight and eighteen (18) years shall, in any court of record in this state, be found guilty of any crime except murder, or manslaughter, or highway robbery, or who for want of proper paternal care is growing up in mendicancy or vagrancy, or is incorrigible, or has been expelled from a public school, and complaint thereof is made and properly sustained, the court may if in its opinion the accused is a proper subject therefor, instead of entering judgment cause an order to be entered that said boy or girl be sent to the State Training School, in pursuance of the provisions of this act, and a copy of said order under seal of said court shall be sufficient warrant for carrying said boy or girl to the said school and for his or her commitment to the custody of the superintendent thereof. (L. '09, p. 257, § 3; Rem. & Bal., § 4382.)

This section not in harmony with §§ 1980 and 2276, Rem. & Bal. Code.

Age of discharge fixed at twenty-one years for both sexes. (L. '13, p. 345, § 3.)

66. To be managed by Board of Control

The State Board of Control shall have full charge of the management of the said State Training School. It shall have power to adopt rules and regulations for its government, and shall prescribe, in a manner consistent with the provisions of the laws of this state, the duties of the persons connected with the management of the institution. (L. '09, p. 257, § 4; Rem. & Bal., § 4383.)

67. The superintendent

The State Board of Control shall employ a competent person who shall be known as the Superintendent of the Washington State Training School. He shall be the executive head of the said institution, and he shall hold his office during the

pleasure of the State Board of Control. (L. '09, p. 257, § 5; Rem. & Bal., § 4384.)

This section conflicts with § 8936, Rem. & Bal. Code, providing for a four year term of office.

See, *supra*, § 5, Code Pubs Ins., annual report to State Superintendent.

68. Superintendent may appoint assistants

The superintendent of the said State Training School shall have power to appoint all assistants and employes required for the management of the institution placed in his charge, the number of said assistants and employes to be determined and fixed by the State Board of Control. The superintendent may at his pleasure discharge any person therein employed. (L. '09, p. 257, § 6; Rem. & Bal., § 4385.)

69. Branches to be taught

All branches taught in the first eight grades of the public schools shall be taught in the State Training School. The inmates shall be taught and trained in morality, temperance, frugality, and they shall also be instructed in the different trades and callings of the two sexes, as far as possible, in the scope of the institution. (L. '09, p. 257, § 7; Rem. & Bal., § 4386.)

See, *infra*, § 525, Code Pub. Ins., curriculum.

CHAPTER 5—STATE SCHOOL FOR BLIND AND STATE SCHOOL FOR DEAF

70. To be managed by Board of Control

The State School for the Deaf and the Blind at Vancouver shall be under the direction of the State Board of Control, and the funds for its maintenance shall be appropriated by the legislature of the State of Washington. (L. '09, p. 258, § 1; Rem. & Bal., § 4387.)

See, *infra*, § 79½, Code Pub. Ins., establishment of State School for Blind and State School for Deaf.

See, *infra*, § 191, subdiv. 4, Code Pub. Ins., schools for defective youth in districts of first class.

71. The annual term

The regular term of said school shall begin on the second Wednesday of September, and close on the second Wednesday

of the following June. (L. '09, p. 258, § 2; Rem. & Bal., § 4388.)

72. Tuition to be free

The institution shall be free to residents of the State of Washington who are between the ages of six and twenty-one years, and who are deaf and blind, or either deaf or blind: *Provided*, That they are free from loathsome or contagious diseases. (L. '09, p. 258, § 3; Rem. & Bal., § 4389.)

Pupils do not need to reside in the district where a school for defective youth is maintained.—TANNER.

73. May admit persons from other states

The State Board of Control may admit to this school deaf or blind children from other states, but the parents or guardians of such children will be required to pay annually or quarterly in advance a sufficient amount to cover the cost of maintaining and educating such children. (L. '09, p. 258, § 4; Rem. & Bal., § 4390.)

74. Qualifications of superintendent

The superintendent shall be appointed by the State Board of Control, for a term of four years, subject to removal at the discretion of the Board of Control. Said superintendent must be not less than 30 nor more than 70 years of age and must be practically acquainted with the school management and class instruction of the deaf and the blind, having had at least ten years actual experience in teaching in schools for the deaf and the blind. The superintendent shall have power to appoint all subordinates. The State Board of Control shall have power to fix the number of employes and the salary paid each and may discharge any employe at its discretion. (L. '09, p. 258, § 5; Rem. & Bal., § 4391.)

75. School clerks must report

It shall be the duty of the clerks of all school districts in the State of Washington at the time for making the annual reports to report to the school superintendent of their respective counties the names of all deaf, mute, or blind youth residing

within their respective districts who are between the age of six and twenty-one years. (L. '09, p. 258, § 6; Rem. & Bal., § 4392.)

76. Report of county superintendent

It shall be the duty of each county school superintendent to make a full and specific report of such deaf, mute or blind youth to the county commissioners of his county at the regular meeting of said commissioners held in August in each year. He shall also, at the same time, transmit a duplicate copy of said report to the State Board of Control and the Superintendent of the School for the Deaf and the Blind. (L. '09, p. 259, § 7; Rem. & Bal., § 4393.)

77. County superintendents to enforce attendance

It shall be the duty of the parents or the guardians of all such deaf or blind youth to send them each year to the said State School for the Deaf and the Blind. The county superintendent shall take all action necessary to enforce this section or [of] this act: *Provided*, That if satisfactory evidence shall be laid before the county superintendent that any deaf or blind youth is being properly educated at home or in some suitable institution other than the State School for the Deaf and the Blind, the county superintendent shall take no other action in such case further than to make a record of such fact, and take such steps as may be necessary to satisfy himself that such defective youth shall continue to receive a proper education. (L. '09, p. 259, § 8; Rem. & Bal., § 4394.)

78. In certain cases county to bear expense of transportation

If it appears to the satisfaction of the county commissioners that the parents of any such deaf or blind youth within their county are unable to bear the expense of sending and returning them to said state school, it shall then be the duty of the commissioners to send and return them to and from said school or to maintain them at said school during vacation at the expense of the county. (L. '09, p. 259, § 9; Rem. & Bal., § 4395.)

79. Penalty for neglect of duty

Any parent, guardian, school superintendent or county commissioner who shall, without a proper cause, fail to carry into effect the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, upon the complaint of any officer or citizen of the county or state, before any justice of the peace or superior court, shall be fined in any sum not less than fifty nor more than two hundred dollars, in the discretion of the court. (L. '09, p. 259, § 10; Rem. & Bal., § 4395 $\frac{1}{2}$.)

79 $\frac{1}{2}$. State School for Blind and State School for Deaf

Upon the taking effect of this act, the State School for the Deaf and Blind at Vancouver shall be divided into two institutions, one for the blind to be known as the State School for the Blind, and one for the deaf to be known as the State School for the Deaf, each of said institutions to be located at Vancouver. The State Board of Control shall appoint a superintendent for each institution. All provisions of law relating to the State School for the Deaf and Blind shall, so far as the same are applicable, govern the management of the State School for the Deaf and the State School for the Blind hereby created. (L. '13, p. 6, § 1.)

CHAPTER 6—STATE INSTITUTION FOR FEEBLE MINDED**80. To be managed by Board of Control**

The State Institution for Feeble Minded now located at Medical Lake shall be under the direction of the State Board of Control, and funds for its maintenance shall be appropriated by the legislature of the State of Washington. (L. '09, p. 260, § 1; Rem. & Bal., § 4397.)

The following sections superseded the laws of 1909. Change of name was vetoed.

Under the control of the State Board of Control.

See, *infra*, §§ 477, 478, Code Pub. Ins., establishment, location.

80 $\frac{1}{2}$ Who may be admitted

The State School and Colony shall be free to residents of the State of Washington under the age of twenty-one years who are feeble minded, idiotic or epileptic, or who are physically de-

fective to such extent as to prevent them from being educated in the common schools; *Provided*, That they are free from contagious diseases. Admission may be applied for as follows:

First. By the father or mother, if father and mother are living together.

Second. If father and mother are not living together, then by the one having the custody of the child.

Third. By the guardian duly appointed.

Fourth. By the superintendent or other officer having charge of any institution or asylum where children are cared for.

Fifth. By county superintendents of schools and boards of county commissioners.

Sixth. By juvenile courts under an order of commitment.

Under items three, four, five and six consent of parents is not required. (L. '13, p. 598, § 2.)

Name remains the State Institution for Feeble Minded.

81 May admit children from other states

The State Board of Control may admit to this institution feeble-minded children from other states, but the parents or guardians of such children must be required to pay annually or quarterly in advance a sufficient amount to cover the cost of maintaining and educating such children. (L. '09, p. 260, § 3; Rem. & Bal., § 4400.)

The force of this section is doubtful, as it was not included in the 1913 law.

81½ Form of application

The form of application for admission into said State School and Colony and the necessary checks against improper admission shall be such as the board of control may prescribe and each application shall be accompanied by answers under oath to such interrogatories as the said board shall prescribe, and county superintendents of schools are hereby authorized to administer oaths in such cases. (L. '13, p. 598, § 3.)

82. County superintendents to approve application

County superintendents of schools shall cause to be filled out the prescribed blank applications for admission for such children

in their respective districts, who by reason of mental or physical defects are incapable of receiving instruction in the common schools of this state, or whose habits are such as to render them unfit for companionship with normal children, except such as in the judgment of the county superintendent are receiving proper care and education and are being safely kept at home. All applications for admission of defectives under twenty-one years of age except those committed by the juvenile court, shall be made through the county superintendent of schools, who shall keep a record of such and certify to the board of county commissioners all applications that are accepted by the superintendent of the State School and Colony. (L. '13, p. 598, § 4.)

82½. School officers to report defectives

It shall be the duty of the clerks of all school districts in the State of Washington, at the time for making the annual reports, to report to the school superintendent of their respective counties, the names and addresses of all feeble minded youths residing within their respective districts, who are under the age of twenty-one years. And each county school superintendent shall make a full report of such defective youth to the county commissioners of their respective counties at their regular August meeting of each year, transmitting a copy of said report to the State Board of Control and the superintendent of the State School and Colony. (L. '13, p. 599, § 5.)

83. Parents to send defective children

Upon notification by the superintendent of the State School and Colony, of acceptance of application for admission, it shall be the duty of the parents or the guardian of such defective youth to send them to said institution and the county superintendent of schools shall take all action necessary to enforce this section of this act. (L. '13, p. 599, § 6.)

83½ County to pay expense, when

If it appears to the satisfaction of the county commissioners that the parents of any such defective youth who have been ac-

cepted for admission are unable to pay the expense of sending them to the said institution, it shall be the duty of the commissioners to send them at the expense of the county. (L. '13, p. 599, § 7.)

84. Patients may be held after majority

Inmates arriving at the age of twenty-one years while in the institution, and who, in the judgment of the superintendent, are unfit to be discharged, shall be reported to the superior court of competent jurisdiction, which court, after due examination and finding the case a proper subject for institutional care, may issue an order of commitment to said State School and Colony. (L. '13, p. 599, § 8.)

84½ Feeble minded adults may be admitted

Adults under fifty years of age who may be determined to be feeble minded, and who are of such inoffensive habits as to make them proper subjects for classification, education and discipline in an institution for feeble minded, may be admitted free upon pursuing the same course of legal commitment as governs admission to the hospitals for insane; but no insane persons, or those who are proper subjects for county poor farms, hospitals or asylums, or cases of senile dementia, shall be admitted to the State School and Colony.) (L. '13, p. 600, § 9.)

85 Period of detention

The superintendent of the State School and Colony shall detain inmates admitted to the institution until satisfied that they are in normal condition and safe and competent to be at large, or that they can receive proper care and education at the home of relatives, or in some other home or institutions. In such cases, or for other good and sufficient reasons, he may grant discharges; or, in his discretion, permit inmates to visit their homes for stated periods, upon request of parents or guardians approved by the county superintendent of schools. (L. '13, p. 600, § 10.)

85½ Child may be entered under tuition fee

Any parent or guardian who may wish to enter a child in said institution and pay all expenses of care and maintenance, may

do so under terms, rules and regulations prescribed by the Board of Control. (L. '13, p. 600, § 11.)

86 Cost of clothing to be charged to estate

When not otherwise provided, the superintendent shall provide the inmates with suitable clothing, the actual cost of which shall be a charge against the parents, guardian or estate of such inmates; and in the event that such parent, guardian or estate is unable or is insufficient to provide or pay for such clothing, the same shall be provided by the State. The board of county commissioners, county superintendent of schools, or other authorized officers, in recommending an applicant for admission to said institution, shall state whether or not such person has an estate of sufficient value, or a parent of sufficient financial ability to defray the expense in whole or in part for such clothing. The expense of personal clothing provided by the state shall be a charge against the parents or estate of inmates if such parents or estate are financially able to pay the same, after proper investigation, the state may proceed against the party or parties or estate and collect the same through the courts as other accounts are collected. (L. '13, p. 600, § 12.)

86½ Fireproof buildings—Sexes separated

The future construction of the buildings of the State School and Colony shall be fire-proof as far as possible. They shall be in two groups for each sex; one for the educational and industrial department and one for the custodial or colony department, with such subdivisions as will best classify and separate the many diverse forms of the infirmity to be cared for. (L. '13, p. 601, § 13.)

87 School training—Agricultural training

A school department shall be maintained from September 1st to June 1st each year, for the benefit of those who can be educated along lines best suited to individual capabilities. The processes of agricultural training shall receive consideration and the employment of the inmates in the care and raising of stock, in dairying and in the cultivation of fruits, vegetables, etc.,

shall be made tributary as far as possible to the maintenance of the institution. Manual training shall also be carried on along such lines as will be of greatest benefit to both the inmates and the institution. (L. '13, p. 601, § 14.)

87½. Penalty for violation of act

Any parent, guardian or proper officer who shall, without proper cause, fail to carry into effect the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, upon the complaint of any officer or citizen of the county or state, before any justice of the peace or superior court, shall be fined in any sum not less than fifty nor more than two hundred dollars (\$200), in the discretion of the court. (L. '13, p. 601, § 15.)

TITLE III—GENERAL COMMON SCHOOL SYSTEM
CHAPTER 1—GENERAL PROVISIONS

88. Common schools defined

Common schools shall include schools that are maintained at public expense in each school district and under the control of boards of directors. Every common school, not otherwise provided for by law, shall be open to the admission of all children between the ages of six and twenty-one years residing in that school district. (L. '09, p. 261, § 1; Rem. & Bal., § 4406.)

Common schools do not include the state university, agricultural college, normal schools, and school for defective youth: *MacKenzie v. State*, 32 Wash. 666.

89. Subjects to be taught

All common schools shall be taught in the English language, and instruction shall be given in the following branches, viz.: Reading, penmanship, orthography, written arithmetic, mental arithmetic, geography, English grammar, physiology and hygiene with special reference to the effects of alcoholic stimulants and narcotics on the human system, history of the United States, and such other studies as may be prescribed by the State Board of Education. Attention must be given during the entire course to the cultivation of manners, and the fundamental principles of honesty, honor, industry and economy,

to the laws of health, physical exercise, ventilation and temperature of the school room, and not less than ten minutes each week must be devoted to the systematic teaching of kindness to not only our domestic animals, but to all living creatures. (L. '09, p. 262, § 2; Rem. & Bal., § 4407.)

90. School day—Number of hours—School month

A school day shall consist of six hours for all pupils above the primary grades, exclusive of an intermission at noon; but any board of directors may fix as a school day for their district a less number of hours than six: *Provided*, That for pupils belonging to the primary grades the school day shall not be less than four hours, exclusive of an intermission at noon, and for pupils belonging to grades above the primary grade the minimum school day shall not be less than five hours, exclusive of an intermission at noon. In the absence of any by-law or order of the board of directors defining the school day for their district, any teacher may dismiss all pupils belonging to the primary grades after an attendance of four hours, exclusive of said intermission. The school month shall consist of twenty days, or four weeks of five days each, and the term "school year," for all matters pertaining to experience in teaching and for all matters pertaining to the granting of or renewing of certificates, shall consist of not fewer than nine school months. (L. '09, p. 262, § 3; Rem. & Bal., § 4408.)

A school day may be in one session provided the state board of education has made no contrary rule. Such session cannot be of less time than the minimum school day.—KELLERAN.

91. School year

The school year shall begin on the first day of July and end with the last day of June. (L. '09, p. 262, § 4; Rem. & Bal., § 4409.)

School year of nine months, see preceding section.

92. Contagious diseases

No teacher, pupil or janitor shall be permitted to attend school from any house in which smallpox, varioloid, scarlet fever, diphtheria or any other contagious or infectious dis-

eases are prevalent. No teacher, pupil or janitor shall be permitted to return to school from any house where the above mentioned diseases, or any form of them, have prevailed, until three weeks shall have elapsed from the beginning of convalescence of the patient, or upon the certificate of a registered physician in good standing that there is no danger of contagion. In case of whooping cough, chicken pox and measles, certified by a physician to be not of a malignant character, this rule shall not apply to teachers, pupils or janitors who have had the diseases and have entirely recovered from them: *Provided*, That no pupil, teacher or janitor can attend school or be employed who is afflicted with pulmonary tuberculosis. (L. '09, p. 262, § 5; Rem. & Bal., § 4410.)

93. Pupils shall comply with regulations

All pupils who may attend the common schools shall comply with the regulations established in pursuance of the law for the government of the schools, shall pursue the required course of studies, and shall submit to the authority of the teachers of such schools. Continued and wilful disobedience or open defiance of authority of the teacher shall constitute good cause for expulsion from school. (L. '09, p. 263, § 6; Rem. & Bal., § 4411.)

The school board directors of a high school have the power under Rem. & Bal. Code, §§ 4411 and 4509, to enforce rules forbidding pupils in the school from joining secret fraternal societies, upon pain of loss of all privileges of the school except that of attending classes, although the meetings of the societies are held out of school hours and under parental protection, where it is shown that such societies have a tendency to destroy good order, discipline and scholarship; and such regulation is not unreasonable: *Wayland v. Hughes*, 43 Wash. 441.

94. Minimum length of term

All school districts in this state shall maintain school during at least six months each year. (L. '09, p. 263, § 7; Rem. & Bal., § 4412.)

95. Women may hold offices

Whenever the word "he" or "his" occurs in this act, referring to either the members of the city board of directors, county superintendents of common schools, city superintendents, directors, clerks, State Board of Education or other school offi-

cers, it shall be understood to mean also "she" or "her," and any woman possessing all of the qualifications of an elector except as to sex, and possessing all of the other qualifications required by law for such offices, shall be eligible to hold such offices. (L. '09, p. 263, § 8; Rem. & Bal., § 4413.)

96. To be free from sectarian influence

All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence. (L. '09, p. 263, § 9; Rem. & Bal., § 4414.)

See Const., art. IX, § 4.

CHAPTER 2—DIVISION OF TERRITORY

ARTICLE I—KINDS OF DISTRICTS

97. County school district defined

For purposes of supervision and administration, each county in the state shall constitute one county school district. (L. '09, p. 264, § 1; Rem. & Bal., § 4415.)

98. School districts of the first class defined

Any school district in this state containing a city of the first class or of the second class, or containing a city having a population requisite for a city of the first class or of the second class, as shown by any regular or special census, shall be a school district of the first class. (L. '09, p. 264, § 2; Rem. & Bal., § 4416.)

99. School districts of the second class defined

Any school district in this state containing a city of the third class or of the fourth class, or containing a city having the population requisite for a city of the third or of the fourth class, as shown by any regular or special census, shall be a school district of the second class. (L. '09, p. 264, § 3; Rem. & Bal., § 4417.)

100. Districts of the third class defined

All other school districts shall be school districts of the third class. (L. '09, p. 264, § 4; Rem. & Bal., § 4418.)

101. Consolidated districts defined

Any school district which has been formed by the consolidation of two or more school districts shall be designated as a consolidated school district. (L. '09, p. 264, § 5; Rem. & Bal., § 4419.)

102. Joint districts defined

Any school district composed of territory in two or more counties shall be designated as a joint school district. (L. '09, p. 264, § 6; Rem. & Bal., § 4420.)

103. Union high school districts defined

Any school district established for the purpose of maintaining a high school by the union of two or more contiguous districts in the same county shall be designated as a union high school district. (L. '09, p. 264, § 7; Rem. & Bal., § 4421.)

See, *infra*, § 461, Code Pub. Ins. (L. '13, p. 396, § 2.)

ARTICLE II—CORPORATE EXISTENCE AND POWERS**104. How designated**

The term "School District," as used in this act, is declared to mean the territory under the jurisdiction of a single board designated as a Board of School Directors, and shall be organized in form and manner as hereinafter provided, and shall be known as _____ (here insert name of city in case of districts of first or second class) School District No. _____, _____ County, State of Washington: *Provided*, That all school districts now existing as shown by the records of the county superintendent are hereby recognized as legally organized districts, subject to the classification of article 1 of this chapter. (L. '09, p. 264, § 1; Rem. & Bal., § 4422.)

School districts are, within contemplation of the legislative and constitutional enactments of this state, municipal corporations: *Maxon v. School District*, 5 Wash. 142.

105. Shall constitute body corporate

A school district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes, and in that name and style may sue and be sued, purchase, hold and sell such personal and real estate, and enter into such obligations as are authorized by law; and the title

to all school buildings or other property, real or personal, owned by any such school district, shall, upon the organization of a district under the provisions of this act, vest immediately in the new district, and the board of directors of such school district shall have exclusive control of the same for all purposes herein contemplated. (L. '09, p. 265, § 2; Rem. & Bal., § 4423.)

106. Each city must be within one school district

Each incorporated city in the state shall be comprised in one school district, and shall be under the control of one board of directors: *Provided*, That nothing in this section shall be so construed as to prevent the extension of such city district a reasonable distance beyond the limits of such city: *And provided further*, That nothing in this section shall be so construed as to change or disturb the boundaries of any school district organized prior to the incorporation of any city, except in cases of incorporation of cities lying partly in two or more school districts organized prior to the incorporation of such city, or the extension of the boundaries of cities beyond the limits of the school districts in which they are situated, or in cases where two or more cities unite, as provided by law: *And provided further*, That the fact of the issuance of bonds by school districts, heretofore or hereafter, shall not prevent the formation of new school districts, whether or not such bonds have been redeemed, canceled, or paid in whole or in part and shall not prevent the transfer or uniting with another school district of a portion or the whole of a district where bonds have been or may hereafter be issued. (L. '09, p. 265, § 3; Rem. & Bal., § 4424.)

107. May purchase school lands for site

That any school district may purchase, under the provisions of law governing the sale thereof, a school house site or sites of not less than three acres nor more than ten acres each, of any school lands of the State of Washington. (L. '09, p. 265, § 4; Rem. & Bal., § 4425.)

See, *infra*, § 609, Code Pub. Ins., classification and preference right.

CHAPTER 3—FORMATION, ALTERATION AND CONSOLIDATION
OF DISTRICTS

ARTICLE I—FORMATION OF NEW DISTRICTS

108. Petition to be signed by five heads of families

For the purpose of organizing a new district, a petition in writing shall be made to the county superintendent, signed by at least five heads of families residing within the boundaries of the proposed new district, which petition shall describe the boundaries of the proposed new district and give the names of all the children of school age residing within the boundaries of such proposed new district, at the date of presenting said petition. (L. '09, p. 266, § 1; Rem. & Bal., § 4427.)

When a petition is presented to a county superintendent praying for the organization of a new school district, he may, after he has heard all the evidence presented by the parties interested, exercise his judgment, within reasonable limits, in the organization of such new district and the fixing of its boundaries, and in so doing he may correct any mistakes that may have been made in the description given in the petition, and in a proper case modify the boundaries described therein.—JONES.

Any person who is actually the head of a family; that is, who is under legal obligation to provide for the support and education of persons dependent upon him, and who is in fact providing for their education and support, is the head of a family for the purpose of signing petitions relating to school matters, whether he is a legal voter or not. Any person who is not the head of a family within the definition given above is not qualified to sign such petition, though he be a legal voter.—JONES.

The school superintendent has power, upon application, to form a new school district and fix its boundaries, and in so doing is not restricted to the territory specified in the petition: *Wilsey v. Cornwall*, 40 Wash. 250.

Where upon appeal to the county commissioners, the decision of the school superintendent that a district can support six months school, is affirmed, the decision is final: *Id.*

109. Notices and hearing

The county superintendent shall give notice to the parties interested by causing notices to be posted at least twenty (20) days prior to the time appointed by him for considering said petition, in at least three of the most public places in the proposed new district, and one on the school house door of each district affected by the proposed change, and in one of the most public places of the territory affected by the proposed change. On the day fixed in the notice he shall proceed to hear said petition, and if he deem it advisable to grant the petition he shall make an order establishing said district and describing the

boundaries thereof and shall certify his action to the board of county commissioners at their next regular meeting. (L. '09, p. 266, § 2; Rem. & Bal., § 4428.)

Where a person aggrieved at the action of a county school superintendent in establishing a new school district fails to appeal to the board of county commissioners as provided in former laws, he cannot invoke the remedy of certiorari to review the proceedings whereby such new school district was established: *Gregory v. Dixon*, 7 Wash. 27.

110. School must be taught at least one month

No new district formed by the subdivision of an old one shall be entitled to any share of public money belonging to the old district until a school has actually been taught one month in the new district and unless within eight months from the order of the county superintendent granting such new district a school is opened, the action making a new district shall be void, and all elections or appointments of directors or clerks made in consequence of such action, and all rights and office of parties so elected or appointed shall cease and determine, and all taxes which may have been levied in such old district shall be valid and binding upon the real and personal property of such new district, and shall be collected and paid into the school fund of the old district. (L. '09, p. 266, § 3; Rem. & Bal., § 4429.)

111. New district entitled to certain funds

When a new district is formed from one or more old districts it shall be entitled to a just share of the school money to the credit of the one or more old districts, from which the new district is formed, at the time the petition was granted to establish the new district. And the county superintendent (or in case of an appeal, the board of county commissioners), shall divide such money and also such money as may, for the current year, afterward be apportioned to the said one or more old districts, according to the number of school children resident in the new district, as may be ascertained by a census taken for that purpose: *Provided*, That the new district shall be entitled to all school district tax levied within the boundaries of the new district, for the current year in which the new district is formed. And if such tax, or any part of it, has already been

collected and placed to the credit of the aforementioned one or more old districts, it shall be the duty of the county treasurer, upon the order of the county superintendent, to transfer the money received from such special tax to the credit of the new district. (L. '09, p. 267, § 4; Rem. & Bal., § 4430.)

If territory is detached from a school district having a bonded indebtedness, the detached territory is not liable for the payment of any part of the bonded indebtedness of the district from which it was detached.—STRATTON.

In case of the formation of a new school district by the division of an old district or districts, the basis of the division of the funds of the old district or districts should be the ratio of the number of school children in each district at the time of the formation of the new district.—STRATTON.

A county superintendent has not power and the right to divide in the event of the formation of a new school district, any sinking fund or special fund accumulated in the treasury of the old (divided) district for the payment of bonds that are not yet due.—ROSS.

112. Value of property—County superintendent may hear testimony

At the hearing for the formation of a new school district, the county superintendent shall, in case the petition is granted, hear testimony offered by any person or school district interested therein, for the purpose of finding and determining the amount and value of all school property of whatever nature involved in the proposed action, the nature and amount and value of all bonded, warrant and other indebtedness of the original school district or districts out of whose territory such new district is formed, including all legal uncompleted obligations then existing, and in so doing shall consider the amount of such outstanding indebtedness incurred for current expenses, the amount incurred for permanent improvements, and the location of such improvements, and shall make an equitable adjustment of all property, debts and liabilities among the districts involved.

He shall make a full record of all such findings and terms of adjustment and the decision of said county superintendent shall be final unless appealed from in the manner provided by law, in which case the decision of the board of county commissioners shall be final. (L. '09, p. 267, § 5; Rem. & Bal., § 4431.)

The superintendent is required to ascertain the value and amount of school property and make an adjustment.—LYLE.

Where, upon appeal to the county commissioners, the decisions of the school superintendent that a district can support six months' school is affirmed, the decision is final: *Wilsey v. Cornwall*, 40 Wash. 250.

113. Commissioners to make appropriate levies

When a new school district is formed in the manner provided by this acticle it shall be the duty of the county commissioners to provide by appropriate levies on the property of such new district, in the manner provided by law, for the payment of such indebtedness as may be imposed upon it by the decision of the county superintendent, or in case of appeal by the board of county commissioners. (L. '09, p. 268, § 6; Rem. & Bal., § 4432.)

ARTICLE II—ALTERATIONS OF BOUNDARIES OF SCHOOL DISTRICTS**114. What must be included in petition**

For the purpose of transferring territory from one district to another or enlarging the boundaries of any school district, a petition in writing shall be presented to the county superintendent, signed by a majority of heads of families residing in the territory which it is proposed to transfer or include, or in case there be no family resident in such territory then by the board of directors in one of the districts affected by such proposed change, which petition shall describe the change which it is proposed to have made. It shall also state the reason for desiring said change, and the number of children of school age, if any, residing in the territory to be transferred. For such proposed transfer of territory the notices shall be posted and the hearing and appeal shall be the same as for the formation of a new district. (L. '09, p. 268, § 1; Rem. & Bal., § 4433.)

Districts cannot be formed out of an existing district in such a manner as to leave portions of the old district non-contiguous.—LYLE.

115. Value of property—County superintendent may hear testimony

At the hearing for the alteration of any school district the county superintendent shall, in case the petition is granted, hear testimony offered by any person or school district, for the purpose of finding and determining the value and amount of any school property of whatever nature involved in the proposed action, the nature and amount and value of all bonded, warrant and other indebtedness of each school district affected by the action, including all legal uncompleted obligations then exist-

ing, and in so doing shall consider the amount of such outstanding indebtedness incurred for current expenses, the amount incurred for permanent improvements and the location of such improvements, and shall make an equitable adjustment of all property, debts and liabilities among the districts involved.

He shall make a full report of all such findings and terms of adjustment and the decision of said county superintendent shall be final unless appealed from in the manner provided by law, in which case the decision of the board of county commissioners shall be final. (L. '09, p. 268, § 2; Rem. & Bal., § 4434.)

116. Commissioners must make certain levies

In case of the alteration of any school district, in the manner provided by this article, it shall be the duty of the board of county commissioners to provide by appropriate levies on the property of such district, in the manner provided by law, for the payment of such indebtedness as may be imposed upon it by the decision of the county superintendent, or in case of appeal, by the board of county commissioners. (L. '09, p. 269, § 3; Rem. & Bal., § 4435.)

ARTICLE III—ALTERATION OF BOUNDARIES BY EXTENSION OF CITY LIMITS

117. When annexation is completed

Whenever an incorporated city shall extend its limits in the manner provided by law, so as to include all or a part of one or more school districts, the territory so included shall not be deemed annexed for school purposes until the 30th day of June next succeeding the date of annexation for municipal purposes, at which time the county superintendent shall declare the territory added to the limits of said city to be a part of the school district embracing said city: *Provided*, That when a school house is located within the territory annexed for municipal purposes, and yet remains the most accessible school for a part of the school district left outside of the territory so annexed to such incorporated city, the county superintendent may annex all or any part of such school district to the school district embracing such city. (L. '09, p. 269, § 1; Rem. & Bal., § 4436.)

118. County superintendents to adjust property

At the time of declaring any territory to be added to the limits of a school district embracing an incorporated city, as provided in section 1 of this article, the county superintendent shall make an equitable adjustment of all property, including current funds and taxes, and of all debts and liabilities between the districts involved, and shall certify his action to the board of county commissioners. Before making such adjustment, he shall give not less than ten days' written notice to the directors of each district affected by such change, fixing the time and place of the hearing before him. (L. '09, p. 269, § 2; Rem. & Bal., § 4437.)

119. County superintendent to hear testimony and adjust liabilities

At such hearing the county superintendent shall hear testimony offered by any person or school district interested therein pertaining to the value and amount of any school property, of whatever nature, including current funds and taxes, involved in the proposed action, the assessed value of all taxable property in said districts, the nature, amount and value of all bonded, warrant and other indebtedness of each school district affected by the action, including all legal uncompleted obligations then existing; and whenever the territory so added to the school district embracing such incorporated city shall include a part only of the school districts from which such territory shall be taken, he shall consider the amount of outstanding indebtedness, of each of said school districts, incurred for current expenses, the amount incurred for permanent improvements and the location of such improvements, for the purpose of making such equitable adjustment of all property, debts and liabilities among the districts involved. He shall make a full report of his findings and terms of adjustment, and the decision of said county superintendent shall be final unless appealed from in the manner provided by law, in which case, the decision of the board of county commissioners shall be final. (L. '09, p. 270, § 3; Rem. & Bal., § 4438.)

120. District to retain corporate existence until liabilities are paid

Whenever the territory so added to a school district, embracing an incorporated city, shall include the whole of the school district from which such territory was taken, such district shall retain its corporate existence so far as necessary for that purpose, until its indebtedness as determined by such adjustment shall have been paid in full, and the officers of the district embracing such incorporated city to which its territory shall have been added shall have the power, and it shall be their duty, to provide, by appropriate levies upon such old district or districts, for the payment of such indebtedness: *Provided*, That when such payment of indebtedness is fully made, the clerk of the district shall enter the fact upon the records of the district, and report the same to the county superintendent of schools. (L. '09, p. 270, § 4; Rem. & Bal., § 4439.)

ARTICLE IV—FORMATION OF CONSOLIDATED DISTRICTS**121. County superintendent may establish district**

Upon receipt of a petition signed by five heads of families of two or more adjoining districts in the same county, the county superintendent may organize and establish a consolidated school district. The posting of notices, the hearing, and the appeal shall be the same as in the change of territory from one district to another. (L. '09, p. 271, § 1; Rem. & Bal., § 4440.)

Petition for consolidation must come from two or more districts and three notices must be posted in each district.—TANNER.

Consolidated districts are under the management and control of the new board and they announce the levy to be made.—BELL.

The petition for the formation of a consolidated school district need not be signed by the heads of families in each and every district which it is proposed to include in the consolidated district, but only by five heads of families residing in the several districts which it is proposed to include in the consolidated district.—STRATTON.

Two cities which are adjacent, each embraced in a school district, the school districts cannot unite and form a consolidated district without the consolidation of the cities.—FALKNOR.

In the formation of a consolidated district the component districts maintain their existence for the purpose of appeal until the time for taking the appeal has expired.—FALKNOR.

If two school districts, each having a school house, are consolidated and it is proposed to establish a school house site for the consolidated district, only a majority vote is required.—FALKNOR.

A consolidated district cannot be formed of districts lying in two or more counties.—BOOTH.

A new district cannot be formed out of the territory comprising the old district so that the territory remaining in the new district will not be contiguous.—LYLE.

In mandamus proceedings to compel the prosecuting attorney to test the validity of an order of the school superintendent consolidating two school districts, the wisdom or policy of the order cannot be inquired into, where the same can be reviewed by appeal; since it is a collateral attack on the order and only its validity can be questioned: *State ex rel. Harris v. Ward*, 69 Wash. 342.

Two districts which are in different union high school districts cannot be consolidated: *State ex rel. Bell v. Thaanum*, 32 Wash. Dec. 33.

122. All boards to constitute new board until election

When two or more districts are consolidated by the provisions of this act, or where two or more districts are consolidated by the uniting of two or more incorporated cities or towns, as provided by law, all the directors of the several districts so consolidated shall constitute the board of directors of the new district so formed, and shall have all the powers and authority conferred by the laws of this state upon school district directors, until the next annual school election in said district, at which time there shall be elected three directors for said district in the manner provided by law, who shall hold their respective offices as provided for the officers of new districts. (L. '09, p. 271, § 2; Rem. & Bal., § 4441.)

123. When district shall not be entitled to bonus

Whenever, by reason of detachments of territory subsequent to the formation of a consolidated district, the boundaries of such district shall become practically co-extensive with the boundaries of a district prior to the formation of such consolidated district, it shall be the duty of the county superintendent to report such fact to the Superintendent of Public Instruction at the time of making his annual report, and said district shall no longer be entitled to the bonus hereinafter provided for consolidated districts. (L. '09, p. 271, § 3; Rem. & Bal., § 4442.)

124. Directors of city district to constitute board

When two or more districts are consolidated, only one of which contains an incorporated city, the directors of the district which contains such incorporated city shall become the directors for the consolidated district as soon as the consolida-

tion is legally completed. (L. '09, p. 271, § 4; Rem. & Bal., § 4443.)

125. County superintendent to number and describe district

The county superintendent of any county in which new districts are formed by the uniting of two or more districts, or by the incorporating of any city or town lying partly in two or more school districts, shall upon being notified of such action by the board of directors of such new district, proceed to designate such new district by a number not the same as that of either component district or of any existing district, and to make a record of the boundaries thereof, and he shall certify such facts to the board of county commissioners, to the county treasurer, and to the clerk of the new district formed. (L. '09, p. 272, § 5; Rem. & Bal., § 4444.)

Consolidated school districts must be given a new number.—LYLE.

A bond election is valid even though the superintendent did not renumber the district until after the election.—LYLE.

126. New district entitled to property

All school districts formed by the uniting of two or more districts, as provided for in this act, shall be entitled to the public property of the school districts so united and to all current funds in excess of outstanding indebtedness other than bonded indebtedness, and the county superintendent shall transfer all such excess funds to the new district in accordance with this provision and shall certify such transfer to the county treasurer: *Provided*, That for the purpose of apportionment the consolidated district shall be considered one district: *Provided further*, That for the purpose of apportionment the consolidated district shall be credited with two thousand days' attendance in addition to actual attendance for each district, less one, so consolidated. (L. '09, p. 272, § 6; Rem. & Bal., § 4445.)

Consolidated districts may be consolidated with a consolidated district and the new district will be credited with two thousand days' attendance.—TANNER.

Money in the hands of the directors of a district becomes the property of the consolidated district by the consolidation and cannot be applied in payment of the indebtedness of the district.—TANNER.

127. District to retain corporate existence until liabilities are paid

Each school district composing said consolidated district shall retain its corporate existence so far as necessary for that purpose until its indebtedness has been paid in full, and the county commissioners shall have the power and it shall be their duty to provide by appropriate levies upon such old district or districts for the payment of such indebtedness: *Provided*, That when such payment of indebtedness is fully made the clerk of the district shall enter the fact upon the records of the district and report the same to the county superintendent of schools. (L. '09, p. 272, § 7; Rem. & Bal., § 4446.)

Where two school districts are each indebted in excess of two per cent. of their taxable property as shown by the last assessment, and are consolidated, and the consolidated district issues bonds in excess of three per cent. of its taxable property, the issue is void, as being in excess of the constitutional limitation of five per cent. of the taxable property in the consolidated district, as each district is subject to taxation as a separate entity for the purpose of paying its prior indebtedness: *State ex rel. Zylstra v. Clausen*, 66 Wash. 324.

128. Organization of board and election of clerk

When two or more school districts shall be united by the provisions of this act, the boards of directors of the several districts shall, within thirty days thereafter, meet and organize the new board by the election of one of their number as president of the board. They shall elect a clerk for said district and the clerks of the several districts so united shall deliver to said clerk all books, papers and records belonging to their respective offices. The clerk of the new district thus formed shall immediately notify the county superintendent of the organization of the board of the new district. (L. '09, p. 273, § 8; Rem. & Bal., § 4447.)

ARTICLE V—FORMATION OF JOINT SCHOOL DISTRICTS**129. Joint district may be organized**

When the public good requires it, a school district may be formed of contiguous territory lying in two or more counties, and such districts shall be known as joint school districts. They shall be designated by a separate number for each county in

which any portion of their territory may lie. (L. '09, p. 273, § 1; Rem. & Bal., § 4448.)

Contiguous territory may be formed into a joint district although the territory is comprised of districts of different classes.—LYLE.

130. Petition shall be presented

For the purpose of forming such joint districts, a petition shall be presented, drawn and signed as prescribed for the formation of other school districts, and a copy of such petition shall be presented to the county superintendent of each county affected by the formation of such proposed joint district. (L. '09, p. 273, § 2; Rem. & Bal., § 4449.)

131. Superintendents shall post notices

The superintendents of all counties affected by the formation of the proposed joint district shall confer and shall mutually agree upon the time and place of investigating said petition, and upon such agreement each shall notify the school electors of the district or districts of his county affected by the formation of the proposed joint district, by posting notices as required in the formation of other school districts, one of which notices shall be posted upon the school house door of each district affected by the formation of the proposed joint district, and one of which shall be posted in some conspicuous place in the territory which it is proposed to include in the proposed joint district, in each county; and at the time and place mentioned in said notices the several superintendents shall meet and jointly investigate all matters pertaining to the formation of the proposed joint district. (L. '09, p. 273, § 3; Rem. & Bal., § 4450.)

132. Superintendents shall appoint directors

If at the investigation provided for in the preceding section the several county superintendents shall mutually agree that said district should be formed, they shall appoint a board of directors to serve until the next regular election, and the directors appointed shall qualify within ten days. At the next regu-

lar election a board of directors shall be elected as provided in the case of other new districts. (L. '09, p. 274, § 4; Rem. & Bal., § 4451.)

133. Shall file certificate and oath

Every director or clerk of the joint district shall file his certificate of election and oath of office with the county superintendent of the county in which the school house is located, and his signature with the treasurer of the same county. (L. '09, p. 274, § 5; Rem. & Bal., § 4452.)

134. How vacancies are to be filled

Vacancies in the office of director of a joint district shall be filled by appointment by the county superintendent in whose county the officer vacating resided while serving, and a copy of such appointment, with the oath endorsed thereon, shall be filed in the office of each county superintendent. (L. '09, p. 274, § 6; Rem. & Bal., § 4453.)

135. Transfers by mutual consent of superintendents

After a joint school district has been formed, all transfers of territory to and from said district shall be made by mutual agreement and joint action between the county superintendents of the several counties in which the territory of said joint district shall be embraced, and all notices of such transfers shall be signed by all superintendents in whose counties the territory of the joint district shall lie. (L. '09, p. 274, § 7; Rem. & Bal., § 4454.)

136. Superintendents to keep transcripts

The superintendents of the several counties affected by the formation of any joint school district shall make and keep a correct transcript of the entire boundary of such district, and shall certify the same to the county treasurer and county auditor of each county, and all transfers of territory to or from such joint district shall likewise be certified to such officers, said certificates being signed by all county superintendents in whose counties any part of the territory of such joint district shall be located. A map of all joint districts formed under the

provisions of this section shall be filed with the Superintendent of Public Instruction within thirty days after the formation of such districts. Said maps shall indicate the number by which the district is designated in each county, and it shall also show the location of the school house in such district, if there be one. Said map shall be certified to by all county superintendents in whose counties any part of such joint district shall be embraced. (L. '09, p. 274, § 8; Rem. & Bal., § 4455.)

137. Provisions for apportionments

For the purpose of the apportionment of state school funds the district shall be considered as belonging to the county in which the school building is located: *Provided*, That the county treasurer in whose county the school house is not located shall transfer quarterly all moneys to the treasurer of the county where the school house is located, and the same shall be placed to the credit of said joint district. (L. '09, p. 275, § 9; Rem. & Bal., § 4456.)

138. Superintendents to hear testimony and adjust property

At the hearing for the formation of a joint school district, the county superintendents shall, in case the petition is granted, hear testimony offered by any person or school district interested therein, for the purpose of finding and determining the amount and value of all school property of whatever nature involved in the proposed action, the nature and amount and value of all bonded, warrant and other indebtedness of the original school district or districts out of whose territory such joint district is formed, including all legal uncompleted obligations then existing, and in so doing shall consider the amount of such outstanding indebtedness incurred for current expenses, the amount incurred for permanent improvements, and the location of such improvements, and shall make an equitable adjustment of all property, debts and liabilities among the districts involved.

They shall make a full record of all such findings and terms of adjustment, and the decision of said county superintendent shall be final. (L. '09, p. 275, § 10; Rem. & Bal., § 4457.)

The legislature intended that the last sentence of the above section was to cover all authorized acts and doings of the county superintendents, in the

formation of joint school districts from contiguous territory in two or more adjacent counties: *State ex rel. School Dists. 25 & 100 v. Board of County Commissioners*, 30 Wash. Dec. 304; 130 Pac.

139. Commissioners to make levies to pay indebtedness

When a joint school district is formed in the manner provided by this article, it shall be the duty of the board of county commissioners to provide by appropriate levies on the property of such joint district, in the manner provided by law, for the payment of such indebtedness as may be imposed upon it by the decision of the county superintendents. (L. '09, p. 275, § 11; Rem. & Bal., § 4458.)

140. Reports to be made to each superintendent

All reports from joint districts shall be made in full to the county superintendent of each county affected thereby: *Provided*, That any county superintendent may order the segregation of any items of such report so as to show separately the numbers or amounts from each county affected thereby. (L. '09, p. 276, § 12; Rem. & Bal., § 4459.)

ARTICLE VI—FORMATION OF UNION HIGH SCHOOL DISTRICTS

141. Initial procedure of formation

Whenever the residents of two or more adjacent or contiguous school districts in the same county may wish to unite for the purpose of establishing a union high school, the clerks of the districts, by order of the boards of directors, shall, upon a written or printed petition of five or more heads of families of their respective districts, each submit in writing a statement of the proposed union of such districts, together with the question of the advisability of the formation of such union school district to the county superintendent of schools, who shall within fifteen days report in writing to the said clerks his approval or disapproval, his action to be based upon an investigation made by him to determine whether or not either school district so applying already maintains or is capable itself of maintaining a high school without uniting with another district, or with other districts, or whether or not the educational and other conditions of the districts desiring to so unite are such as to insure

the maintenance of a high school in fact according to the provisions of this article. (L. '09, p. 276, § 1; Rem. & Bal., § 4460.)

A union high school district cannot be formed by the union of school districts lying in different counties.—STRATTON.

After two districts have organized a union high school, and provided for a school being taught in one of the districts, can the other district provide and appropriate public money for the teaching of high school grades in that district? Under such circumstances only one school can be maintained in which the high school grades are taught.—BELL.

Where a petition for the union of two school districts was not acted upon by the board of directors of one of the districts until more than a year after its presentation to them, and in the meantime the board had submitted to vote another petition for a union of districts, including the two in the original petition with others, which was submitted to a vote of the district and rejected, the board would be without power to submit the original petition, since it must be deemed as waived by failure to act within a reasonable time, and by the act of submitting a later petition to popular vote: *Peth v. Martin*, 31 Wash. 1.

142. The elections

If the county superintendent shall approve of the formation of the proposed union high school district, each of said clerks shall call a meeting of the voters of such school districts at some convenient place by posting written or printed notices in like manner as is provided for calling annual school district elections. If a majority of the voters of each district shall vote to unite for the purposes herein stated, the clerk of each district so proposing to unite shall, within ten days after the election, notify the county superintendent of the holding of and the result of the election, and the county superintendent shall, immediately after the receipt of said notices, designate such union high school district as "Union High School District No.,County," and shall so notify the clerks of the several districts so uniting. (L. '09, p. 276, § 2; Rem. & Bal., § 4461.)

143. Organization of the board of directors

The boards of directors of the several districts so voting to unite shall constitute the board of directors of such union high school district, and shall within ten days after the elections at which the districts voted to unite meet and organize by electing one of their number president of the board, and selecting their clerk for such union high school district, and the clerk

and president chosen at such meeting shall hold their respective offices until the next annual school district election and until their successors are elected and qualified; and the election of president and clerk shall occur annually thereafter, on the second Saturday next succeeding the date at which the newly elected school district officers shall enter upon the discharge of their duties: *Provided*, That in union districts consisting of three or more school districts the board of directors of said union district shall be composed of the chairmen of the several boards of directors of the districts comprised in such union district. (L. '09, p. 277, § 3; Rem. & Bal., § 4462.)

144. Notices of organization

The clerk of the union high school district shall within ten days after the organization of the district, by the election of a president and clerk, notify the county superintendent of the organization of said district, and the county superintendent shall also, within ten days after receiving notice of the organization of the district, notify the county treasurer and county auditor of the fact of its organization, together with the numbers of the constituent districts and the names of the directors and clerk. (L. '09, p. 277, § 4; Rem. & Bal., § 4463.)

145. District may be enlarged

After the formation of a union high school district the boundaries of the same may be enlarged in the manner prescribed for the formation of the said union high school district: *Provided*, That the board of directors of the union high school district shall not be reorganized, but that the chairman of the district, or the chairmen of the districts, so united to the union high school districts shall be added to the board of directors of the union high school until the next ensuing annual school election. (L. '09, p. 277, § 5; Rem. & Bal., § 4464.)

146. Course of study

The directors of such union districts shall determine what grade or grades above the grammar grade of the state common school course of study shall be pursued and maintained in such

schools: *Provided*, That the course of study for all high school grades shall not be inconsistent with the laws of this state, and shall be such as the Superintendent of Public Instruction shall approve. If local conditions admit of it, the directors of any union high school district may, at their discretion, admit pupils residing in such union district, belonging to a grade lower than the high school grades, but no pupil belonging to a grade lower than the seventh shall ever be admitted to any such union high school. The teacher or teachers of such union high schools shall keep such records and make such reports as are required of teachers in the districts composing such union districts, and shall make such other reports as may be required by the Superintendent of Public Instruction. (L. '09, p. 278, § 6; Rem. & Bal., § 4465.)

147. Powers of directors and clerks

The board of directors and clerk provided for in the preceding section shall, in all matters relating to the union high schools of such district, possess all the powers herein provided for other school district officers, including the power to recommend special levies of taxes for the purpose of furnishing transportation to and from school and other additional school facilities for the union district, or for the payment of teachers' wages, or for the purchase of fuel, supplies, globes, maps, charts, books of reference or other appliances for teaching, or for any or all of these purposes. They shall discharge all the duties and be governed by the laws herein provided for school district officers. (L. '09, p. 278, § 7; Rem. & Bal., § 4466.)

148. Apportionments to district

Each union high school district shall be entitled to and shall receive apportionments from the state annual school fund in the manner provided by law for the apportionments from the state annual fund to other school districts. (L. '09, p. 278, § 8; Rem. & Bal., § 4467.)

149. Taxpayers may appeal

In case any resident taxpayer shall feel aggrieved at the formation of a union high school district, or at the refusal of the

county superintendent to approve of its formation, he shall be entitled to an appeal as provided in this act. (L. '09, p. 279, § 9; Rem. & Bal., § 4468.)

150. Withdrawal from union district

When five or more years have elapsed from the date upon which two or more school districts united for the purpose of forming a union high school district, such union may be dissolved, if at a special election called by the board of directors of such union high school district for that purpose, a majority of three-fifths of the vote cast at said election are in favor of dissolution. The liabilities and assets of the union high school district so dissolved shall be justly apportioned by the county superintendent among the various districts composing the union high school district. (L. '13, p. 643, § 1.)

ARTICLE VII—MISCELLANEOUS

151. When county superintendent may discontinue district

In case any school district shall have fewer than five children of school age or shall not have maintained at least the minimum amount of school required by law, during the past preceding school year, or in case of territory which is not now a part of any school district, or in which there are no children of school age, the county superintendent shall have power to attach such territory to some contiguous school district or school districts without being petitioned to do so: *Provided*, That if any school district so disorganized shall have any outstanding bonds, warrants or other indebtedness, the assessable property of such district shall be holden for the payment of such indebtedness. (L. '09, p. 279, § 1; Rem. & Bal., § 4470.)

If a school district is dissolved under this section, the moneys should be apportioned as provided by §4430 Rem. & Bal. (§111 Code Pub. Ins.)—TANNER.

152. County auditor shall certify to county assessor

In all cases involving the alteration of school district boundaries, the county auditor shall certify the action of the county superintendent or the county commissioners to the county assessor. (L. '09, p. 279, § 2; Rem. & Bal., § 4471.)

See, *infra*, § 624, Code Pub. Ins., boundaries to correspond with road districts.

153. No district to be less than four sections

In forming new districts, or transferring territory from one district to another, or changing boundaries of districts, no school district shall contain less than four sections of land, unless said district can support six months' school per year after such change of territory: *Provided*, That the county superintendent may establish a district with less than four sections on a petition signed by eighty per cent. of all the heads of families of the proposed district, by and with the consent of the Superintendent of Public Instruction. (L. '09, p. 280, § 3; Rem. & Bal., § 4471½.)

CHAPTER 4—OFFICERS—THEIR POWERS AND DUTIES**ARTICLE I—COUNTY SUPERINTENDENT OF SCHOOLS****154. Election and oath of office**

A county superintendent of schools shall be elected in each county of the state at each general election, whose term of office shall begin on the first Monday in September next succeeding his election and continue for two years and until his successor is elected and qualified. He shall take the oath of office and shall give an official bond in a sum to be fixed by the board of county commissioners. He may appoint a deputy, who shall qualify in the same manner as the county superintendent, and perform the duties of the office, subject, however, to revision by the county superintendent: *Provided*, That in any county having more than one hundred school districts, the county superintendent, with the approval of the board of county commissioners, may appoint such clerical assistance as may be necessary to perform the work of his office properly. The county commissioners of each county shall fill any vacancy that may occur in the office of county superintendent until the next general election. (L. '09, p. 280, § 1; Rem. & Bal., § 4472.)

Where a county superintendent of schools was elected for a term to begin on the second Monday in January next succeeding his election and continue for two years and until his successor is elected and qualified, and upon a change of the law during his term making the term "begin on the first Monday in August next succeeding his election," he is entitled to hold the office until the qualification of his successor for the term beginning in August, although thereby his term is made greater than two years, and the statute deferring the beginning of his successor's term would not be in violation of const., art. XI, sec. 8, which prohibits the extension of the term of any county officer beyond the period for which he is elected: *State ex rel. Meridith v. Tallman*, 24 Wash. 426.

155. Eligibility

No person shall be eligible to hold the office of county superintendent of schools who shall not at the time of his election or appointment have taught in the public schools of this state two school years of nine months each, and who shall not at the time of such election or appointment hold a first grade or higher certificate. (L. '09, p. 280, § 2; Rem. & Bal., § 4473.)

One who has taught eleven months in the state, served as deputy county superintendent for eighteen months, served as county superintendent for one year, is qualified to act as county superintendent of schools if elected.—LYLE.

156. Shall file evidence with county auditor

The county auditor shall not place the name of any person upon the official ballot as candidate for the office of county superintendent of schools unless such person shall have filed in the office of the county auditor, at least twenty days before the date at which the election is to be held, proof of having taught in the schools of the state one school year of nine months, together with a copy of the certificate required by this act. (L. '09, p. 280, § 3; Rem. & Bal., § 4474.)

This section does not harmonize with the preceding section.

The word "election" refers to the general election.—TANNER.

157. Powers and duties

Each county superintendent shall have the power and it shall be his duty—

First. To exercise a careful supervision over the common schools of his county, and to see that all the provisions of the common school laws are observed and followed by the teachers, supervisors and school officers.

Second. To visit the schools in his county, counsel with directors and teachers, and assist in every possible way to advance the educational interests of his county.

Third. To distribute promptly all reports, laws, forms, circulars and instructions which he may receive for the use of the schools and the teachers, and to execute the instructions and decisions of the Superintendent of Public Instruction, as provided by law.

Fourth. To enforce the outline course of study adopted by the State Board of Education, or the course of study adopted by any other lawful authority, and to enforce the rules and regulations required in the examination of teachers.

Fifth. He shall prepare an outline course of study for the books adopted in districts of the third class when the needs of the county demand: *Provided*, That said outline course of study shall be in harmony with the course adopted by the State Board of Education of this state.

Sixth. To keep on file and preserve in his office the biennial reports of the Superintendent of Public Instruction and of the county superintendent of his county.

Seventh. To keep in good and well-bound books, to be furnished by the county commissioners, records of his official acts.

Eighth. To preserve carefully all reports of school officers and teachers, and at the close of his term of office to deliver to his successor all records, books, documents and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the county auditor.

Ninth. To administer oaths and affirmations to school directors, teachers and other persons, on all official matters connected with or relating to schools, but he shall not make or collect any charge or fee for so doing.

Tenth. To keep in a suitable book an official record of all persons under contract to teach in the schools of his county, showing the number of the school district, the date of the contract, the names of the contracting parties, and the date of the expiration of the teacher's certificate and the grade thereof, the salary paid, and the date of commencing school, with the length of term in weeks, which data shall be immediately reported to the county auditor.

Eleventh. To make an annual report to the Superintendent of Public Instruction on the first day of August of each year, for the school year ending June 30, next preceding. The report shall contain an abstract of the reports made to him by the district clerks, and such other matters as the Superintendent of

Public Instruction shall direct. And it shall be the duty of the county commissioners and county auditor in every county where in the county superintendent is about to retire from office to withhold the warrant of his salary for the month of July until they shall have received a certificate from the Superintendent of Public Instruction that the annual report of such county superintendent has been made in a satisfactory manner; and it shall be the duty of the Superintendent of Public Instruction to transmit such certificate to the auditor immediately upon receiving such satisfactory report.

Twelfth. To keep in his office a full and correct transcript of the boundaries of each school district in the county, including joint districts. In case the boundaries of said districts are conflicting or incorrectly described, he shall change, harmonize and describe them, and at their next regular meeting he shall certify his action to the county commissioners of his county, and shall file with them a complete transcript of the boundaries of all school districts affected by his action, which shall be entered upon the journal of said board and become a part of their records. The county superintendent shall, on request, furnish the district clerks with descriptions of the boundaries of their respective districts.

Thirteenth. To appoint school district officers in districts of the second and of the third class, to fill vacancies caused by death, resignation, failure to hold election, failure to qualify before the day for taking office, and absence from the district for a period of ninety days or failure to attend four consecutive meetings of the board without a reasonable excuse; to appoint school officers for any new districts: *Provided*, That when any new district is organized, such of the school officers of the old district as reside within the limits of the new one shall be such school officers of the new one, and the vacancies in the old district shall be filled by appointment.

Fourteenth. To apportion school funds as provided in chapter 5, title III, of this act.

Fifteenth. To grant such temporary certificates and to conduct such examination of teachers and make such records thereof as may be prescribed by law: *Provided*, That he shall give ten days' notice of such examination by publication in some newspaper of general circulation published in his county, or if there be no newspaper, then by posting up hand bills, or otherwise.

Sixteenth. To hold teachers' institutes according to law, and to conduct such other meetings of the teachers of his county as may be for the best interests of the schools.

Seventeenth. To hold each year, if he deem it advisable, one or more directors' meetings, the expense of which shall be audited and paid by the county commissioners: *Provided*, That such expense shall not exceed the sum of one hundred dollars in any one year.

Eighteenth. To suspend any teacher who may be teaching in his county, against whom he files charges, and in case of such suspension he shall immediately notify the Superintendent of Public Instruction of his action, and shall clearly and fully state his reasons for said action.

Nineteenth. To furnish registers and clerks' record books to all districts of his county upon a requisition from the school district clerk, and he shall receive pay for such books by warrants drawn against the said school district by the county auditor. At the end of each quarter of the fiscal year he shall turn over to the treasurer of his county all moneys derived from the sale of such books, together with a detailed statement of the sources from which said funds were derived. He shall also at the same time send a copy of said statement to the Superintendent of Public Instruction.

Twentieth. To forthwith enforce the provisions of section 14, article 7 [5], chapter 4, of title III of this Code, and to notify the Superintendent of Public Instruction whenever any school board of such county shall fail to comply with the provisions required. (L. '09, p. 281, § 4; Rem. & Bal., § 4475.)

A county superintendent cannot refuse to approve a contract because he believes or has reason to believe that the teacher is not entitled to hold a teacher's certificate.—LYLE.

The county superintendent is the proper person to determine the necessity for issuing any circular of information pertaining to the schools of his county.—ROSS.

County superintendents have power to institute proceedings to stop the payment of warrants issued without authority of law.—STRATTON.

County Superintendents shall furnish to the Superintendent of Public Instruction all information specifically required by law, and such other information as the Superintendent of Public Instruction may desire in the administration of his office such information to be of such a character as the county superintendent possesses or as he can reasonably obtain. For a persistent refusal to furnish such information, he may be removed from his office. In turn, school district clerks shall furnish to the county superintendent all information required by law, and for a persistent refusal to do so they may be removed from office.—WINSTON.

If a county superintendent, at the time of his election, is the holder of such a certificate as is required by law as a condition of eligibility to that office, fails to have it renewed or fails to obtain a new one at the time of the expiration of the old one; or, if his certificate should be revoked, it does not disqualify him from holding his office during the period for which he was elected.—ATKINSON.

The purpose of this restriction (subdivision twenty) is to assist and compel small school districts, which, as a matter of course, have no salaried paid architect who has devoted special attention to the construction of school houses, when erecting a new school house or school houses, to erect such buildings in a manner better suited to the comfort and health of the pupils in the way of heat, light and sanitation. The county school superintendent has no authority to refuse approval of plans and specifications for the reason that the site upon which the building or buildings are to be constructed does not meet with his approval.—KNICKERBOCKER.

The fact that the school fund of a county is indebted to the state on account of taxes levied and collected does not justify the state auditor in deducting any portion of such indebtedness from the amount of the warrant he is required by law to draw in favor of any county, when the Superintendent of Public Instruction has apportioned the state school fund to the respective counties and reported same to the state auditor, with direction to issue warrants to the treasurers of the various counties for the respective amounts due them thereunder: *State ex rel. Tanner v. Cheatham*, 23 Wash. 666.

A temporary certificate to teach granted by the county superintendent of schools cannot be collaterally attacked in an action brought by a teacher against a school district for breach of contract of employment to teach its school, when there is no allegation of fraud or collusion in obtaining the certificate: *Kimball v. School District*, 23 Wash. 520.

158. He shall require reports

The county superintendent shall require all reports of school district officers, teachers and others to be made promptly as required by law. He shall see that the teacher's register is kept in accordance with law and the instructions of the Superintendent of Public Instruction, and that the records of the school district clerks are properly kept. He shall require the oath of office of all school district officers to be filed in his office, and shall furnish a directory of all such officers to the county treasurer, upon blanks furnished by the Superintendent of Public Instruction, as soon as the election or appointment of such

officers is determined and their oaths placed on file. (L. '09, p. 284, § 5; Rem. & Bal., § 4476.)

159. Office days

He shall keep his office open for the transaction of official business such days each week (at least one day each week) as the duties of the office may require, and shall keep posted on the door of his office a notice of said office days and hours of such days. (L. '09, p. 284, § 6; Rem. & Bal., § 4477.)

160. Commissioners shall furnish office and supplies

The county commissioners shall provide the county superintendent with a suitable office at the county seat, and all necessary blanks, books, stationery, postage, printing and other expenses of his office shall be paid by the county treasurer out of the county funds upon a sworn statement made quarterly and allowed by the county commissioners: *Provided*, That as to the necessity for the printing and issuance of circulars of information pertaining to the schools of his county, for the use of schools, school officers and teachers, the county superintendent shall determine. (L. '09, p. 284, § 7; Rem. & Bal., § 4478.)

161. Shall receive actual traveling expenses

For all actual and necessary travel in the performance of their official duties and in attendance on the convention of county superintendents called by the Superintendent of Public Instruction, county superintendents shall be allowed actual traveling expenses. (L. '09, p. 285, § 8; Rem. & Bal., § 4479.)

ARTICLE II—DISTRICT OFFICERS—GENERAL PROVISIONS

162. Election and eligibility

Directors of school districts shall be elected at the regular annual school elections. No person shall be eligible to the office of school director who is not able to read and write the English language. (L. '09, p. 285, § 1; Rem. & Bal., § 4480.)

A director of a corporation, trust company, or light and power company is not ineligible to the office of school director.—TANNER.

163. Powers and duties of directors

Every board of directors, unless otherwise specially provided by law, shall have power and it shall be its duty—

First. To employ, for not more than one year, and for sufficient cause to discharge, teachers, and to fix, alter, allow and order paid their salaries and compensation. The directors, except in districts of the first class, shall make with each teacher employed by them a written or printed contract, which shall be in conformity with the laws of this state, and every such contract shall be made in duplicate, one copy of which shall be retained by the school district clerk, and the other shall be delivered to the teacher after having been approved and registered by the county superintendent as by law required.

Second. To enforce the rules and regulations prescribed by the Superintendent of Public Instruction and the State Board of Education for the government of schools, pupils and teachers, and to enforce the course of study lawfully prescribed for the schools of their district.

Third. To rent, repair, furnish and insure school houses, to employ janitors, laborers and mechanics.

Fourth. To cause all school houses to be properly heated, lighted and ventilated, and to cause all school premises to be maintained in a cleanly and sanitary condition.

Fifth. To purchase personal property in the name of the district and to receive, lease and hold for their district any real or personal property.

Sixth. To suspend or expel pupils from school who refuse to obey the rules thereof, and they shall exclude from school all children under six years of age.

Seventh. To provide free text-books and supplies to be loaned to the pupils of the school, when in their judgment the best interests of their district will be subserved thereby, and to prescribe such rules and regulations as they shall deem necessary to preserve such books and supplies from unnecessary damage.

Eighth. To require all pupils to be furnished with such books as may have been adopted by the lawful authority of this state, as a condition to membership in the schools.

Ninth. To exclude from schools and school libraries all books, tracts, papers and other publications of an immoral or pernicious tendency.

Tenth. To authorize the school room to be used for summer or night schools, or for public, literary, scientific, religious, political, mechanical and agricultural meetings, under such regulations as the board of directors may adopt.

Eleventh. To provide and pay for transportation of children to and from school when in their judgment the best interests of their district will be subserved thereby, but, in case transportation is provided, the directors shall not be compelled to transport children who live within two miles of the school house. (L. '09, p. 285, § 2; Rem. & Bal., § 4481.)

See, *infra*, § 500, Code Pub. Ins. relating to bonds for security for labor on public works.

School districts of the second and third class have no authority to employ an attorney other than the prosecuting attorney.—BELL.

The directors may make arrangements to transport children to school who live more than two miles away, but cannot discriminate.—LYLE.

If a teacher is a near relative of a member of the school district board, he is not by reason of such relationship alone rendered ineligible to election as a teacher in a school under the management of such board of directors.—JONES.

A director cannot lawfully be employed to perform the duties of janitor in his own district.—STRATTON.

A school district cannot claim the attendance of pupils above the eighth grade, if such pupils attend school in some other district.—KNICNERBOCKER.

A board of directors in a school district employing not more than one teacher cannot be required to institute a high school or have high school studies taught in their district.—STRATTON.

Boards of school directors have the power to authorize the school room to be used for summer or night schools, literary, scientific, religious, political, mechanical or agricultural societies, but are not empowered to authorize the use of a school room for dancing purposes.—STRATTON.

A board of school directors has authority to make a by-law refusing to admit children of six years of age to the public schools at any other time than the commencement of a term. The opinion holds such a by-law is not inconsistent with the section of the Code of Public Instruction which admits to attendance all children between ages of six and twenty-one years residing in the school district.—STRATTON.

Directors cannot employ their children as janitors, for the reason that in the employment of their children as janitors the directors would be, at least indirectly, interested in the contract. It is our intention in the above opinion to use the word "children" in the sense of a dependent minor as distinguished from a person who has reached the age of majority and is emancipated from the support of his parents. However, a contract of this kind is so close to the line

that it cannot be governed by any hard and fast rule. The test to be applied is: Does the particular transaction place the school director in a position whereby his individual interest is in opposition to his official duty? If it does, the transaction is void.—LYLE.

Directors are not authorized to build a bridge, as the building of a bridge is not transportation, although it may be an aid thereof. District funds cannot be used for such purposes.—KELLERAN.

We are unable to find any provision in the school code which authorizes the funds of any school district to be expended for speakers, orchestra, decorations, and the rent of a hall or building as part of the commencement exercises of the school; and since school directors only have such powers as are expressly given to them by the legislature, we are of the opinion that school directors have no power to expend the funds of their respective districts for the purpose above mentioned.—LYLE.

Directors cannot incur traveling expenses and charge the same up to the district. This might be considered an oversight on the part of the legislature if it had not specifically provided in section 161 of the school code for the mileage and traveling expenses of the county superintendent of schools.—BELL.

There is no provision in the code which will directly or indirectly authorize the directors of a school district to expend the funds of the district for the rent of a hall for a basket ball game.—LYLE.

Subdivision 11, section 163, Code of Public Instruction, only applies to the transportation of children within the district to the school house owned by the district, and therefore the directors have no power to pay for the transportation of high school pupils from their district to an adjoining district.—LYLE.

A teacher can act as janitor, but the question as to whether or not a teacher would be entitled to extra compensation for so doing would depend entirely on the contract which the teacher had with the school board, and is a matter which rests with the board at the time the contract is made out.—LYLE.

While the purchase of supplies from an instructor is not directly prohibited by statute, the practice should be discouraged, for the reason that more or less of a fiduciary relationship exists between the board and an instructor, and therefore the whole transaction would be subject to the criticism that the board had been induced to purchase the supplies on the recommendation of the instructor. In case the board does purchase supplies from an instructor, the reason for such purchase should be clearly stated in the minutes of the board, so that all parties to the transaction may be protected.—LYLE.

It is unlawful for a director to furnish supplies of any nature to the district.—LYLE.

Directors cannot receive any compensation for services rendered in the construction or repairing of school property.—LYLE.

While the employment of relatives by school directors is not expressly prohibited by statute when the directors have no interest in such employment, nevertheless the practice is contrary to the spirit of the law and should be limited to cases of necessity.—LYLE.

In all cases where the clerks purchase supplies they should procure itemized bills from the persons or corporations from whom the supplies were purchased, together with the usual certificate attached that said supplies have been actually furnished.—LYLE.

A writ of mandate will not issue to compel school directors to pay over to the county treasurer insurance money raised on a loss by fire of a school building in their district, to be divided between it and a new district recently formed out of it, when the money has been actually expended by the directors in the erection of a new school building, pursuant to a unanimous vote of the electors of the district: *Elder v. Territory*, 3 W. T. 438.

In an action for the recovery for services as a school teacher, from which position plaintiff was discharged before the expiration of her term of employment, where the allegations of the complaint regarding her employment by the directors are admitted by the answer, proof as to the manner of the employment is unnecessary, and errors committed by the court in the admission of evidence to prove her employment are immaterial: *Fitzgerald v. School District*, 5 Wash. 112.

In an action for services as teacher the introduction by plaintiff of a first grade certificate, regular in form, signed by the county superintendent, and two examiners are effective, for a period more than covering the time of the employment, and which she states was delivered to her by the county superintendent as a teacher's certificate, is *prima facie* proof of her being entitled to teach at the time she was so employed: *Fitzgerald v. School District, supra*.

In order to obtain jurisdiction of a school district, service of process must be had on the clerk, service on an individual member of the board not being sufficient: *Downs v. Directors*, 4 Wash. 309.

Where the complaint in an action to enjoin the issuance of school bonds alleges that their issuance will increase the indebtedness of the school district to an amount exceeding one and one-half per cent. of the taxable property therein, it will be presumed from the fact that a certain part of the proceeds of the bonds is to be devoted to paying outstanding indebtedness of the district, that the indebtedness will be kept within the one and one-half per cent. limit, in which case the casting of certain illegal votes at such election will not invalidate the issue of bonds, if the rejection of the illegal vote would still leave the majority in favor thereof: *Luzador v. Sargeant*, 4 Wash. 299.

The directors of a district cannot be compelled to open and maintain a public school where it appears that the indebtedness of a school district, including its bonded and warrant indebtedness, exceeds the one and one-half per cent. limitation allowed by the constitution, and that the bonded indebtedness has not been created under a vote of the people authorizing the incurring of indebtedness in excess of such limitation, and there are no moneys on hand for school purposes: *Stanley v. McGeorge*, 17 Wash. 8.

The fact that a teacher was hired at other than a stated and regular meeting of the board of directors would raise the presumption, in the absence of proof to the contrary, that the meeting was held in pursuance of an adjournment of a regular meeting: *Splaine v. School District*, 20 Wash. 74.

Upon the question of the regularity of a school board meeting authorizing a contract, it is not reversible error to exclude testimony as to whether one of the members received notice thereof, when it is not also shown that the meeting was not an adjourned meeting and such member signed the contract next day as secretary of the board: *Id.*

It is the duty of school directors to follow the course of study prescribed by the State Board of Education: *Wagner v. Royal*, 36 Wash. 428.

Where a school district refuses to follow the course of study adopted by the State Board of Education, the publisher of the books (under contract with the State Board) is not entitled to relief by injunction unless materially damaged: *Westland Pub. Co. v. Royal*, 36 Wash. 399.

In case of the discharge of a teacher by a board of directors in which discharge the county superintendent actively participated, the teacher has the right of appeal to the superior court: *State ex rel. Caffrey v. Superior Court*, 30 Wash. Dec. 293, 130 Pac. 747.

164. Every school to have flag

Every board of directors of the several school districts of this state shall procure a United States flag, and shall display said flag upon or near each public school building during school

hours, except in unsuitable weather, and at such other times as to said board may seem proper. (L. '09, p. 286, § 3; Rem. & Bal., § 4482.)

165. School districts to be liable for debts

Every school district shall be liable for any debts legally due, contracted under the provisions of this act, and for judgments against the district, and such district shall pay such judgment or liability out of the proper school funds to the credit of the district. (L. '09, p. 287, § 4; Rem. & Bal., § 4483.)

166. When districts may charge tuition

Any board of directors shall have power to make arrangements with adults wishing to attend school, or with the directors of another district, for the attendance of such children in the school of either district as may be best accommodated therein: *Provided*, That in case such arrangements are not made, or children from school districts not adjoining desire to attend school in their district, they may charge reasonable tuition for such attendance: *Provided further*, That all such money collected by any school district officer for the use of the district shall, within thirty days after the date of its collection, be turned over to the county treasurer and placed to the credit of the district. (L. '09, p. 287, § 5; Rem. & Bal., § 4484.)

167. Directors may make by-laws

Any board of directors shall have power to make such by-laws for their own government, and the government of the common schools under their charge, as they deem expedient, not inconsistent with the provisions of this act, or the instructions of the Superintendent of Public Instruction or the State Board of Education. (L. '09, p. 287, § 6; Rem. & Bal., § 4485.)

168. Directors shall have custody of property

The board of directors of each school district shall have custody of all school property belonging to the district, and shall have power, in the name of the district, to convey by deed all the interest of their district in or to any school house or lot directed to be sold by vote of the district, and all conveyances

of real estate made to the district shall vest title in the district; said board, in the name of the district, shall have power to transact all business necessary for maintaining school and protecting the rights of the district. (L. '09, p. 287, § 7; Rem. & Bal., § 4486.)

169. Directors shall have no pecuniary interests

It shall be unlawful for any director to have any pecuniary interest, either directly or indirectly, in the purchase of school sites or in the erection of school houses, or in the warming, ventilating, furnishing, repairing or insuring of the same, or to be in any manner interested in or connected with the furnishing of supplies for the maintenance of schools, or to receive or accept any compensation or reward for services rendered as director, or be employed for hire by said district or by any person having a contract with said district: *Provided*, That nothing in this section shall be construed to prevent a director elected as clerk from acting as purchasing agent for his district, or from receiving such compensation for performing the duties of school district clerk as are now or may hereafter be provided by law. (L. '09, p. 287, § 8; Rem. & Bal., § 4487.)

See notes, *supra*, § 163, Code Pub. Ins., powers of directors.

A county official is not entitled to pay for the use of his own horse or conveyance as part of his necessary traveling expenses.—LYLE.

A school building site cannot be purchased from a director of the district.—LYLE.

Contracts entered into by a board of directors with themselves for the repairing of a school house, even though no one else could be procured to do the work, are expressly forbidden by this section: *Miller v. Sullivan*, 32 Wash. 115.

The payment by the county treasurer of a school warrant issued by a board of directors in payment of a contract expressly forbidden by statute may be enjoined at the suit of a citizen and taxpayer, although the amount involved is trivial: *Id.*

170. Directors shall not contract indebtedness in excess of income

It shall be unlawful for any board of directors to contract indebtedness against their district in any one year in any sum or sums exceeding the aggregate of the amount due to said district during the year from state funds, the amount of school district tax levied for the year and the estimated receipts from other sources, unless said indebtedness be authorized by a vote

of the electors of said district. (L. '09, p. 288, § 9; Rem. & Bal., § 4488.)

See Const., art. VIII, § 6.

See, *infra*, § 310, Code Pub. Ins., levy for indebtedness.

A school district may authorize the levy of a special tax and draw on the funds thus created for the purpose of building a school house.—LYLE.

A meeting which authorizes the building of a school house and does not authorize the district to borrow money for that purpose, authorizes the district to build such a school house as can be built without incurring an indebtedness.—TANNER.

171. Shall deliver records to his successor

Every school officer shall immediately deliver to his successor in office all books, papers and moneys pertaining to his office. (L. '09, p. 288, § 10; Rem. & Bal., § 4489.)

172. Shall take an oath of office

Every person elected or appointed to any office mentioned in this acticle shall, before entering upon the discharge of the duties thereof, take an oath or affirmation to support the constitution of the United States and the State of Washington, and to promote the interest of education, and to faithfully discharge the duties of his office according to the best of his ability. In case any officer has a written appointment or commission, his oath or affirmation shall be endorsed thereon and sworn to before any officer authorized to administer oaths. School officers are hereby authorized to administer all oaths or affirmations pertaining to their respective offices without charge or fee. All caths of office as herein provided shall, when properly made, be filed with the county superintendent of schools. (L. '09, p. 288, § 11; Rem. & Bal., § 4490.)

173. Shall place signature with county auditor

Every school district director or clerk shall, on assuming the duties of his office, place his signature, certified to by some school district officer, on file in the office of the county auditor. (L. '09, p. 289, § 12; Rem. & Bal., § 4491.)

The provisions of Bal. Code, §2333, making it unlawful for a county treasurer to pay a warrant when the signatures are not registered are intended for the protection, not of the public at large, but of the county and school districts therein, and no action will lie against a treasurer and his sureties, by the holder of a forged school district warrant, who claims to have purchased same on the strength of such treasurer's indorsement: *Roberts v. Prescott*, 15 Wash. 462.

174. Boards may condemn land

The board of directors of any school district of this state may proceed to condemn and appropriate sufficient land for a school house site not to exceed five acres in extent; such condemnation proceedings shall be in accordance with the laws of this state providing for appropriating private property for public use. (L. '09, p. 289, § 13; Rem. & Bal., § 4492.)

School districts can exercise the power of eminent domain to acquire land for the use of school children as an athletic field and general play field; and certainly, if it be within the power of the school district to acquire land for these purposes by condemnation proceedings, it is within its powers to purchase land on which to erect a gymnasium and construct a play field: *Sorenson v. Perkins & Co.*, 29 Wash. Dec. 320; 129 Pac. 577.

175. County superintendent shall approve plans

Whenever any board of directors of school districts of the third class shall be authorized, by the electors of their district, to erect a school building, it shall be the duty of such board, before entering into any contract for the erection of any buildings, to obtain the approval of the county superintendent of the county in which the building is to be erected, of the plans and specifications for the building to be erected. (L. '09, p. 289, § 14; Rem. & Bal., § 4493.)

ARTICLE III—DIRECTORS OF DISTRICTS OF THE FIRST CLASS**176. The board of directors**

The directors of school districts of the first class shall consist of five members, who shall be known as the board of directors. They shall be elected by ballot by the qualified electors of the district, and shall hold their office for a term of three years and until their successors are elected and qualified.

When a district of the second or third class shall become a district of the first class the existing directors shall serve until the annual election preceding the expiration of the term for which they were elected and shall appoint two additional directors, who shall serve until the next annual school election in said district. At such annual election three directors shall be elected, one for one year, one for two years and one for three years.

In case vacancies are to be filled, and the successor or successors are to be elected to fill an unexpired term or terms, the bal-

lot shall specify the term for which each such director is to be elected. (L. '09, p. 289, § 1; Rem. & Bal., § 4494.)

177. Election first Saturday in December

The regular district election in each district of the first class shall be held on the first Saturday of December in each year, and such election shall be held in the manner provided in article 1, chapter 13 of this title. (L. '09, p. 290, § 2; Rem. & Bal., § 4495.)

The question of free text books should be submitted at the regular election in December.—TANNER.

178. Oath of office and organization of board

All persons elected as members of the board of directors of districts of the first class shall, within ten days thereafter, appear before the officer authorized to administer oaths, take and subscribe the usual oath of office and deliver the same to the county superintendent of schools; in case any person elected shall fail so to do, his election shall be void and the vacancy occasioned thereby shall be filled by the board as hereinafter provided. The term of office of persons so elected shall begin on the first Monday of the month of January following their election. At the first meeting of the members of the board in the month of January of each year, they shall elect a president and vice-president from among their number, who shall serve for a term of one year or until their successors are elected and qualified. In the event of the temporary absence or disability of both the president and vice-president, the board of directors may elect a president *pro tempore*, who shall discharge all the duties of president during such temporary absence or disability. They shall also at their regular meeting in the month of January in each year elect a secretary at such salary as they may deem just; said secretary shall not be a member of the board of directors, and may be removed by the board at any time. (L. '09, p. 290, § 3; Rem. & Bal., § 4496.)

179. Election of officers by roll call

The election of the officers of the board of directors, the city superintendent, the secretary, teachers, janitors and all other

officers of such district shall be by *viva voce* vote upon a call of the roll of all the members, and no person shall be declared elected unless he receives a majority vote of all the members of the board. (L. '09, p. 290, § 4; Rem. & Bal., § 4497.)

180. President must preside at meetings

It shall be the duty of the president to preside at all meetings of the board, and to perform such other duties as the board may prescribe. (L. '09, p. 290, § 5; Rem. & Bal., § 4498.)

181. Duties of vice president

It shall be the duty of the vice president to perform all the duties of the president in case of his absence or disability. (L. '09, p. 291, § 6; Rem. & Bal., § 4499.)

182. Duties of the secretary

It shall be the duty of the secretary to be present at all the meetings of the board, to keep an accurate journal of the proceedings, to take charge of its books and documents, to countersign all warrants for school moneys drawn upon the county treasurer by order of the board; he may be authorized by the board of directors to purchase needed supplies for the schools, and shall also act as superintendent of buildings, and may be charged with the special care of the school buildings and other property of the district; he shall also perform such other duties as the board may direct. (L. '09, p. 291, § 7; Rem. & Bal., § 4500.);

183. Bond of the secretary

Before entering upon the discharge of his duties, the secretary of the board shall give bonds in such sum as the board of directors may fix from time to time, but for not less than five thousand dollars (\$5,000), with good and sufficient sureties, and shall take and subscribe an oath or affirmation, before a proper officer, that he will support the constitution of Washington and faithfully perform the duties of his office. He shall, from time to time, as he may be required by the board, make a complete and detailed record of his transactions as secretary, which shall be combined with his annual report, to

be published in the manner determined by the board. (L. '09, p. 291, § 8; Rem. & Bal., § 4501.)

184. Regular and special meetings of the board

The regular meetings of the board of directors shall be held monthly or oftener at such a time as the by-laws of the board may prescribe, but special meetings may be held from time to time as circumstances may demand, at the call of the president or on petition of a majority of the members of the board, and all meetings shall be open to the public unless otherwise specially ordered. (L. '09, p. 291, § 9; Rem. & Bal., § 4502.)

185. The board must maintain an office

The board of directors shall maintain an office where all regular meetings shall be held, and all records, vouchers and other important papers belonging to the board may be preserved, and shall at all times be open for inspection of resident taxpayers. (L. '09, p. 291, § 10; Rem. & Bal., § 4503.)

186. How moneys shall be paid out

The moneys of such school districts shall be paid out only upon warrants signed by the president, or a majority of the board of directors, and countersigned by the secretary: *Provided*, That when, in the judgment of the board of directors, the warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the president personally imposes too great a task on the president, the board of directors, after auditing all payrolls and bills as provided by section 14 of this article, may authorize the issuing of one general certificate to the county treasurer, to be signed by the president, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn. And the secretary of said board shall be authorized to draw and sign said warrants. L. '09, p. 292, § 11; Rem. & Bal., § 4504.)

187. The board to fill vacancies

The board of directors shall have power to fill, by election, any vacancy which may occur in its body, but the election

to fill such vacancy shall be valid only until the next regular district election, and the ballots and returns shall be designated as follows: "To fill unexpired term." (L. '09, p. 292, § 12; Rem. & Bal., § 4505.)

188. The board may compel attendance of its members

A majority of all members of the board of directors shall constitute a quorum, but a less number in attendance at any regular meeting shall have, and a quorum at any special meeting shall have, power to compel the attendance of absent members, in such manner and under such penalties as the board may see fit to prescribe; and the absence of any member from four consecutive regular meetings of the board, unless on account of sickness or by resolution of the board, shall vacate his position in the board, which fact shall be passed upon by the board of directors and spread upon their records. (L. '09, p. 292, § 13; Rem. & Bal., § 4506.)

189. Auditing committee

All accounts shall be audited by a committee to be styled the "auditing committee," and no expenditures greater than \$300 shall be voted by the board except in accordance with a written contract, nor shall any money or appropriation be paid out of the school fund except on a recorded affirmative vote of a majority of all members of the board: *Provided*, That nothing herein shall be construed to prevent the board from making any repairs or improvements to the property of the district through their shop and repair department; and the accounts and the records of said board shall at all times be subject to the inspection and examination of the county superintendent of said county, whose duty it shall be, annually, to examine said records and check said accounts, and report in writing to the board of county commissioners the nature and state of said accounts, and any facts that may be required concerning said records. (L. '09, p. 292, § 14; Rem. & Bal., § 4507.)

190. The board shall advertise for bids

When, in the opinion of the board, the cost of any furniture, supplies, building, improvements or repairs will equal or ex-

ceed the sum of \$300, it shall be the duty of the board to give notice by publication, in at least one daily newspaper published within said district, and if there be no daily, then in one or more weekly papers, in three regular consecutive issues, of the intention to receive bids therefor; and the board shall determine the specifications for such bids, which shall be public: *Provided*, That the board may, without giving such notice, make improvements or repairs to the property of such district through their shop and repair department. (L. '09, p. 293, § 15; Rem. & Bal., § 4508.)

After a school board has duly advertised for bids for the erection of a school house it may make alterations in the specifications reducing the cost of the building, making proper deductions on account of work eliminated and additions for extras, and thereupon enter into a contract with the lowest bidder, without readvertisement, so long as the general plan of the building remains substantially the same, and the parties act in good faith: *Criswell v. Directors School District*, 34 Wash. 420.

A finding of the trial court that a contractor and architect were guilty of fraud in suggesting changes in the specifications for a school building is not warranted where the specifications in the main were identical, and a committee of the board were unable to find any material changes, except such as were agreed to and deductions made therefor: *Id.*

191. Powers of the board

Every board of directors of a school district of the first class shall, in addition to the general powers enumerated in article 4[2], chapter 4, of this title, have the power:

First. To employ for a term of not exceeding three years a city superintendent of schools of the district, and for cause to dismiss him; and to fix his duties and compensation.

Second. To prescribe a course of study and a program of exercises, which shall not be inconsistent with the course of study prepared by the State Board of Education for the use of the common schools of this state.

Third. To make necessary by-laws for more effectively carrying out the provisions of this act, and for facilitating the work of the board, as required by law.

Fourth. To adopt and enforce such rules and regulations as may be deemed essential to the well being of the schools, and to establish and maintain such grades and departments, including night, high, kindergarten, manual training and industrial schools, and schools or departments for the education

and training of any class or classes of defective youth, as shall, in the judgment of the board, best promote the interests of education in that district.

Fifth. To employ, and, for cause, to dismiss, teachers and janitors; to determine the length of time over and above eight (8) months that school shall be maintained, such length of time to give a consecutive vacation of not less than three months between June 1st of any year and September 15th of the same year; to fix the time for annual opening and closing of schools, and for the daily dismissal of primary pupils before the regular time for closing schools.

Sixth. To employ attorneys, an architect, inspectors of construction, superintendents of buildings and janitors, and a superintendent of supplies and other employes, and to prescribe their duties and fix their compensation.

Seventh. To employ, and, for cause, dismiss one or more assistant city superintendents and to define their duties and fix their compensation.

Eighth. To employ, and, for cause, dismiss supervisors of instruction, and to define their duties and fix their compensation.

Ninth. To maintain a shop and repair department, and to employ a foreman and the necessary help for the maintenance and conduct thereof.

Tenth. To provide free text-books and supplies for all children attending school, when so ordered by a vote of the electors; or, if free text-books are not voted by the electors, to provide books for children of indigent parents, on the written statement of the city superintendent that the parents of such children are not able to purchase them.

Eleventh. To require successful vaccination as a condition of school membership and to provide free vaccination to all who are unable to pay for the same: *Provided, however,* That a pupil showing a certificate by a reputable physician that the condition of such child or pupil is such that it would

be injurious to its health and possibly dangerous to its life: *And provided further*, That a child or pupil showing certificate by a reputable physician to the effect that vaccination has failed to take effect, such child or pupil shall have access to the school and vaccination shall not be a condition to school membership to such child or pupil.

Twelfth. To require of the officers or employes of the district to give a bond for the faithful discharge of their duties in such penal sum as may be fixed by the board with good and sufficient surety, and to cause the premium for all bonds required of all such officers or employes to be paid by the district.

Thirteenth. To prohibit all secret fraternities and sororities among the students in any of the schools of the said districts.

Fourteenth. To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector, and whose duty it shall be to decide for the board of directors all questions of sanitation and health affecting the safety and welfare of the public schools of the district; he or authorized deputies shall make monthly inspections of each school in the district and report the condition of the same to the Board of Education and Board of Health. (L. '09, p. 293, § 16; Rem. & Bal., § 4509.)

See, *infra*, §§ 457, 459, Code Pub. Ins., permanent fire insurance fund.

A board of directors cannot conduct a summer school as the law states that there should be a three months' vacation.—LYLE.

Dancing should not be permitted in school houses.—STRATTON.

Publications of a Greek letter fraternity showing a spirit of insubordination to the authorities of a high school are sufficient to support a finding that the fraternity was detrimental to good order in the schools: *Wayland v. Hughes*, 43 Wash. 441.

The legislature has power to require all minors to attend the public schools and all pupils to be vaccinated. *McFadden v. Shorrock*, 55 Wash. 209.

192. Shall take school census

The board of directors shall annually in May of each year cause to be taken an enumeration of all persons between the ages of five and twenty-one years residing in the district; said enumeration shall be made on blanks or books provided

by the district and shall contain such items as the Superintendent of Public Instruction shall require, including the following: The names of all persons, male and female, between the ages of five and twenty-one years residing in the district on the first day of May last past; the date of birth of such child; the names and residences of the parents or guardians of all such children. The census shall be taken by the secretary and such enumerators as he shall select, subject to the approval of the board or its proper committee. The enumerators shall receive such compensation as the board may deem just. Each enumerator shall verify by oath the correctness of his report. The secretary of the district shall report to the county superintendent of schools on or before the 15th day of the ensuing July the total number of males and the total number of females enumerated, together with a complete list containing the detailed information herein required of all defective youth residing in said district. (L. '09, p. 295, § 17; Rem. & Bal., § 4510.)

The law requiring the taking of the school census annually is mandatory. The Code of Public Instruction is presumed to be *the* law until proven to be in conflict with the statutes.—ATKINSON.

193. When board may sell property

The board of directors shall have power to sell any of the property of the district which is no longer required for school purposes at public or private sale upon such terms as they may direct if the value thereof be less than two thousand dollars. The question of the sale of school property which may be found by the board of directors to be unsuitable for school purposes, and to be of greater value than two thousand dollars, shall be submitted to a vote of the electors of the district, either at a general election or at a special election called to be held for that purpose, as may be directed by the board of directors, and if a majority of the voters of the district voting thereon shall be for the sale of the property the directors may make the sale at public auction. The sale must be made for cash and good title will be conveyed by deed of the school dis-

trict, executed by the president or the vice-president and secretary of the board. (L. '09, p. 296, § 18; Rem. & Bal., § 4511.)

194. **Shall direct commissioners to levy taxes**
(See, also, sections 435 to 438)

The board of directors shall annually, at a meeting next preceding the annual tax levy for state and county purposes, report to the board of county commissioners an estimate of the amount of funds, in addition to estimated receipts from the state and county apportionments for said district, required for the support of the schools, for the purchase of school sites, the erection and furnishing of school buildings, the payment of interest upon all bonds issued for school purposes, and the creation of a sinking fund for the payment of such indebtedness, if any, and the county commissioners are hereby authorized and required to levy and collect such additional amount of funds, the same as other taxes: *Provided*, That for the purpose of the purchase of school sites and the erection of buildings the board of directors of a district of the first class in cities having a population of fifty thousand or less, may annually expend a sum not exceeding \$50,000; in cities having a population greater than 50,000 and less than 100,000, a sum not exceeding \$100,000; in cities having a population greater than 100,000 and less than 200,000, a sum not exceeding \$200,000, and for every additional 50,000 of population beyond 200,000 a further sum of \$50,000: *And provided further*, That when any greater expenditure shall be required for said purposes, in any one current school year, the question shall be submitted to a vote of the electors of the district at the time and place the board of directors may appoint. The board of directors shall, previous to such election, designate in one daily paper published in the district, if there be one, if not, then in such weekly papers as may be selected by the board, the place or places where such election shall be held, the locality of the site or sites required and the proposed cost of the buildings to

be erected thereon. (L. '09, p. 296, § 19; Rem. & Bal., § 4512.)

See const., art. VIII, § 6, limit of indebtedness.

See, *infra*, § 203, Code Pub. Ins., second class districts.

See *infra*, §219, Code Pub. Ins., third class districts.

See §§ 9208-9211, Rem. & Bal., publication of itemized estimate.

If a school district in a city of more than 10,000 inhabitants has been enlarged, the funds for the district so enlarged should be raised from the whole district by equal taxation, and under the laws of 1890, page 394, the question of providing funds cannot be affected by the fact that the assessment period commenced prior to the enlargement, or that the boundaries of the district have been changed since the commencement of the assessment period: *School District v. King County*, 3 Wash. 154.

Where the map of the county showing school district boundaries required by the law of 1891, page 300, §53, to be furnished the assessor by the county commissioners has not been corrected by the assessor after the enlargement of a certain school district in the county, and the assessment list made to tally therewith, it is the duty of the auditor, from the data in his possession, to make the necessary corrections in extending the tax: *Id.*

Under Ballinger's Code, §2367 (Rem. & Bal. §4512), the board of directors of school district number 10, Pierce county, has authority to purchase a site for a high school for the sum of \$32,000, when it did not exceed the constitutional limit of indebtedness of the district: *Nichols v. School District*, 39 Wash. 137.

An illegal or invalid purchase of a high school site by a school district board is impliedly ratified by a vote of the district at a special election, authorizing the building of a high school thereon and the issuance of bonds therefor: *Id.*

It is competent for the legislature to provide that the amount of school tax shall be determined by the school board and to require that the ministerial act of making the levy be performed by the board of county commissioners: *State ex rel. Evers v. Byrne*, 32 Wash. 264.

The notice of a meeting of the voters of a school district to decide upon the selection of a school building site and authorize its purchase needs the hour at which polls will be opened, as voting by ballot is not required, and a notice fixing the time of the meeting at 1 o'clock p. m. is sufficient: *Regan v. School District No. 25*, 44 Wash. 523.

195. Maximum tax levy

The tax levied for school purposes in districts of the first class shall in no one year exceed one (1) per cent. of the assessed value of all the taxable property in the district: *Provided*, That when any greater expenditure shall be deemed necessary in any one current school year by the directors, the question shall be submitted to a vote of the electors of the district at the time and place appointed by the board of directors; and notice thereof shall be given as provided in section 19 hereof, which notice shall specify the amount of taxes proposed to be raised in excess of the said one (1) per cent., and if a majority of the electors voting thereon at said election shall be in favor of such additional tax, the entire amount so authorized shall

be levied and collected. No levy, however, shall exceed two (2) per cent of all the taxable property of said district. (L. '09, p. 297, § 20; Rem. & Bal., § 4513.)

See, *infra*, § 281, Code Pub. Ins., state levy.

See, *infra*, § 283, Code Pub. Ins., county levy, limit.

See, *infra*, § 286, Code Pub. Ins., district levy.

See, *infra*, § 618, Code Pub. Ins., exemptions.

A school board cannot contract indebtedness in excess of the income of the district for the current year.—KNICKERBOCKER.

The board of county commissioners has no authority to make a levy for school district purposes in excess of one per cent. of the assessed valuation of all the taxable property of the district without the same having been authorized by a vote of the electors of the school district.—LYLE.

The board of county commissioners are authorized and required to levy and collect the amount of taxes necessary for school purposes in addition to the estimated receipts from other sources.—TANNER.

ARTICLE IV—DIRECTORS OF DISTRICTS OF THE SECOND CLASS

196. Election of directors

Directors of school districts of the second class shall consist of three members. They shall be elected by ballot by the qualified electors of the district, and shall hold their office for a term of three years and until their successors are elected and qualified. In case vacancies are to be filled and a successor or successors to be elected to fill an unexpired term or terms, the ballot shall specify the term for which each director is to be elected. (L. '09, p. 297, § 1; Rem. & Bal., § 4514.)

197. Election the first Saturday in March

The regular district election in each district of the second class shall be held on the first Saturday in March of each year, and such election shall be held in the manner provided in article 1, chapter 13, of this title. (L. '09, p. 298, § 2; Rem. & Bal., § 4515.)

At first regular elections in new districts of the second class, other than consolidated districts containing one incorporated city or town, three directors shall be elected for terms of one, two and three years respectively, and thereafter at each regular election one director shall be elected for a term of three years.—LYLE.

198. How vacancies are filled

In case the electors of any district of the second class shall neglect or fail to elect directors as hereinbefore provided, the

county superintendent may declare vacant the office of any director at the expiration of his term; and in case of a vacancy in the board of directors from any cause, the county superintendent, in conjunction with the other directors if there be two, shall fill such vacancy by appointment until the fourth Monday following the next annual election. (L. '09, p. 298, § 3; Rem. & Bal., § 4516.)

199. Shall take oath of office

All persons elected as members of the board of directors of districts of the second class shall, within ten days thereafter, appear before an officer authorized to administer oaths, take and subscribe the usual oath of office and deliver the same to the county superintendent of schools, and in case any person elected shall fail so to do, his election shall be void and the office shall be deemed vacant. (L. '09, p. 298, § 4; Rem. & Bal., § 4517.)

200. When the board must organize

The term of office of directors of districts of the second class shall begin on the fourth Monday next succeeding their election, on which day the directors shall meet at the hour of two o'clock p. m., and shall at once organize by electing one of their members as chairman of the board. They shall also elect a person to act as clerk, who may or may not be a member of the board of directors. The chairman and clerk shall both immediately enter upon the discharge of their duties and shall serve for a period of one year: *Provided*, That if any such clerk shall fail to discharge his duties in accordance with law, the board of directors may, at any time, remove such clerk and elect another person to fill the unexpired term. (L. '09, p. 298, § 5; Rem. & Bal., § 4518.)

201. Regular and special meetings of the board

The regular meetings of the board of directors shall occur on the first Friday of each month, and they may hold such other special or adjourned meetings as they may from time to time determine, or as may be specified in their by-laws. Special

meetings may be called by the chairman or by any two members of the board. (L. '09, p. 299, § 6; Rem. & Bal., § 4519.)

202. Shall buy books, apparatus, etc.

Every board of directors of districts of the second class, in addition to the powers and duties enumerated in article 4[2], chapter 4, of this title, shall have the power and it shall be their duty to provide and pay for such materials, supplies and libraries, as may be necessary for the schools, and to purchase such maps, charts and other apparatus as may be deemed necessary for the use of their schools. (L. '09, p. 299, § 7; Rem. & Bal., § 4520.)

203. Shall direct commissioners to levy taxes

The board of directors shall annually at a meeting preceding the annual tax levy for state and county purposes, report to the board of county commissioners an estimate in detail of the amount of funds which will be required by their district for all purposes for the ensuing year, and the county commissioners are hereby authorized and required to levy and collect such amount, after deducting the estimated receipts from the state and county apportionment for said districts, said estimate to be furnished by the county superintendent of schools. The levy in any one year shall not exceed one (1) per cent. of the assessed value of all the taxable property of the district: *Provided*, That when any greater expenditure in any one current school year shall be deemed necessary, the question shall be submitted to a vote of the electors of the district at the time and place and in the manner provided for calling special elections. The notice of such election shall specify the amount of taxes proposed to be raised in excess of the said one (1) per cent., and if a majority of the electors voting thereon at said election shall be in favor of such additional tax, the entire amount so authorized shall be levied and collected. No tax, however, shall exceed two (2) per cent. of all the taxable property of said district. In case any board of directors shall fail to make and report the said estimate to the board of county commissioners on or before the first day of September,

it shall be the duty of the county school superintendent to make such estimate, which will be accepted in lieu of the directors' estimate. (L. '09, p. 299, § 8; Rem. & Bal., § 4521.)

See, *infra*, § 435, Code Pub. Ins., detailed estimate of expenditures.

See, *infra*, § 438, Code Pub. Ins., penalty.

See, *supra*, §§194, 195, Code Pub. Ins., first class districts.

See, *infra*, § 219, Code Pub. Ins., third class districts.

The county commissioners cannot make a levy in excess of one per cent. of the taxable property of the county without a vote of the people: LYLE.

A school board cannot contract indebtedness in excess of the income of the district for the current year.—KNICKERBOCKER.

The board of county commissioners has no authority to make a levy for school district purposes in excess of one per cent. of the assessed valuation of all the taxable property of the district without the same having been authorized by a vote of the electors of the school district.—LYLE.

The board of county commissioners are authorized and required to levy and collect the amount of taxes necessary for school purposes in addition to the estimated receipts from other sources.—TANNER.

204. Shall select sites and build houses when directed by the people

The board shall build or remove school houses, purchase or sell lots or other real estate when directed by a vote of the district to do so: *Provided*, That a school house already built on a site which has been selected by a majority vote of the legal school electors of a district shall not be removed to a new site without a two-thirds vote of the school electors voting at an annual or special election; nor shall a school house site that has been selected by a majority vote of the legal school electors, but upon which no school house has been built, be changed except by a two-thirds vote of the legal school electors voting at an annual or special election as hereinbefore provided. (L. '09, p. 300, § 9; Rem. & Bal., § 4522.)

A school district may authorize the levy of a tax and draw on the fund thus created for the building of a school house.—TANNER.

A two-thirds vote of the qualified electors of the district voting at the election will be necessary in order to change the location of a site theretofore selected.—CAMPBELL.

205. Shall elect teachers, when

No board of directors shall employ any teacher or teachers whose term or terms of service begin after the first Monday in August, until after the directors elected at the annual school election in said year shall have entered upon the discharge of their duties. (L. '09, p. 300, § 10; Rem. & Bal., § 4523.)

206. Shall elect superintendent or principal

In all districts of the second class the board of directors shall elect a superintendent, or a principal, who shall hold a valid teacher's certificate. The said superintendent, or principal, shall have supervision over the several departments of the school, and the board of directors may contract with him for a term of one year, or a term of two years, as may be deemed best in their judgment. (L. '09, p. 300, § 11; Rem. & Bal., § 4524.)

207. Minimum term six months

In all districts of the second class the minimum school term for each year shall be six months. (L. '09, p. 300, § 12; Rem. & Bal., § 4525.)

ARTICLE V—DIRECTORS OF DISTRICTS OF THE THIRD CLASS**208. Election of directors**

Directors of school districts of the third class shall consist of three members. They shall be elected by ballot by the qualified electors of the district, and shall hold their office for a term of three years and until their successors are elected and qualified. At the first annual election in all new districts three directors shall be elected for one, two and three years respectively, and the ballots at such election shall specify the term for which each is to be elected. At each election after the first, one director shall be elected for a term of three years. In case vacancies are to be filled and a successor or successors to be elected to fill an unexpired term or terms, the ballots shall specify the term for which each director is to be elected. (L. '09, p. 300, § 1; Rem. & Bal., § 4526.)

209. Election on first Saturday in March

The regular district election in each district of the third class shall be on the first Saturday in March of each year, and such election shall be held in the manner provided in article 1, chapter 13, of this title. (L. '09, p. 301, § 2; Rem. & Bal., § 4527.)

210. County superintendent shall fill vacancies

In case the electors of any district of the third class shall neglect or fail to elect directors as hereinbefore provided, the county superintendent may declare vacant the office of any director at the expiration of his term; and in case of a vacancy in the board of directors from any cause, the county superintendent shall fill such vacancy by appointment until the fourth Monday following the next annual election. (L. '09, p. 301, § 3; Rem. & Bal., § 4528.)

211. Shall take oath of office

All persons elected as members of the board of directors of districts of the third class shall, within ten days thereafter, appear before an officer authorized to administer oaths, take and subscribe the usual oath of office and deliver the same to the county superintendent of schools, and in case any person elected shall fail so to do, his election shall be void and the office shall be deemed vacant. (L. '09, p. 301, § 3; Rem. & Bal., § 4529.)

212. Organization of board

The term of office of directors of districts of the third class shall begin on the fourth Monday next succeeding their election, on which day the directors shall meet at the hour of two o'clock p. m., and shall at once organize by electing one of their members as chairman and another as clerk, who shall each immediately enter upon the discharge of his duties, and shall serve for the period of one year: *Provided*, That if any such clerk shall fail to discharge his duties in accordance with law, the board of directors may, at any time, remove such clerk and elect another of their number to fill the unexpired term. (L. '09, p. 301, § 5; Rem. & Bal., § 4530.)

213. Regular and special meetings of board

A regular meeting of each board of directors of districts of the third class shall be held on the first Saturday of February, May, August and November, and they may hold such other special or adjourned meetings as they may from time to time

determine, or as may be specified in their by-laws. Special meetings may be called by the chairman or by any two members of the board. (L. '09, p. 302, § 6; Rem. & Bal., § 4531.)

214. Shall purchase books, apparatus, etc.

Every board of directors of districts of the third class shall, in addition to the power and duties enumerated in article 4[2], chapter 4, of this title, have power and it shall be their duty to provide and pay for such materials, supplies and libraries as may be necessary for the schools, and to purchase such maps, charts and other apparatus as may have the written approval of the county school superintendent. (L. '09, p. 302, § 7; Rem. & Bal., § 4532.)

215. When a principal shall be elected

In all districts where the number of children of school age is sufficient to require the employment of more than one teacher, the board shall designate one of such teachers as principal, and such principal shall have general supervision over the several departments of such school. The school or schools in such districts shall be graded in such a manner as the directors thereof shall deem best suited to the conditions of such districts. (L. '09, p. 302, § 8; Rem. & Bal., § 4533.)

216. When a superintendent shall be elected

The directors of any districts wherein schools are maintained in two or more buildings shall elect a superintendent, who may be a teacher in the schools of such district, and such superintendent shall have general supervision over the schools in such district in accordance with the rules and regulations of the board of directors. (L. '09, p. 302, § 9; Rem. & Bal., § 4534.)

217. Superintendent or principal shall make report

It shall be the duty of the principal or superintendent of any school maintaining two or more departments to report to the Superintendent of Public Instruction such facts relating to the grading, course of study, enrollment, attendance and other matters pertaining to such schools as he may require on blanks for that purpose. (L. '09, p. 302, § 10; Rem. & Bal., § 4535.)

218. Shall elect teachers, when

No board of directors shall employ any teacher or teachers whose term or terms of service begin after the first Monday in August, until after the directors elected at the annual school election in said year shall have entered upon the discharge of their duties. (L. '09, p. 302, § 11; Rem. & Bal., § 4536.)

219. Shall direct commissioners to levy taxes

The board of directors shall annually at a meeting preceding the annual tax levy for state and county purposes, report to the board of county commissioners an estimate in detail of the amount of funds which will be required by their district for all purposes for the ensuing year, and the county commissioners are hereby authorized and required to levy and collect such amount, after deducting the estimated receipts from the state and county apportionment for said districts. The levy in any one year shall not exceed one (1) per cent. of the assessed value of all the taxable property of the district: *Provided*, That when any greater expenditure in any one current school year shall be deemed necessary, the question shall be submitted to a vote of the electors of the district at the time and place and in the manner provided for calling special elections. The notice of such election shall specify the amount of taxes proposed to be raised in excess of the said one (1) per cent, and if a majority of the electors voting thereon at said election shall be in favor of such additional tax, the entire amount so authorized shall be levied and collected. No tax, however, shall exceed two (2) per cent. of all the taxable property of said district. In case any board of directors shall fail to make and report the said estimate to the board of county commissioners on or before the first day of September, it shall be the duty of the county school superintendent to make such estimate, which will be accepted in lieu of the directors' estimate. (L. '09, p. 303, § 12; Rem. & Bal., § 4537.)

See, *supra*, §§ 194, 195, Code Pub. Ins., first class districts.

See, *supra*, § 203, Code Pub. Ins., second class districts.

A school board cannot contract indebtedness in excess of the income of the district for the current year.—KNICKERBOCKER.

The board of county commissioners has no authority to make a levy for

school district purposes in excess of one per cent. of the assessed valuation of all taxable property of the district without the same having been authorized by a vote of the electors of the school district.—LYLE.

The board of county commissioners are authorized and required to levy and collect the amount of taxes necessary for school purposes in addition to the estimated receipts from other sources.—TANNER.

220. Shall select sites and build houses when directed by the people

The board shall build or remove school houses, purchase or sell lots or other real estate, when directed by a vote of the district to do so: *Provided*, That a school house already built on a site which has been selected by a majority vote of the legal school electors of a district shall not be removed to a new site without a two-thirds vote of the school electors voting at an annual or special election; nor shall a school house site that has been selected by a majority vote of the legal school electors, but upon which no school house has been built, be changed except by a two-thirds vote of the legal school electors voting at an annual or special school election as hereinbefore provided. (L. '09, p. 303, § 13; Rem. & Bal., § 4538.)

See, *infra*, §338 *et seq.*, Code Pub. Ins., elections.

Upon a vote of the electors the district might use the money for the purchase of a site other than that named in the proposition.—CAMPBELL.

A site for a school house cannot be changed except by a two-thirds vote of the electors at an annual or special meeting called for that purpose.—CAMPBELL.

221. County superintendent shall approve plans

Whenever any board of directors shall be authorized by the electors of their district to erect a school building, it shall be the duty of such board, before entering into any contract for the erection of any building, to obtain the approval of the county superintendent, of the plans and specifications for the building to be erected, including also the heating, lighting, ventilating and safety thereof. (L. '09, p. 304, § 14; Rem. & Bal., § 4539.)

ARTICLE VI—DISTRICT CLERK

222. Clerk to notify county superintendent of organization of board

Every school district clerk in districts of the second and the third class shall within ten days after any change in the office of chairman or clerk, notify the county superintendent of such change in the organization of the board. (L. '09, p. 304, § 1; Rem. & Bal., § 4540.)

223. Duties of the district clerk

The duties of the district clerk shall be as follows:

First. To attend all meetings of the boards of directors; but if he shall not be present, the board of directors shall select one of their number to act as clerk, who shall certify the proceedings of the meeting to the clerk of the district, to be recorded by him. He shall keep his records in a book to be furnished by the board of directors, and he shall preserve copies of all reports made to the county superintendent, and safely preserve and keep all books and documents belonging to his office, and shall turn the same over to his successor.

Second. To keep accurate and detailed accounts of all receipts and expenditures of school money. At each annual school meeting the district clerk must present his record book for public inspection, and shall make a statement of the financial condition of the district and of the action of the directors, and such record must always be open for public inspection.

Third. To take annually in May of each year an exact census of all children and youth between the ages of five and twenty-one years who were *bona fide* residents of the district on the first day of May of that year. He shall designate the name and sex of each child, and the date of its birth; the number of weeks it has attended school during the school year, and its postoffice address. Parents or guardians must be required to sign a certified statement of the correctness of this report: *Provided*, That Indian children not living under the guardianship of white persons, or who have not severed their tribal relations, shall not be included in said census. He shall also list separately all defective youth between the ages of five and twenty-one and give such information concerning them as may be required.

Fourth. To make to the county superintendent on or before the 15th day of July his annual report, verified by affidavit, upon blanks to be furnished by the Superintendent of Public Instruction. It shall contain such items of information as said Superintendent of Public Instruction shall require, including

the following: A full and complete report of all children enumerated; the number of schools or departments taught during the year; the number of children, male and female, enrolled in the school, and the average daily attendance; the number of teachers employed, and their compensation per month; the number of days school was taught during the past school year, and by whom; and the number of volumes, if any, in the school district library; the number of school houses in the district and the value of them; the aggregate value of all school furniture and apparatus belonging to the district, and the clerk shall keep on file a duplicate copy of said report.

Fifth. To carry out all orders of the board of directors made at any regular or special meeting, and to keep an accurate account of all expenses incurred by him in his district in keeping the school house in repair, in providing for necessary janitor work, and in providing school supplies, and for other expenses incurred by him on account of the school, which accounts must be audited by the board of directors, and paid out of the district school fund.

Sixth. To give the required notice of all annual or special elections; also to give notice of the regular and special meetings of the board of directors as herein authorized.

Seventh. To report to the county superintendent at the beginning of each term of school the name of the teacher and the proposed length of the term, and to supply the teacher with the school register furnished by the county school superintendent.

Eighth. To sign all warrants ordered to be issued by the board of directors, and to report to the county treasurer on or before the first Monday of each calendar month all the warrants drawn by the directors of his district, giving date, number and fund on which each warrant is drawn. (L. '09, p. 304, § 2; Rem. & Bal., § 4541.)

A school superintendent cannot hold office of school clerk without vacating the office of superintendent. A school clerk cannot fill the office of school teacher, and a teacher is ineligible to the office of clerk of the district in which he is employed.—LYLE.

Districts of the second class may elect a person to act as clerk who may or may not be a member of the school board.—LYLE.

Clerks should procure itemized bills from whom supplies are purchased.—LYLE.

224. Compensation of the clerk

The district clerk shall receive three dollars per day for the time actually and necessarily spent in taking the census and making his report, and he shall receive such other reasonable compensation for other services as the directors shall allow, said accounts to be audited and paid by the directors out of the funds of the district: *Provided*, That no account for services rendered by any district clerk shall be audited or allowed by any board of directors, or any warrant issued for the payment of any such accounts, until he shall have filed with the board of directors a certificate of the county superintendent of his county that all reports required by law have been properly made; and it shall be the duty of the county superintendent to make and transmit to the clerks of such districts as have made all the reports as required by law, on or before the last Saturday of the months of January, April, July and October of each year, the certificates required by this section. (L. '09, p. 306, § 3; Rem. & Bal., § 4542.)

ARTICLE VII—TEACHERS

225. Teachers shall hold valid certificates

No person shall be accounted as a qualified teacher within the meaning of the school law who is not the holder of a valid teacher's certificate or diploma issued by lawful authority of this state. (L. '09, p. 306, § 1; Rem. & Bal., § 4543.)

Where a school board, after determining to reduce its corps of teachers from thirteen to twelve, for the ensuing year, passed a resolution re-employing all, but reserving the right to remove one of the teachers, in case all accepted, the action of the board in requesting one of the teachers to resign after she had accepted the contract of employment, was not equivalent to a removal: *Kennedy v. School District*, 20 Wash. 399.

Proceedings before a Superintendent of Public Instruction to revoke a teacher's certificate, upon the determination of sufficient cause, after a hearing, are subject to review by certiorari, under Ballinger's Code, §§ 5740-5751 (R. & B., §§ 996-1012): *Browne v. Gear*, 21 Wash. 147.

A temporary certificate to teach granted by the county superintendent of schools cannot be collaterally attacked in an action brought against a school district for breach of contract of employment to teach its school, when there is no allegation of fraud or collusion in obtaining the certificate: *Kimball v. School District*, 23 Wash. 520.

Where a person under contract to teach a school for a term of nine months has a license qualifying her to teach only two months, at the time she tenders her services at the beginning of the school term, the district is released from its obligation to perform its part of the contract, and she has no right of recovery thereon, since the contract is an entire one and a breach as to any material part is a complete discharge as to the whole: *Kimball v. School District No. 122, Spokane County*, 23 Wash. 520.

A letter from the county superintendent stating that a teacher's papers are sufficient to entitle him to a certificate and that one will be issued on application as provided by statute, is not the equivalent of a certificate, and an action for wages will not lie where at the time of making the contract and entering upon the service no certificate had been obtained: *Kester v. School District No. 34 of Walla Walla County*, 48 Wash. 486.

226. Teachers must report to county superintendent

Every teacher who shall be teaching at the close of the school year, or who shall teach the last term of any school year, in any school district, shall make a report to the county superintendent immediately upon the close of such school year or term for the entire time taught in said school district since the beginning of the school year. Copies of all reports made by teachers shall be furnished to the clerk of the district, to be by him filed in his office. No board of directors shall draw any order or warrant for the salary of any teacher for the last month of his or her service until the reports herein required shall have been made, and the same approved by the county superintendent: *Provided*, That in all schools acting under the direction of the city superintendent the report of such superintendent shall be accepted by the county superintendent and the directors in lieu of the teacher's reports, and that when there is no city superintendent, the report of the principal shall be accepted in lieu of the teacher's report. (L. '09, p. 307, § 2; Rem. & Bal., § 4544.)

227. Shall keep register

Every teacher shall keep a school register in the manner provided for, and no board of directors shall draw any order or warrant for the salary of any teacher for the last month of his service in the school at the end of any term or year until they shall have received a certificate from the district clerk, countersigned by the county superintendent, that the said register has been properly kept, the summaries made and the statistics entered, or until, by personal examination, they

shall have satisfied themselves that it has been done. (L. '09, p. 307, § 3; Rem. & Bal., § 4545.)

228. Shall enforce course of study and prescribed regulations

Teachers shall faithfully enforce in the schools the course of study and regulations prescribed, and shall furnish promptly all information relating to the school which may be requested by the county superintendent. (L. '09, p. 307, § 4; Rem. & Bal., § 4546.)

The school teacher, not the board of directors, is the proper authority to determine to what grade or course a pupil properly belongs.—Ross.

229. Shall be employed by written order of the board

No teacher shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless the holder of a legal teacher's certificate in full force and effect for the full period covered by the said contract. (L. '09, p. 307, § 5; Rem. & Bal., § 4547.)

A teacher can recover the amount of her contract, less the sum earned elsewhere, where a contract was annulled by the board before the term begins simply because the employment was ill-advised and contrary to the wishes of a number of citizens: *Splaine v. School District*, 20 Wash. 74.

230. Shall not be required to teach on holidays

No teacher shall be required to teach school on Saturdays, Labor Day, Thanksgiving Day and the day immediately following Thanksgiving Day, Christmas, New Years, Washington's Birthday, Memorial Day, or the Fourth of July: *Provided*, That no reduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught. (L. '09, p. 308, § 6; Rem. & Bal., § 4548.)

The teacher, outside of her professional obligations, possesses the ordinary personal rights and freedom that other persons do; the same social privileges and the same right to discussion of public questions at proper times and places: *Brown v. Gear*, 21 Wash. 147.

231. May suspend pupils

Every teacher shall have the power to hold every pupil to a strict accountability in school for any disorderly conduct

on the way to and from school, or on the grounds of the school, or during the intermission or recess; to suspend from school any pupil for good cause: *Provided*, That such suspension shall be reported to the directors as soon as practicable for their decision. (L. '09, p. 308, § 7; Rem. & Bal., § 4549.)

A teacher has no right to punish a child for any act committed after the child has reached home, after dismissal.—ATKINSON.

232. Must teach morality and patriotism

It shall be the duty of all teachers to endeavor to impress on the minds of their pupils the principles of morality, truth, justice, temperance, humanity and patriotism; to teach them to avoid idleness, profanity and falsehood; to instruct them in the principles of free government, and to train them up to the true comprehension of the rights, duty and dignity of American citizenship. (L. '09, p. 308, § 8; Rem. & Bal., § 4550.)

See, *infra*, p. 274, Code Pub. Ins., rules and regulations, State Board of Education.

The stated reading of the Bible in the public schools of this state is a religious exercise within the meaning of the constitution, and as such is thereby prohibited in section 11, article I of that document.—JONES.

ARTICLE VIII—COUNTY AUDITOR

233. Districts of the third class only

The duties of the county auditor hereinafter defined shall relate only to districts of the third class unless otherwise expressly provided. (L. '09, p. 308, § 1; Rem. & Bal., § 4552.)

See, *infra*, § 243 *et seq.*, Code Pub. Ins., apportionments.

See *infra*, § 279 *et seq.*, Code Pub. Ins., school revenues.

See, *infra*, § 288 *et seq.*, Code Pub. Ins., bonds.

234. Shall audit accounts of school district

The county auditors of the several counties of this state shall audit all accounts of the several school districts of their respective counties, the same as other accounts are audited with the other departments of the county. (L. '09, p. 308, § 2; Rem. & Bal., § 4553.)

Bureau of Inspection and Supervision of Public Offices to install uniform system of accounting. (L. '11, p. 108, § 1.)

235. Shall countersign and register warrants

He shall countersign and register warrants for the payment of all teachers' salaries, supplies, apparatus, and accounts against the district upon the written order of the majority of the members of the school board of each district. (L. '09, p. 308, § 3; Rem. & Bal., § 4554.)

236. Shall not register warrant, when

No warrant shall be countersigned and registered for the payment of any teacher who is not qualified within the meaning of the law of this state, nor unless a written contract be filed with the county superintendent in accordance with the provisions of the law. (L. '09, p. 308, § 4; Rem. & Bal., § 4555.)

237. When county superintendent must approve order

No warrants for maps, charts and apparatus shall be countersigned and registered until the order shall have been approved by the county superintendent. (L. '09, p. 309, § 5; Rem. & Bal., § 4556.)

238. Warrant for last month's salary

He shall not countersign and register the warrant in payment of the last month's salary of teachers in districts of the third class until he shall receive due notice from the county superintendent that the teacher's final report has been made to the said county superintendent. (L. '09, p. 309, § 6; Rem. & Bal., § 4557.)

238½. Registration of warrants—Reports

He shall cause all school warrants of the district issued by him to be registered in the treasurer's office and retain the vouchers on file in his office.

He shall register in his own office, and present to the treasurer for registration in the office of the county treasurer, all warrants of the first and second class districts received from all secretaries and clerks thereof before delivery of the same to claimants.

He shall check the redeemed warrants of each school district

after each monthly settlement with the treasurer, enter the date redeemed in his school warrant register, and certify as to the correctness of the treasurer's reports to such school districts.

He shall make an annual report to the county superintendent of schools on or before the fifteenth day of July in such form as may be prescribed by the Superintendent of Public Instruction. (L. '11, p. 377, § 1.)

A member of the faculty of the state university can charge schools for delivering a lecture at such school, without being subject to the charge of receiving double salary.—BELL.

The above ruling applies to institutes and other educational gatherings, such as commencements, teachers' meetings, directors' meetings, etc.—LEE.

All warrants drawn on the funds of districts of the first and second class must be delivered to the county auditor for registration, and by him presented to the county treasurer for registration before the same are delivered to the claimants.—LYLE.

Power is given the State Auditor, his deputies, every state examiner and every person legally appointed to issue subpoenas and compulsory process and to direct the service thereof by any constable or sheriff, to compel the attendance of witnesses and the production of books and papers before him at any designated time and place, and to administer oaths.—LYLE.

Wherever the county auditor suspects or has reason to believe that the business methods and accounts of any school district or school district officer require a special investigation, it is his duty to report the facts to the Bureau of Inspection and Supervision of Public Offices. The investigation, if deemed advisable, can then be made under the direction of the bureau, either by the county auditor or some person legally qualified for such service, and necessary witnesses may be required to appear with the books and papers at the time and place designated by the bureau.—LYLE.

ARTICLE IX—COUNTY TREASURER

239. Duties of county treasurer

The county treasurer of each county of this state shall be *ex-officio* treasurer of the several school districts of their respective counties, and it shall be the duty of each county treasurer:

First. To receive and hold all moneys belonging to such school districts, and to pay them out only on warrants legally issued.

Second. To certify to the county superintendent of common schools and the auditor of his county, quarterly of each year at the time of the state apportionment, the amount of all school funds in his possession subject to apportionment on the last day of the preceding month, which certificate shall

specify the source or sources from which said moneys were derived.

Third. To make annually, on or before the fifteenth day of July, a report to the county superintendent and auditor of his county, which report shall show the amount of school funds on hand at the beginning of the school year last past belonging to each school district; the amount of funds placed to the credit of each school district during the school year ending June 30th, last past, and the sources from which said funds were derived; the amount of warrants registered during the year, the amount of funds disbursed upon warrants of each school district during the year; the amount of funds remaining in his possession at the close of the school year subject to be paid out upon warrants, and the fund to which said moneys belong; also the amount of all unpaid warrants or bonds appearing upon his register at the close of the school year.

Fourth. He shall register all school warrants presented to him by the county auditor in a book to be known as the "Treasurer's School District Warrant Register," which register shall show the date issued, number of warrant, to whom issued, amount and purpose, date registered, date advertised, interest if any accruing on said warrant, total as redeemed, date redeemed and to whom paid. If the district has money in the fund on which the warrant is drawn no endorsement on the warrant is necessary, but if there be no money to the credit of the fund on which the warrant is registered he shall endorse on said warrant the following: "This warrant bears interest at... per cent. per annum from.....until called for payment.County Treasurer. By.....Deputy." All warrants shall be paid in the order of their presentation to the county treasurer; and it is hereby made the duty of the county treasurer to advertise, at least quarterly, all warrants which he is prepared to pay, in the same manner in which he is required to advertise county warrants, and after the date fixed in said notice, warrants shall cease to draw interest.

Fifth. He shall prepare and submit to the secretary of

each district of the first class, and to the clerk of each district of the second and third class in his county, a written report of the state of the finances of such district on the first day of each month, which report shall be submitted not later than the seventh day of said month, certified to by the county auditor, which report shall contain the balance on hand the first of the preceding month, the funds paid in, warrants paid with interest thereon, if any, the number of warrants issued and not paid, and the balance on hand.

Sixth. After each monthly settlement with the county commissioners the treasurer of each county shall submit a statement of all cancelled warrants of districts of the first or second class to the secretary or clerk of such district, which statement shall be verified to the county auditor. The cancelled warrants of each district shall be preserved separately and shall at all times be open to inspection by the secretary or clerk or by any authorized accountant of such district.

Seventh. He shall remit all moneys derived from the sale of school registers, and school clerks' record books to the State Treasurer, as other moneys are required to be remitted, and the State Treasurer shall place such moneys to the credit of the general fund of the state. (L. '11, p. 386, § 1.)

See, *infra*, § 459, Code Pub. Ins., permanent fire insurance fund.

A treasurer is liable for interest where by his own oversight he fails to advertise and pay a warrant when there are funds.—LYLE.

The statute of limitations runs against school warrants after the same have been called by the county treasurer. Sec. 157, Rem. & Bal., which provides that actions based upon a contract in writing, or liability expressed or implied arising out of a written agreement, must be commenced within six years after the cause of action has accrued.—LYLE.

If the county treasurer has reason to believe, either from matters appearing upon the face of a warrant, from the records of his office, or from other matters coming to his attention, that the warrant is illegal, it is his duty to make such investigation as will satisfy him of the legality of the warrant, or if he finds the same to be illegal, to refuse payment thereof. On the other hand, if the warrant is regular upon its face, and the county treasurer has no reason to believe that it is illegal, then he is justified in paying the same without further investigation.—TANNER.

A county treasurer, who is *ex-officio* treasurer of a school district of his county, is not entitled to a commission or percentage for receiving and disbursing the proceeds of certain school bonds of his district, whether he acted in the performance of such duties as the treasurer of the county or of the district; *School District v. Cole*, 4 Wash. 395.

ARTICLE X—COUNTY BOARDS OF EDUCATION

240. Appointment and term of office

There shall be in each county of this state a county board of education, which shall consist of five (5) members, including the county superintendent of common schools, who shall be *ex-officio* chairman of the board; the other members of said board shall be appointed by the county superintendent on the first Monday of September following his election and shall hold office for a term of two years: *Provided*, That in the event of a vacancy in said board from any cause the county superintendent shall fill the same for the remainder of the school year by appointment. (L. '09, p. 311, § 1; Rem. & Bal., § 4559.)

241. Qualification and compensation of members

Every member of the county board of education shall be the holder of a valid teacher's certificate for this state, and the members other than the county superintendent shall receive five dollars per day for the time spent in the performance of their official duties, and they shall also receive actual necessary traveling expenses, and the same shall be paid out of the funds of the county. (L. '09, p. 311, § 2; Rem. & Bal., § 4560.)

242. Powers and duties

Every county board of education shall have power and it shall be its duty:

First. To grade the manuscripts of the pupils who take the state examination for the purpose of securing eighth grade or grammar school certificates.

Second. To adopt text-books for use in the public schools of school districts of the second division, as defined in chapter 7, Title III, of this act, of said county.

Third. To assist the county superintendent in the preparation of manuals, courses of study, rules and regulations for the circulating libraries, and to perform such other duties as may be required by him.

Fourth. To adopt rules and regulations for the schools of the county, not inconsistent with the Code of Public Instruction or with the rules and regulations of the State Board of

Education or the Superintendent of Public Instruction. (L. '09, p. 311, § 3; Rem. & Bal., § 4561.)

The members of the board of education are entitled to be repaid for their hotel expenses when compelled to remain away from home on the business of said board.—BELL.

CHAPTER 5—APPORTIONMENTS

243. Six apportionments each year

The Superintendent of Public Instruction shall apportion to the several counties of this state on or before the 20th day of July, October, January, April, May and June of each year such current state school funds as have been certified by the State Auditor to be in the hands of the state and county treasurers. (L. '11, p. 613, § 1.)

The fact that the school fund of a county is indebted to the state on account of taxes levied and collected does not justify the State Auditor in deducting any portion of such indebtedness from the amount of the warrant he is required by law to draw in favor of the school fund of any county, when the Superintendent of Public Instruction has apportioned the state school fund to the respective counties and reported same to the State Auditor, with the direction to issue warrants to the treasurers of the various counties for the respective amounts due them thereunder: *State ex rel. Tanner v. Cheetham*, 23 Wash. 666.

244. County superintendents' reports basis of apportionment

For the purpose of the apportionment the Superintendent of Public Instruction shall base his calculations upon the days' attendance as shown by the several county superintendents' last annual reports filed in his office. (L. '09, p. 312, § 2; Rem. & Bal., § 4563.)

245. Total days' attendance the basis of apportionment

The basis of the apportionment to each county shall be on the total days of attendance in the several districts of the county: *Provided*, That each school district shall be credited with at least two thousand days' attendance. (L. '09, p. 312, § 3; Rem. & Bal., § 4564.)

246. Attendance of non-resident pupils

If a pupil attends any public school of the state, outside of his resident district, up to the ninth grade, during the time the resident district maintains a school of the grade in which the pupil belongs, the attendance shall be credited to the district in which the pupil resides, unless mutually agreed otherwise by

the directors of the two districts. (L. '09, p. 312, § 4; Rem. & Bal., § 4565.)

247. Clerk may claim attendance for district

The clerk of any district whose resident pupils are attending school in another district may notify the clerk of the district where such pupils attend, when the school of said pupils' resident district will be in session, and of the grades that will be maintained, and he must file a duplicate copy of said notice with the county superintendent. He must name the pupils in his notice, and it shall be the duty of the district clerk so notified, on or before the thirtieth day of June, to certify to the clerk of the resident district the actual number of days' attendance at school of such pupils during the time that a school of the grade to which the pupil or pupils properly belong was in session in their resident district. And in case said clerk shall fail or refuse to furnish such information to the clerk of the resident district, then it shall be the duty of the county superintendent to grant to the district to which the attendance belongs the maximum number of days claimed by the clerk of said district. Without the notice herein required by the clerk of the resident district, all claims to attendance will be forfeited. (L. '09, p. 312, § 5; Rem. & Bal., § 4566.)

248. Private schools shall report attendance

It shall be the duty of the principal or head of every private school on or before the 30th day of June of each year to make a sworn report to the clerk of the district in which any pupil attending such private school resides of the actual days' attendance in said private school of each such pupil attending said private school during the preceding school year. The report shall include such pupils only as are between six and twenty-one years of age and whose parents or guardians actually reside in the school district where the said pupil resides, and each district in making up the attendance of said district for the purpose of apportionment shall be entitled to the days' attendance so reported. (L. '13, p. 518, § 1.)

249. Attendance in high schools

For purposes of apportionment of current state school funds, the attendance of all pupils in high school shall be counted as one and one-half times the actual attendance; but in order to receive the benefit of this provision no tuition can be charged any high school pupil, regardless of where his residence may be in this state, if there be no high school in the pupil's resident district. (L. '09, p. 313, § 7; Rem. & Bal., § 4568.)

250. Attendance in parental schools

For purposes of apportionment of current school funds the attendance of pupils in parental schools where food and lodging are furnished the pupil shall be counted as three times the actual attendance, and in schools for defectives five times the actual attendance shall be allowed. (L. '09, p. 313, § 8; Rem. & Bal., § 4569.)

251. Attendance in night schools

In night schools authorized by the laws of this state an evening's attendance shall be counted as a half day's attendance without maximum age limit. (L. '09, p. 31, § 9; Rem. & Bal., § 5470.)

252. Bonus to high school grades

In addition to the regular quarterly apportionments as provided by law, the Superintendent of Public Instruction shall apportion annually to each high school the sum of one hundred (\$100) dollars for each grade above the grammar grades maintained in such school. In order to receive the bonus of one hundred dollars the district must have maintained a high school in fact during the preceding school year, and must have maintained an average daily attendance in each grade of at least four students. (L. '09, p. 313, § 9; Rem. & Bal., § 4571.)

Apportionments now made six times a year instead of "quarterly." See, *supra*, § 243, Code Pub. Ins., apportionments.

253. County superintendent shall apportion funds

It shall be the duty of the county superintendent to apportion within ten days after receiving the certificate of appor-

tionment of the Superintendent of Public Instruction, such state annual school funds as are subject to apportionment to the several districts entitled to receive the same in accordance with the instructions of the Superintendent of Public Instruction. He shall also at the same time apportion in the manner provided in Section 7, chapter 9, Title III, of this act, the county school funds that may be in the hands of the county treasurer of his county. He shall certify the result of the apportionment to the county treasurer, and shall also notify each clerk of the amount apportioned to his district. (L. '09, p. 314, § 11; Rem. & Bal., § 4572.)

Attendance cannot be figured as an asset until apportioned.—CAMPBELL.

254. When attendance may be credited for time lost

When the school board of any district is obliged to close the schools by order of the board of health or health officer on account of the prevalence of infectious disease, or when it is impossible to maintain the school on account of any circumstances over which the school board has no control, the State Superintendent of Public Instruction may, at his discretion, allow such district its regular apportionment of funds for the time so lost, the amount to be determined on a basis of the average daily attendance in the district for the year in which such discontinuance occurs: *Provided*, That in no such case may any district draw money for a period of time longer than fifteen school days. (L. '09, p. 314, § 12; Rem. & Bal., § 4573.)

255. County superintendent shall withhold apportionment, when

Whenever any school board shall neglect or refuse to comply with the provision of section 14, article 7[5], chapter 4, of Title III of this Code, it shall be the duty of the county superintendent to withhold the entire apportionment accruing to said district until such time as full compliance with requirements thereof has been made. (L. '09, p. 314, § 13; Rem. & Bal., § 4574.)

The annual reports of county school superintendents are the only proper basis of apportionment of public moneys by the State Superintendent of Public Instruction.—ROSS.

Private schools which make a specialty of instructing in any branch other than those similar in character to the common school course prescribed by the state course of study are not entitled to receive the benefit attendance credited to the district in which the pupils reside. Such schools as commercial, music and art schools do not entitle a school district to the benefit of attendance in the apportionment of the state school funds.—ROSS.

School funds cannot be apportioned to any school district that has not maintained school the minimum time required by law during the preceding school year.—FALKNER.

Under sec. 285 (apportionment of county funds) the apportionment should be made in proportion to the number of days of actual attendance.—BELL.

CHAPTER 6—INSTITUTES

256. Institutes must be held in certain counties

Whenever the number of school districts in any county is twenty-five or more, the county superintendent must devote at least five days to institute work, three of which must be consecutive. The county superintendent must arrange for the remaining two days to be spent in district meetings, visiting days, or in any other manner which he believes will be of greatest benefit to his teachers. (L. '09, p. 315, § 1; Rem. & Bal., § 4575.)

257. Joint institutes may be held

County superintendents of contiguous counties may by mutual arrangement hold a joint institute, the expenses to be shared in proportion to the departments (rooms) maintained in the counties as shown by the county superintendent's last annual report. (L. '09, p. 315, § 2; Rem. & Bal., § 4576.)

258. Teachers must attend institutes

Every teacher holding a valid certificate, and employed in a public school in a county where an institute is held, must attend such institute during its whole time. (L. '09, p. 315, § 3; Rem. & Bal., § 4577.)

In case a teacher is not so employed it is not necessary to attend the county institute. A school district is only entitled to credit for the attendance of teachers at the county institute employed at the time of such institute, and should the district at a later date employ another teacher who had attended the institute while not in the employ of the district, that the directors of such district would not have any power to reimburse the teacher for attendance at the county institute.—LYLE.

259. Superintendents of certain cities may hold institutes

In districts employing more than one hundred teachers, the city superintendent may, in his discretion, hold a teachers' in-

stitute of two, three, four or five days in such district, said institute when so held by the city superintendent to be in all respects governed by the provisions of this Code relating to teachers' institutes held by county superintendents. (L. '09, p. 315, § 4; Rem. & Bal., § 4578.)

260. Time of holding institute

Each county superintendent shall determine the time for holding the teachers' institute. (L. '09, Ex. Ses., p. 52, § 1.)

261. Pay of teachers shall not be diminished

When the institute is held during the time when a teacher is employed in teaching, his pay shall not be diminished by reason of his attendance, when certified to by the county superintendent, and in addition to the actual attendance earned by the district, an additional attendance shall be credited to the district, determined by multiplying the average daily attendance for the term by the number of days the teacher attended the institute. L. '09, p. 315, § 6; Rem. & Bal., § 4580.)

262. Examination fees

All examination fees shall be paid by the county superintendent or the city superintendent to the county treasurer, who shall place them to the credit of the proper institute fund hereby created. (L. '09, p. 316, § 7; Rem. & Bal., § 4581.)

263. Superintendent shall make an estimate of expenses

Each county superintendent or city superintendent shall, prior to the holding of the annual teachers' institute, make an estimate of the necessary expenses thereof; and the county commissioners must, thereupon, and prior to the date of holding said institute, place at the disposal of the proper superintendent out of the county current expense fund such an amount, not to exceed \$200.00, as, in addition to the amount then in the hands of the county treasurer in the institute fund, will meet the superintendent's estimate. (L. '09, p. 316, § 8; Rem. & Bal., § 4582.)

The county superintendent is the lawful auditor of all claims or bills incurred in holding teachers' institutes. However, the expenditure for this

purpose is limited to \$200 in excess of the receipts for examination fees. The county commissioners have the right to refuse to order paid any manifestly improper or unlawful charge.—ROSS.

264. Superintendent to keep vouchers and make report

The county or city superintendent must keep an accurate account of the actual expenses of the institute, with vouchers for same, and make a complete report to the county auditor, which shall be placed on file in his office as a part of the regular files. (L. '09, p. 316, § 9; Rem. & Bal., § 4583.)

A member of the faculty of the state university can charge for delivering lectures at institutes, without being subject to the charge of receiving double salary.—LEE.

CHAPTER 7—TEXT BOOKS

265. Classes of districts

For the purposes of this chapter, the school districts of the State of Washington shall be, and they are hereby divided into and shall consist of two divisions, viz.: School districts of the first division and school districts of the second division, and the school districts of the first division shall consist of all school districts maintaining a four-year accredited high school. Every other school district of the state shall be a school district of the second division. (L. '09, p. 316, § 1; Rem. & Bal., § 4584.)

266. Text book commission

That the text-books for use in the public schools of each school district of the first division shall be selected by the text-book commission of such school district. The text-book commission of such school district shall consist of five persons, including the city superintendent, or, if there be none, then the principal of the high school, who shall be *ex-officio* chairman of the commission, and two members of the city board of school directors of the district, to be designated by such board, and one of whom shall be *ex-officio* secretary of the commission, and two lawfully qualified teachers engaged in teaching in such school district, to be appointed by the board of school directors of the district. Each member of the text-book commission shall take the oath to faithfully discharge the duties of his office. The term of office of the text-book commission shall be

one year or until their successors are appointed and qualified. Said text-book commission shall have power to select text-books for use in the public schools of the school district for which it is appointed, and it shall be the duty of the board of directors to require the introduction and use of all text-books lawfully adopted for use in their respective districts. The text-books selected by the commission shall cover such branches and studies as are required to be taught by the lawfully adopted course of study, and as are required to be taught by the laws of the State of Washington. Any text-book selected for use in the schools of the district shall continue in use until displaced or replaced by order of the text-book commission, and no text-book selected or introduced into the schools by the text-book commission shall be displaced or replaced within three years from the date of its introduction into the schools. But nothing in this act or any other law shall be so construed as to prevent the text-book commission of any school district of the first division from using or introducing at any time any supplementary or additional books which may from time to time be deemed necessary in order to maintain the highest standard of excellence in the schools of the district. (L. '09, p. 316, § 2; Rem. & Bal., § 4585.)

Text books adopted by a district of the second division must be used for five years by the district where such district has later become a district of the first division. The text book commission may, however, adopt additional and supplementary text books to meet the requirements of additional grades.—
CAMPBELL.

As to the constitutionality of former laws as to the selection of text books, see *Rand, McNally & Co. v. Hartranft*, 29 Wash. 591.

267. Meetings of commission and selection of books

The text-book commission of each school district of the first division shall, between the first day of April and the first day of July of each year, when any text-books are to be selected by such commission, publish an advertisement in a newspaper of general circulation published in the county, or if there be no such newspaper published in the county, then in any newspaper published and having a general circulation in the state, to the effect that the commission will, on a day therein named,

select text-books for the use of the schools in such districts, and invite proposals for the furnishing of such books, the proposals to state an exchange and a retail price at which the proposer will furnish books for the schools of the district during the period of their use in such schools. (L. '09, p. 317, § 3; Rem. & Bal., § 4586.)

268. Superintendent or principal to issue course of study

It shall be the duty of the superintendent or principal of each school in all districts of the first division to prepare and issue, under the direction of the board of school directors of the district, a course of study for his schools, which course of study must, before going into effect, be approved by the State Superintendent of Public Instruction. Such course of study shall conform to the manual, or general outline, prescribed by the State Superintendent of Public Instruction, and all examinations and promotions under the same shall be based upon the minimum credits in each study, as prescribed by the State Superintendent of Public Instruction in his general manual or outline course of study. (L. '09, p. 318, § 4; Rem. & Bal., § 4587.)

269. County board of education to advertise for books

The county board of education in each county of this state shall, between the first day of April and the first day of July of each year when any text-books are to be selected, publish and advertise in a newspaper of general circulation in said county to the effect that said county board of education will on a day named therein select text-books for the use of all the school districts of the second division in said county, and invite proposals for the furnishing of such books, the proposals to state an exchange price, a wholesale price and a retail price at which the proposer will furnish books for the schools of all districts of the second division during the period of their use in the schools of such districts. Any text-books selected for use in the schools shall remain in use until the same shall be displaced or replaced by the county board of education; but no book selected and introduced into the schools shall in any

event be changed within five years from the date of introduction. The county board of education or the officers of any school district of the second division shall have power to select, introduce and use additional and supplementary books at any time, when they deem it necessary, in order to establish and maintain the highest standard of excellence in their schools. The Superintendent of Public Instruction shall have power and it shall be his duty to prescribe a uniform course of study for all schools of the second division: *Provided*, That any publisher or publishers of school books furnishing books under the provisions of this act to any district or districts of this state shall deposit with the Superintendent of Public Instruction a copy of any and all books so furnished. (L. '09, p. 318, § 5; Rem. & Bal., § 4588.)

A school board cannot lawfully purchase text books and sell them to the pupils of the district. It can perform only such acts as the law authorizes.—**FALKNER.**

Books selected by a district when of the second division must be used by it after it has become a district of the first division until five years from the time they were adopted.—**CAMPBELL.**

270. County superintendents may handle text books, when

Whenever any text-book adopted by lawful authority is sold within any county at a price greater than the retail price agreed upon, at the time of the adoption, it shall be the duty of the company having the contract to furnish any such book, to furnish the county superintendent upon his written demand a sufficient number of copies of said book to supply the schools in the districts in which the price charged is greater than the agreed price. It shall be the duty of the county superintendent to handle said books without charge and to remit to the book company the full retail price of such books after deducting the necessary charges for all transportation. (L. '09, p. 319, § 6; Rem. & Bal., § 4589.)

271. Compensation of text book commissioners

Each member of the text-book commission, in school districts of the first division, shall receive as compensation for his services the sum of three dollars for each day during which he is in attendance upon the meetings of the text-book commis-

sion, and such compensation shall be paid from the funds of the school district. (L. '09, p. 319, § 7; Rem. & Bal., § 4590.)

272. Joint district in county where school house is located

In all joint districts of the second division, that is to say, in all school districts of the second division situated in more than one county, such joint school district shall, for the purpose of this act, be held and deemed to be a school district within the said county in which the school house is located, and for all purposes of this act it shall be under the control and jurisdiction of the county board of education of that county. (L. '09, p. 319, § 8; Rem. & Bal., § 4591.)

CHAPTER 8—COUNTY CIRCULATING LIBRARY

273. County superintendent may establish library

The county superintendent of each county of this state may establish a circulating library for the use and benefit of the pupils of the common schools of such county. (L. '09, p. 320, § 1; Rem. & Bal., § 4592.)

274. County commissioners may levy taxes

At the time fixed for the levy of the county tax, the county commissioners of each county may levy a tax sufficient to carry into effect the provisions of section one of this chapter: *Provided*, That said tax shall not exceed one-tenth of one mill on each dollar of the assessed valuation of the said county. The proceeds of said tax shall, when collected, constitute a circulating school library fund for the payment of all bills created by the purchase of books and fixtures by the county superintendent. (L. '09, p. 320, § 2; Rem. & Bal., § 4593.)

275. County superintendent shall certify bills

The county commissioners shall allow no bill or bills against said fund until it shall have been certified to be correct by the county superintendent. (L. '09, p. 320, § 3; Rem. & Bal., § 4594.)

276. County superintendent shall not contract indebtedness

The county superintendent shall purchase no books or fixtures for such circulating library until there shall be to the

credit of the circulating school library fund sufficient money to pay the purchase price thereof. (L. '09, p. 320, § 4; Rem. & Bal., § 4595.)

277. Books to be recommended, by whom

No book shall be placed in a county circulating library unless it has been recommended by the State Board of Education, or the Superintendent of Public Instruction. (L. '09, p. 320, § 5; Rem. & Bal., § 4596.)

278. County superintendent to purchase books and enforce regulations

It shall be the duty of the county superintendent to purchase the books and to enforce such rules and regulations for their distribution, use, care and preservation as he may deem necessary. (L. '09, p. 320, § 6; Rem. & Bal., § 4597.)

CHAPTER 9—SCHOOL REVENUES

279. Source of school funds

The principal of the common school fund shall remain permanent and irreducible. The said fund shall be derived from the following named sources, to-wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state, when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of timber, stone, minerals or other property from school and state lands, other than those granted for specific purposes; all moneys received from persons appropriating timber, stone, minerals and other property from school and state lands, other than those granted for specific purposes, and all moneys other than rental, recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission

of the state into the Union as approved by section 13 of the act of Congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been, and hereafter may be granted to the state for the support of common schools, and such other funds as may be provided by legislative enactment. (L. '09, p. 320, § 1; Rem. & Bal., § 4598.)

This section is a copy of part of Const., art. IX, sec. 3.
See, *infra*, § 550, Code Pub. Ins., investment of funds.

280. Loss a permanent debt to the state

All losses to the permanent common school or any other state educational fund, which shall be occasioned by defalcation, mismanagement or fraud of the agents or officers controlling or managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than six per cent. annual interest shall be paid. (L. '09, p. 321, § 2; Rem. & Bal., § 4599.)

This section is a copy of part of the Const., art. IX, sec. 4.

281. Current school funds

The interest accruing on said permanent school fund, together with all rentals and other revenues derived therefrom, and from lands and other property devoted to the common school fund, shall be exclusively applied to the current use of the common schools.

In addition thereto it shall be the duty of the State Board of Equalization, annually, at the time of levying taxes for state purposes, to levy a tax sufficient to produce a sum which, when added to the amount of money derived from interest and other income from the state permanent school fund during the preceding school year, shall equal \$10.00 for each child of school age residing in the state as shown by the last reports of the several county superintendents to the Superintendent of Public Instruction: *Provided*, That said tax shall not exceed five (5) mills on the dollar.

The funds provided by this section shall be known as the current state school fund. (L. '09, p. 321, § 3; Rem. & Bal., § 4600.)

School buildings cannot be built and paid for with warrants on the general fund.—CAMPBELL.

282. Tax levy must be certified

The tax levy authorized by section 3 of this chapter shall be certified to the several county auditors in the same manner as other state taxes are required to be certified, and shall be collected and retained as other public funds, by the county treasurers, until paid out in the manner prescribed by law.

The county treasurer shall certify to the State Auditor the amount of moneys so collected. It shall be the duty of the State Auditor, within thirty (30) days after the date at which the county treasurers are required to transmit state funds to the State Treasurer, to certify to the Superintendent of Public Instruction the amount of all current state school funds in the hands of the State Treasurer and county treasurers subject to apportionment. In the event that there shall be an excess over the amount apportioned in the hands of the county treasurer, the amount shall be transmitted forthwith to the State Treasurer. In the event that there shall not be in the hands of the county treasurer sufficient to pay the amount apportioned to his county, the deficiency shall be paid by the State Treasurer. (L. '09, p. 322, § 4; Rem. & Bal., 4601.)

283. County tax must be levied

The county commissioners of the several counties of the State of Washington shall annually, at the time of making the tax levy for county purposes, levy a tax on all the property subject to taxation in their county, sufficient to produce the sum of ten dollars for each child of school age therein, as is shown by the certificate of the county superintendent hereinafter mentioned: *Provided*, That such tax on said property shall in no case exceed five mills on each dollar, at the assessed valuation; such tax to be used for the support and maintenance of the public schools in such county. (L. '09, p. 332, § 5; Rem. & Bal., § 4602.)

284. County superintendent to certify school census

It shall be the duty of the county superintendent of each county in the State of Washington, between the fifteenth day of August and the first day of September of each year, to file with the county auditor of his county a certificate showing the number of children of school age in each district in his county, as is returned to him by the several school districts therein, and said certificate shall be the basis upon which said tax levy, as mentioned in section 5 hereof, shall be made by the county commissioners of the several counties of the State of Washington. (L. '09, p. 323, § 6; Rem. & Bal., § 4603.)

New districts forming cannot participate in fund until after filing of certificate of county superintendent with county auditor.—LYLE.

285. How county funds must be apportioned

At the same time that the state school funds are apportioned to the different districts, as provided in chapter 5, Title III, of this act, the whole of the money derived under section 5 of this chapter shall be apportioned as follows: Two-thirds thereof shall go to the different districts of each county in proportion to the number of days of attendance in each district for the preceding school year, and one-third thereof shall go to the different districts of each county in proportion to the number of teachers employed in such district for the preceding school year: *Provided*, That where a district employed a second or additional teacher for a term less than eight months such district shall receive one-eighth of an apportionment for each teacher for each month she is actually employed. (L. '09, p. 323, § 7; Rem. & Bal., § 4604.)

See, *supra*, sec. 195, Code Pub. Ins., levy in first class district.

See, *supra*, sec. 203, Code Pub. Ins., levy in second class district.

See, *supra*, sec. 219, Code Pub. Ins., levy in third class district.

See, *infra*, sec. 294, Code Pub. Ins., bond interest levy.

286. District taxes may be levied

In addition to the school revenues provided by sections 3 and 6[5] of this chapter, for the support of the common schools of this state, a tax may be levied upon all taxable property in each school district of this state, in the manner provided by

law, and the funds thereby created shall be known as the "School District Fund."

The "School District Fund," together with the apportionment from the "Current State School Fund" and the county apportionments, shall constitute the "General School Fund" of each school district. (L. '09, p. 323, § 8; Rem. & Bal., § 4605.)

The building of a new school house and the purchase of a school house site does not come under "current expenses." Neither do they come under, "support of the common schools." Both the terms "support" and "current expenses" when applied to the common schools of this state mean continuing regular expenditures for the maintenance of the schools: *Sheldon v. Purdy*, 17 Wash. 135.

287. Certain moneys to be placed to the credit of the current school fund

Except as otherwise provided by law, all sums of money derived from fines imposed for violation of orders of injunction, mandamus and other like writs, or for contempt of court, and the net proceeds of all fines collected within the several counties of the state for breach of the penal laws, and all funds arising from the sale of lost goods and estrays, and from penalties and forfeitures, shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued, and shall be by him transmitted to the State Treasurer, who shall place the same to the credit of the current state school fund. He shall indicate in such entry the source from which such money was derived. (L. '09, p. 323, § 9; Rem. & Bal., § 4606.)

CHAPTER 10—BONDS

288. Directors may borrow money upon bonds

The board of directors of any school district, provided for in this act, or hereafter created in this state, may borrow money and issue negotiable coupon bonds therefor to any amount not to exceed five (5) per cent. of the taxable property in such district, as shown by the last assessment roll for county and state purposes previous to the incurring of such indebtedness; except that in incorporated cities the assessment shall be taken from the last assessment for city purposes, for the purpose of funding outstanding indebtedness, or bonds heretofore issued, or issued under the provisions of this act, or

for the purchase of school house site or sites, building one or more school houses and providing the same with all necessary furniture, apparatus or equipment, or for any or all of these purposes, when authorized by a vote of the district so to do as provided in section 2 of this chapter: *Provided*, That the bonds so issued shall bear a rate of interest not to exceed six per cent. per annum, interest payable annually or semi-annually, payable and redeemable at such time as may be designated in the bonds, but not to exceed twenty (20) years from date of issue. (L. '09, p. 324, § 1; Rem. & Bal., § 4607.)

Bonds shall not bear a higher rate of interest than six per cent., and a district cannot directly or indirectly pay more.—STRATTON.

A district may refund previous valid bond indebtedness by issuing new bonds and after selling the same for par, pay off the old indebtedness with the proceeds.—LYLE.

Where the complaint in an action to enjoin the issuance of school bonds alleges that their issuance will increase the indebtedness of the school district to an amount exceeding one and one-half (now 5) per cent. of the taxable property therein, it will be presumed from the fact that a certain part of the proceeds of the bonds is to be devoted to paying outstanding indebtedness of the district, that the indebtedness will be kept within the one and one-half per cent limit, in which case the casting of certain illegal votes at such election will not invalidate the issue of bonds, if the rejection of the illegal vote would still leave the majority in favor thereof: *Lucader v. Sargeant*, 4 Wash. 299.

The directors of a district cannot be compelled to open and maintain a public school where it appears that the indebtedness of a school district, including its one and one-half (now 5) per cent limitation allowed by the Constitution and that the bonded indebtedness has not been created under a vote of the people authorizing the incurring of such indebtedness in excess of such limitation, and there are no moneys on hand for school purposes: *Stanley v. McGeorge*, 17 Wash. 8.

289. Bond elections

That the question whether bonds shall be issued, as provided in section 1 of this chapter, shall be determined at an election to be held in the manner prescribed by law for holding annual school elections. Notice therefor shall state the amount of bonds proposed to be issued, time they are to run, and purpose for which the money is to be used. The ballot must contain the words, "Bonds, yes," or "Bonds, no." If a majority of the votes cast at such election are "Bonds, yes," the board of directors must issue such bonds: *Provided*, That if the amount of bonds to be issued, together with any outstanding indebtedness of the district, exceeds one and one-half per cent of the taxable property in said district, then three-

fifths of the votes cast at such election must be "Bonds, yes," before the board of directors are authorized to issue said bonds. The bonds shall be in such form as the board of directors may prescribe, and shall, with the coupons, be signed by the board of directors and countersigned by the clerk of the school district: *Provided*, That in school districts of the first class said bonds, with the coupons, shall be signed in the corporate name of the district by the president of the board of directors thereof and attested by the secretary of the board, except that said coupons may bear the lithograph signatures, only, of the said president and secretary; in districts of the first class the corporate seal of the said district shall be affixed to each bond by the secretary thereof. (L. '09, p. 324, § 2; Rem. & Bal., § 4608.)

In determining whether these propositions for bonding are separate and distinct from one another, the courts consider the object and purposes announced in the questions to be submitted, and if they are not found to be naturally related and connected, they conclude that they are such as must be submitted separately. In our opinion the objects and purposes announced by these three propositions, viz., the erecting and furnishing a high school building, the general improvement of buildings in the district, and the refunding of an outstanding warrant indebtedness, are not naturally related or connected, so that they could not be properly submitted as one proposition, but each question should be set forth in a manner which would permit the electors to express their free and voluntary opinion upon each one separately. In this connection, we would suggest that the second proposition be more definitely set forth, as the object of submitting these questions to the voters is not only to secure from them their opinion upon the question of incurring the indebtedness, but also to secure from them their approval or disapproval of the objects sought to be attained.—CAMPBELL.

A less amount than voted cannot be issued.—CAMPBELL.

Separate and distinct propositions may be submitted at one election, and on the same ballot, as long as the voter has the opportunity to express himself separately on each one.—CAMPBELL.

Under Ballinger's Code, § 2388, (Rem. & Bal., § 4608), prescribing that the question of issuing school bonds to an election held in the manner of holding special elections, and under Ballinger's Code, § 2384, prescribing that special elections shall be called in the manner of calling annual elections, ten days' notice, posted in three places is sufficient notice of an election submitting the issuance of school bonds: *Luzader v. Sargeant*, 4 Wash. 299.

The registration law has no application to such elections: *Id.*

The fact that a board of school directors has repeatedly called an election for authority to issue school bonds will not invalidate their issuance after an election has been held which granted necessary authority: *Id.*

The fact that notice of election for the purpose of authorizing the issuance of bonds by a school district arbitrarily fixed the rate of interest at four per cent. instead of leaving the rate open to competition, would not invalidate the election: *Parkinson v. Seattle School District*, 28 Wash. 335.

290. Bonds shall be advertised

When authorized and empowered to issue bonds, as provided in sections 1 and 2 of this chapter, the board of directors shall, within thirty days after the date of election, certify the result to the county treasurer to which said school district belongs, who shall publish notice of the sale of such bonds, in at least one weekly newspaper published at the county seat, if there be one, for four consecutive issues, and publish such other notices as the board of directors may require. Said notices must give the amounts of bonds to be sold, the time to run, where payable, the option, if any, of the district to redeem, and also naming the hour and day for considering bids, and asking bidders to name price and rates of interest at which they will purchase such bonds or any of them. Such bonds shall be issued in denominations of not less than one hundred nor more than one thousand dollars (\$1,000), and shall contain upon their face the date and series of issue, rate of interest, where payable, time to run, option, if any, of district to redeem, and the printed or lithographed statement that said bond is issued under the provisions of this act, and that the whole indebtedness of said district does not exceed the constitutional limit. Each bond so issued must be registered by the county treasurer in a book to be kept for that purpose, which must show the number and such data as is necessary to secure a complete record of such bond, the series and amount of such bond, the person to whom the same is issued, the number of the district issuing, together with the names of directors signing the same; and the said bond shall be endorsed by the treasurer, with his name and a full statement of the name of the person to whom sold, and when issued, together with the number and series of said bond: *Provided*, That in the case of joint school districts the bond or bonds shall be registered by the treasurer of each county in which any part of such joint school district shall lie. (L. '09, p. 325, § 3; Rem. & Bal., § 4609.)

If no bids are received they must be re-advertised.—BELL.

The directors of a consolidated district must accept the best bid submitted.—CAMPBELL.

A county treasurer, who is also *ex-officio* treasurer of a school district of

his county, is not entitled to a commission or percentage for receiving and disbursing the proceeds of certain school bonds, of the district, whether he acted in the performance of such duties as treasurer of the county or of the district: *School District v. Cole*, 4 Wash. 395.

Where a county treasurer, having in his possession the funds of a school district, refuses "for want of funds" to pay a proper warrant drawn upon him he is chargeable with interest on the whole fund in his hands from the date of his refusal to pay such warrant: *Id.*

Under former laws, which provide that the county treasurer must make a call for bids wherein he shall ask bidders to name price and rates of interest, requiring such bonds to be sold to the person making the most advantageous offer, the failure of the treasurer in his notice to require bidders to name the rate of interest would be, in the absence of bad faith or oppression, but a mere irregularity, not affecting the validity of the bonds, where the bids accepted was for the face of the bonds with a premium which in effect decreased the interest rate named by the school district: *Parkinson v. Seattle District No. One*, 28 Wash. 335.

291. Sale of bonds

At the time named in said notice it shall be the duty of said board of directors to meet with the county treasurer at his office, and with him open said bids, and sell said bonds, or any portion thereof to the person or persons making the most advantageous offer: *Provided*, The bonds shall never be sold below par, and the board of directors may reject any and all bids, and at any time within two years of the election at which authority was granted to issue and sell said bonds, the board of directors may proceed to readvertise the sale of such bonds or any portion thereof as often as may be necessary, until the whole thereof shall be sold; and such board may also require all persons bidding for such bonds, except the State of Washington, to deposit one per centum of the par value of the bonds bid for on depositing with the treasurer their bids, and if the bidder fails to take and pay for the bonds for which he bid in case of their sale to him, the amount so deposited shall be forfeited to the school district; otherwise to be returned to such bidder, and a resale of such bonds so refused to be taken may be made as if the bid for the same had been rejected. Upon the sale of the bonds, the board of directors shall, within ten days, or as soon thereafter as practicable, deliver the bonds, properly executed, to the county treasurer, taking his receipt therefor. The county treasurer shall, upon payment of the price agreed upon, deliver the same to the person or persons to whom sold, and place the moneys arising from such sale to

the credit of the general school fund of the district: *Provided*, That where the bonds have been sold for the purchase of school house site or sites, building one or more school houses and providing same with all necessary furniture, apparatus or equipment, or for any or all of these purposes, he shall place the money derived from such sale to the credit of the building fund of the district, and such fund is hereby created. Fees for advertising shall be deducted from the proceeds: *Provided*, That if the board of directors and the person or persons to whom the bonds are sold agree that the delivery of said bonds shall be in installments, the county treasurer shall hold said bonds, and deliver to purchasers only on written order of the board of directors to deliver at specified time the bonds designated by number and series. (L. '11, p. 390, § 1.)

292. May exchange warrants for bonds

If bonds issued under this chapter are not sold as herein provided, the holders of unpaid warrants drawn on the county treasurer by such district for an indebtedness existing at the date of the election may exchange said warrants at the face value thereof and accrued interest thereon for coupon bonds issued under this chapter, at not less than par value and accrued interest of such bonds at the time of the exchange; such exchange to be made under such regulations as may be provided by the board of directors of such district. (L. '09, p. 327, § 5; Rem. & Bal. § 4611.)

293. Joint school districts

For the purposes of this chapter a joint school district shall be deemed as belonging to the county in which the school house is located, if there be a school house, and if there be no school house, then it shall be deemed as belonging to the county in which the district owns a school house site that has been lawfully selected by the electors of the district. (L. '09, p. 327, § 6; Rem. & Bal., § 4612.)

294. Levy for interest and sinking fund

The county commissioners must ascertain and levy annually, in addition to the school district tax, the tax necessary to pay

the interest upon such bonds as it becomes due, and at the expiration of one-half of the time for which said bonds are to run, and annually thereafter, until full payment of said bonds is made, they shall levy, in addition to the tax required to pay the interest, such amount for sinking fund to meet the payments of said bonds at maturity, to be determined by dividing the amount of bonds outstanding by the remaining number of years to run, and the fund arising from such levy shall be kept as the bond redemption fund of said district, and each of said tax levies shall be a lien upon the property of said district, and must be collected in the same manner as the taxes for other school purposes: *Provided*, That the county treasurer, when authorized to do so by the board of directors of any school district may invest any accumulated or other sinking fund of said district in school, county or state warrants of the State of Washington, and all profits accruing from such investment, and the funds so invested, shall revert to the sinking or other fund of said district, and the county treasurer shall be custodian of all warrants purchased by and with the said sinking fund, until the same are redeemed: *And provided further*, That the county treasurer, when authorized to do so by the board of directors of any school district, may purchase and redeem any of the outstanding bonds of said district, paying for said bonds out of the accumulated sinking fund of the district; all revenues provided for in this section shall constitute a separate fund, to be known as the bond redemption fund. (L. '11, p. 391, § 2.)

It is the duty of the board of county commissioners, at the expiration of one-half the time the bonds of any district are to run, to levy, in addition to the taxes required to pay the interest on the bonds, an amount for a sinking fund to meet the payment of the bonds at maturity. Nothing is said about requiring the question to be submitted to the electors of the district. The provisions of § 294, Code of Public Instruction, are separate and distinct from the requirements of § 203, Code of Public Instruction. We are therefore of the opinion that the county commissioners must levy an amount sufficient to create a sinking fund.—LYLE.

The county treasurer cannot lawfully transfer money from the bond redemption fund to the building fund of a district to retire the outstanding warrants against the building fund.—LYLE.

A special tax levy to pay the interest upon school district bonds, should be credited to the bond redemption fund.—LYLE.

295. Commissioners to levy for joint districts

In case of a joint school district, the county commissioners of each and every county in which any part of such joint district shall lie, shall levy a tax as hereinbefore provided in section 6 of this chapter, and the treasurer of each county in which the school house or school house site is not situated shall at least five days before the time at which said bonds or the interest thereon must be paid, according to the conditions of the issuance and sale thereof, transmit to the treasurer of the county in which the school house or school house site is situated (and to which the joint school district is construed to belong), all moneys in his possession derived from the tax provided for in this chapter; and the county treasurer receiving such money shall receipt in duplicate to the treasurer or treasurers remitting such funds for such money; and he shall also place the amount or amounts so received to the credit of the special bond fund or funds of the joint school district to which it properly belongs. (L. '09, p. 328, § 8; Rem. & Bal., § 4614.)

296. Duty of county treasurer

The county treasurer must pay out of moneys belonging to the credit of the fund of the school district created by section 4613 [section 294 above], the interest upon any bonds issued under this chapter by such school district when the same becomes due, at such place as may be designated in the coupons attached to said bonds, or upon the presentation at his office of said coupons, which must show the amount due and the number and series of the bond to which it belongs, and all coupons so paid must be immediately reported to the school directors. (L. '11, p. 392, § 3.)

297. School directors must have bonds printed or lithographed

The school directors of any district must cause to be printed or lithographed, at the lowest rates, suitable bonds, with coupons attached, when the same become necessary, and pay therefor out of the moneys in the county treasury to the credit of the school district. (L. '09, p. 329, § 10; Rem. & Bal., § 4616.)

298. School districts may refund bonds

Whenever any school district in this state shall have heretofore, under any of the acts of the territorial or state legislatures then in force, lawfully issued any bonds, and the amount of said bonds so issued and negotiated did not, at the time of their issue, exceed the sum of five per centum of the taxable property of the said school district, it shall be lawful for the said school district to issue and exchange its bonds at a rate of interest not greater than that borne by the original issue of bonds, par for par, without any further vote of the school district than that theretofore had or required by existing law at the time of their issue, and said bonds shall in all respects conform to and be governed by the other provisions of this act. (L. '09, p. 329, § 11; Rem. & Bal., § 4617.)

It is not necessary that an election be held before refunded bonds can be issued for the purpose of taking up bonds issued in 1892.—LYLE.

299. School boards may exchange bonds for matured bonds

Whenever any bonds lawfully issued by any school district under the provisions of this act shall reach maturity and shall remain unpaid, or may be paid under any option provided in the bonds, the board of directors thereof shall have the power to fund the same by issuing coupon bonds conformable to the requirements of this act and exchange the same par for par, for the outstanding bonds as aforesaid, without any further vote of the school district: *Provided*, That such bonds shall be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, shall be redeemable within twenty years from date of issue, and shall draw a rate of interest not to exceed six per centum per annum. (L. '09, p. 329, § 12; Rem. & Bal., § 4618.)

Bonds shall not bear a higher rate of interest than six per cent., and a district cannot directly or indirectly pay more.—STRATTON.

A valid bond indebtedness may be refunded by issuing new bonds.—LYLE.

It is not necessary to hold an election for the purpose of taking up bonds of a former issue.—LYLE.

300. Holder of bonds to notify county treasurer

Every holder of any of the bonds so issued as provided in this act, shall within ten (10) days after he shall become the owner

or holder thereof, notify the county treasurer of the county in which such bonds are issued of his ownership, together with his full name and postoffice address, and the county treasurer of said county shall, in addition to the published notice hereinafter provided for, deposit in the postoffice, properly stamped and addressed to each owner or holder of any such bonds subject to redemption or payment, a notice in like form, stating the time and place of the redemption of such bonds and the number of the bonds to be redeemed, and in case any owners of bonds shall fail to notify the treasurer of their ownership as aforesaid, then a notice mailed to the last holder of such bonds shall be deemed sufficient, and any and all such notices so mailed as aforesaid shall be deemed to be personal notice to the holders of such bonds, and at the expiration of the time therein named shall have the force to suspend the interest upon any such bonds. (L. '09, p. 330, § 13; Rem. & Bal., § 4619.)

301. County treasurer shall be paid for incidental expenses

At any time after the issuance of such bonds, and in the discharge of the duties imposed upon said county treasurer, should any incidental expense, costs or charges arise, the said county treasurer shall present his claim for the same to the board of directors of the school district issuing such bonds, and the same shall be audited and paid in the same manner as other services are paid under the provisions of law. (L. '09, p. 330, § 14; Rem. & Bal., § 4620.)

302. Redemption of bonds

Whenever the amount of any sinking fund created under the provisions of this act shall equal the amount, principal and interest, of any bond then due, or subject under the pleasure or option of said school district to be paid or redeemed, it shall be the duty of the county treasurer of the county in which the school district issuing such bonds is located, to publish a notice in the official newspaper of the county, if such a one there be, and if not, then in a newspaper of general circulation, that the said county treasurer will within thirty (30) days from the date of such notice, redeem and pay any such bond then redeemable or

payable, giving priority according to the date of issue numerically, and upon the presentation of any such bond or bonds the said treasurer shall pay the same; and in case that any holder of such bond or bonds shall fail or neglect to present the same at the time mentioned in said notice, or in the notice hereinbefore provided for, then the interest upon such bond or bonds shall cease and determine, and the treasurer of such county shall thereafter pay only the amount of such bond and the interest accrued thereon up to the day mentioned in said notice. When any bonds are so redeemed or paid, the county treasurer shall cause the same to be fully cancelled, and write across the face of such bonds the words "redeemed," with the date of redemption, and shall file the same with the county auditor as vouchers for the sum so paid. When bonds are held by the State of Washington advertising as contemplated and prescribed in this section shall be deemed unnecessary. (L. '11, p. 393, § 4.)

CHAPTER 11—VALIDATION OF INDEBTEDNESS AND ISSUE OF BONDS THEREFOR

303. Electors may validate indebtedness

Any school district may validate and ratify the indebtedness of such school district, incurred for strictly school purposes, when the same together with all then outstanding legal indebtedness does not exceed five per centum of the value of the taxable property in such school district. The value of taxable property in such school district shall be ascertained as provided in article eight, section six of the constitution of the State of Washington. (L. '09, p. 331, § 1; Rem. & Bal., § 4622.)

Ballinger's Code, §§ 2398, 2405 (superseded by this chapter), prescribing the method of conducting special school elections for the validation of illegal indebtedness, is a special act and it has no reference to an election to authorize the issuance of bonds for the purpose of erecting a high school building: *Nichols v. School District*, 39 Wash. 137.

In a proceeding for an injunction to restrain the issuance of school district warrants authorized at a special election for the purpose of erecting a high school building, the final return of the canvassing board declaring the result, after canvassing the votes, regularly made, and not impeached for fraud, nor attacked in any proceeding to obtain a review thereof, is final and conclusive on the courts as to the number of votes cast: *Id.*

304. Resolution of board—Three-fifths vote

Whenever the board of directors of any school district shall deem it advisable to validate and ratify the indebtedness mentioned in section 1 of this chapter, they shall provide therefor by resolution, which shall be entered on the records of such school district, which resolution shall provide for the holding of an election for the purpose of submitting the question of validating and ratifying the indebtedness so incurred to the voters of such school district for approval or disapproval, and if at such election three-fifths of the voters in such school district voting at such election shall vote in favor of the validation and ratification of such indebtedness, then such indebtedness so validated and ratified and every part thereof existing at the time of the adoption of said resolution shall thereby become and is hereby declared to be validated and ratified and a binding obligation upon such school district, when the only grounds of the previous invalidity of such indebtedness so ratified and validated is that at the time of the attempted incurring thereof, the same, together with all other then existing indebtedness of such school district, exceeded one and one-half per centum of the taxable property in such school district, as provided in article eight, section six of the constitution of the State of Washington, and that such indebtedness was so attempted to be incurred without the assent of three-fifths of the voters of such school district voting at an election held for that purpose, as required by said constitution. (L. '09, p. 331, § 2; Rem. & Bal., § 4623.)

305. Posting and publishing notices

At the time of the adoption of the resolution provided for in section 2 of this chapter, the board of directors shall direct the clerk or secretary of the board to give public notice of the time, place or places, and purpose of such election, and specifying the amount and general character of the indebtedness proposed to be ratified. Such clerk or secretary shall thereupon cause written or printed notices to be posted in at least five places in such school district, at least twenty days before such election.

Said notice shall also be published for the same length of time in a daily newspaper, printed and published in such district, and if there be no such daily newspaper, then in a weekly newspaper, published in this state and of general circulation in the county where such school district is situated, in two regular issues of such weekly newspaper next preceding the day of such election. Said notices shall contain a copy of the resolution mentioned in section 2 of this chapter, the time of holding such election and location of polling place or places, a statement of the object of the election, and the form of the ballot adopted by the board to determine the question submitted to the voters. (L. '09, p. 332, § 3; Rem. & Bal., § 4624.)

306. The election

Elections hereunder shall be by ballot, and conducted in the manner provided for conducting annual school elections. The ballot must contain the words, "Validating and ratifying indebtedness, yes," or the words, "Validating and ratifying indebtedness, no." Ballots containing the words, "Validating and ratifying indebtedness, yes," shall be counted in favor of validating and ratifying such indebtedness, and ballots containing the words, "Validating and ratifying indebtedness, no," shall be counted against validating and ratifying such indebtedness. As soon as the polls are closed at such election, the judge at each polling place shall count the votes, ascertain the result and certify the same and make return thereof, within two days after such election, to the board of directors of such district, by depositing the same, together with the ballots cast at such election, with the clerk or secretary of such board, and within five days after such election, or as soon as all the returns of such election are deposited as herein provided, the board of directors of such district shall meet and canvass and declare the result, and shall cause to be entered a minute thereof on the records of such district. The qualifications of voters at such election shall be the same as prescribed for the election of school officers. (L. '09, p. 332, § 4; Rem. & Bal. § 4625.)

307. Board of directors may issue bonds

If the indebtedness of such school district is validated and ratified, as provided in this chapter, by three-fifths of the voters voting at such election, the board of directors of such school district, without any further vote, may borrow money and issue negotiable coupon bonds therefor. Bonds so issued shall bear a rate of interest not to exceed six per cent. per annum, interest payable semi-annually, payable and redeemable at such time and place as designated in the bonds, but not exceeding twenty years from date of issue. The bonds and coupons shall be in such form as the board of directors shall prescribe, and payable at such place as may be designated therein. In all school districts of the second or third class, said bonds, with the coupons, must be signed by the board of directors and countersigned by the clerk of the school district. In school districts of the first-class said bonds, with the coupons, must be signed in the corporate name of the district, by the president of the board of directors thereof, and attested by the secretary of the board, except that the said coupons may bear the lithograph signatures of the said president and secretary. The seal of such district, if such district has a seal, shall be affixed to each bond by the secretary thereof. The moneys arising from the sale of coupon bonds issued under this chapter shall be placed by the treasurer of the county in a special fund to the credit of such school district existing at the time of the adoption of the resolution mentioned in section 2 of this chapter, not evidenced by negotiable bonds. (L. '09, p. 333, § 5.; Rem. & Bal. § 4626.)

308. Board shall deliver resolution to county treasurer

When authorized to issue bonds, as provided in this chapter, the board of directors shall, at a meeting of such board, by resolution provide for the issuing of such bonds, prescribing their number, amount and term, and shall deliver a copy of said resolution to the county treasurer of the county in which such school district is situated or to which it belongs as provided in this act, who shall immediately advertise for sale said bonds, and the law relating to other school bonds shall govern, control and

apply to bonds issued or sold under this chapter, except that bonds issued under this chapter shall not bear a greater rate of interest than six per cent. per annum, and they may be sold in such amounts or blocks as the board of directors may direct, and such board may also require all persons bidding for said bonds, except the State of Washington, to deposit one per cent. of the par value of the bonds bid for on depositing with the treasurer their bids, and if the bidder fails to take and pay for the bonds for which he bid, in case of their sale to him, the amount so deposited shall be forfeited to the school district, otherwise to be returned to such bidder, and a re-sale of such bonds so refused to be taken may be made as if the bid for the same had been rejected, and the money arising from the sale of the bonds issued under this chapter shall be applied as provided in section 5 of this chapter. (L. '09, p. 334, § 6; Rem. & Bal., § 4627.)

309. Boards may exchange bonds for warrants

If bonds issued under this chapter are not sold as herein provided, the holders of unpaid warrants drawn on the county treasurer by such district for an indebtedness existing at the time of the adoption of the resolution mentioned in section 2 of this chapter, may exchange said warrants at the face value thereof and accrued interest thereon for coupon bonds issued under this chapter, at not less than par value and accrued interest of such bonds at the time of the exchange; such exchange to be made under such regulations as may be provided by the board of directors of such district. (L. '09, p. 334, § 7; Rem. & Bal., § 4628.)

310. If bonds are not issued, special levy may be made

When the board of directors shall have canvassed and declared the result of the election as prescribed in section 4 of this chapter, it shall, if the same shall have been in favor of validating and ratifying the indebtedness, immediately cause to be sent to the county treasurer of the county in which such district is situated, notice of the result of said election. The annual expense of such district shall not thereafter exceed the an-

nual revenue thereof, and any officer of such district who shall knowingly aid in increasing the annual expenditure in excess of the annual revenue of such district shall be deemed to be guilty of misdemeanor, and shall be punished by a fine not exceeding five hundred dollars. If the indebtedness of such school district, excluding the bonded indebtedness existing before the adoption of said resolution, is not extinguished by the exchange of warrants for bonds, or by the proceeds of the sale of bonds, as herein provided, then it shall be the duty of the board of directors, thirty days before the regular annual tax levy, to certify the amount of such indebtedness remaining unpaid to the board of county commissioners of the county in which such school district is situated, and said board of county commissioners, at the time of making the regular annual tax levy, shall annually levy a special tax on the taxable property of the district not to exceed three mills on the dollar on the valuation of such taxable property, which shall be collected as other taxes are collected, and the proceeds of such tax shall be a special fund for the payment of the indebtedness of such district, not included in bonds, existing at the time of the adoption of the resolution mentioned in section 2 of this chapter. (L. '09, p. 335, § 8; Rem. & Bal. § 4629.)

In case any school district has heretofore incurred, or shall hereafter incur, indebtedness for strictly school purposes in excess of one and one-half per cent., and less than five per cent. of the assessed valuation of property in such district, and has heretofore, or shall hereafter, become merged in a district of the first class, the directors and clerk of the last named district may, after such merger, cause to be submitted to the voters within the limits of the district which incurred the obligations, the question of validating and ratifying such indebtedness. The vote shall be taken and the question determined in the manner prescribed in sections 4623, 4624 and 4625 (§§ 304, 305, 306, Code Pub. Ins.). The directors of the district of the first class shall make provision for payment of the indebtedness so validated by certifying the amount thereof to the county commis-

sioners for a special levy, in the manner prescribed in section 4629: *Provided*, Such district of the first class may pay a part, or all, of such validating indebtedness from any funds available or by issuing bonds therefor, under the following conditions: When such district of the first class has taken over property of any district without an adjustment and apportionment of property and of indebtedness, as provided in sections 4437 and 4438, (§§ 118, 119, Code Pub. Ins.), the directors of the enlarged district shall make such adjustment and apportionment, as of the time of merger, and may pay such validated indebtedness to the extent that the value of the property received shall be found to exceed the total indebtedness of the district annexed. (L. '13, p. 416, § 1.)

See, *supra*, § 170, Code Pub. Ins., indebtedness not to exceed income.

Laws of 1879, page 411, § 135, providing that illegal school warrants which have been validated by a vote of the school district should be paid, in case they had not been taken up by the issuance of funding bonds, only by a special tax levied for the purpose from year to year, and that the current revenues arising from the general school tax and fines should be applied exclusively to current expenses, is in no sense void as impairing the obligation of contracts: *State ex rel. Dunn v. Dorsey*, 19 Wash. 120.

A complaint in an action to recover on school warrants does not state a cause of action when it appears therefrom that the invalidity of the warrants had been determined in a suit to which the present plaintiff was a party defendant, even though the judgment was upon the unintentional default of the defendant in the prior action: *Seattle National Bank v. School District*, 20 Wash. 368.

CHAPTER 12—CERTIFICATION OF TEACHERS

ARTICLE I—GENERAL PROVISIONS

311. Certificates not invalidated

Nothing in this act shall be construed to invalidate the life diplomas granted under the laws of the Territory of Washington, or to invalidate any certificate or diploma heretofore granted in accordance with the laws of the State of Washington, but the same shall continue in effect in accordance with the provisions of the laws under which they were granted: *Provided*, That any third grade certificate, second grade certificate, first grade primary certificate, or first grade certificate, or any renewal, or any permanent certificate, in full force and effect at the time of the taking effect of this act shall, for the purpose of renewal, or for securing a certificate of higher grade, or for securing a

permanent certificate, or for any other purpose whatsoever, be of the same force and effect, and shall entitle the holder thereof to the same rights and privileges as he would be entitled to were he the holder of a certificate of like designation authorized by this act. (L. '09, p. 336, § 1; Rem. & Bal., § 4630.)

The certification of qualification of teachers of "higher and special institutions" not being required under that portion of Laws of 1897, title IV, page 427, devoted to such institutions, but it being the evident intent of the law that such certification shall apply only to teachers under the common-school system, one would not be incapable of entering into a contract to teach in one of the normal schools of the state by reason of not holding a teacher's certificate: *MacKenzie v. State*, 32 Wash. 657.

312. Certificates to be issued by Superintendent of Public Instruction

All certificates and diplomas, except temporary certificates, and special certificates, shall be issued or countersigned by the Superintendent of Public Instruction. (L. '09, p. 336, § 2; Rem. & Bal., § 4631.)

313. The fee for any certificate to be one dollar

The fee for any teacher's certificate or any renewal thereof, or any life diploma, or other instrument issued by authority of the State of Washington, and authorizing the holder to teach in the public schools of the state shall be one dollar. The fee must accompany the application and cannot be refunded unless the application is withdrawn before it is finally considered. The county superintendent, or other officer authorized to receive such fee, shall within thirty days transmit the same to the treasurer of the county wherein such applicant is to teach or resides, to be by him placed to the credit of the institute fund of said city or county: *Provided*, That if any city collecting fees for the certification of teachers does not hold an institute separate from the county, then all such moneys shall be placed to the credit of the county institute fund. (L. '09, p. 336, § 3; Rem. & Bal., § 4632.)

314. Applicants must be at least eighteen years of age

No person who is less than eighteen years of age shall receive a certificate to teach in the State of Washington nor take the examination for the same; nor shall any person less than nineteen years of age receive any certificate other than a temporary,

a third grade, or a second grade. (L. '09, p. 337, § 4; Rem. & Bal., § 4633.)

315. Good moral character and personal fitness

Before registering any certificate, the county superintendent of the county in which application was made for certificate shall satisfy himself that the applicant is a person of good moral character and personal fitness. In the event of a refusal to register a certificate, the county superintendent shall immediately notify the Superintendent of Public Instruction of his action and shall fully and clearly state his reasons therefor, and the person aggrieved shall have the right of appeal to the Superintendent of Public Instruction, and shall have the further right of appeal to the State Board of Education. (L. '11, p. 50, § 1.)

316. Credits of ninety per cent. or over

Any person who receives credits of ninety per cent. or over in any subject or subjects at any regular teachers' examination in this state shall not be required to take an examination again in such subject or subjects in order to receive any certificate for which the applicant may be eligible to apply, so long as he is actively engaged in educational work. The holder of any common school certificate shall be entitled to write on one or more subjects at any examination for the purpose of securing credits; and when sufficient credits have been earned the proper certificate shall be issued. (L. '09, p. 337, § 6; Rem. & Bal., § 4635.)

Teachers holding an elementary normal school certificate are not entitled to omit from examination those subjects in which they pass a grade of ninety per cent. or over, if they failed to secure a certificate to teach, even though they are engaged in educational work under their elementary certificate.—LYLE.

317. Evidence of successful experience

Whenever evidence of successful experience is a prerequisite to the issuance or renewal of a certificate, it shall be deemed sufficient for the applicant to file evidence, satisfactory to the officer authorized to issue or renew the certificate, of having taught the required number of months and of being a successful teacher. The aforesaid documentary evidence of successful

teaching shall be kept on file in the office of the Superintendent of Public Instruction. (L. '11, p. 51, § 2.)

318. Optional subjects

The State Board of Education shall prepare a list of optional subjects for each grade above the second, from which the applicants for certificates above the second grade may select as provided for in article IV of this chapter. (L. '09, p. 337, § 8; Rem. & Bal., § 4637.)

319. Credits of ninety per cent. or over obtained in other states

Credits of ninety per cent. or over on a valid certificate obtained by examination in any other state in which the examination questions are prepared and answer papers graded by the state department of education may be accepted subject for subject in accordance with the rules and regulations prescribed by the State Board of Education. (L. '11, p. 51, § 3.)

320. Certificate must contain subjects

Every certificate issued by authority of the State of Washington shall have written or printed upon its face the subjects in which the holder has been examined, with standings in each, or the subjects or work upon which credits are given. (L. '09, p. 338, § 10; Rem. & Bal., § 4639.)

321. Certificates entitle holder to teach in any county when registered

All certificates issued by the Superintendent of Public Instruction shall be valid and entitle the holder thereof to teach in any county of the state upon being registered by the county superintendent thereof, which fact shall be evidenced by him on the certificate in the words, "Registered for use in county," together with the date of registry, and his official signature: *Provided*, That a copy of the original certificate or diploma duly certified by the Superintendent of Public Instruction may be used for the purpose of registry and endorsement in lieu of the original. (L. '09, p. 338, § 11; Rem. & Bal., § 4640.)

ARTICLE II—EXAMINATIONS

322. Examination—Where and when held

An examination for the certification of teachers of the State of Washington for third, second, first grade primary and first grade certificates shall be held at the county seat of each county by the county superintendent in accordance with the rules and regulations of the State Board of Education, on the second Thursday of May and December and the Friday and Saturday next following and on the last Thursday of August and the Friday and Saturday next following; and for professional and life certificates on the above named days of May and August only: *Provided*, That any person taking any examination shall be authorized to teach until notified of the result of such examination. (L. '09, p. 338, § 1; Rem. & Bal., § 4641.)

323. County superintendents shall transmit manuscripts

The county superintendent shall within three days following the close of the examinations provided for in section 1 of this article, transmit to the State Superintendent of Public Instruction all papers written at such examination, together with such other reports as shall by him be required. The Superintendent of Public Instruction shall keep all manuscripts on file for a period of at least sixty (60) days. (L. '09, p. 338, § 2; Rem. & Bal., § 4642.)

ARTICLE III—CLASSIFICATION OF COMMON SCHOOL CERTIFICATES AND DIPLOMAS

324. Classification of certificates

The certificates and diplomas granted by authority of the State of Washington, and authorizing the holders to teach in the public schools of this state shall be classified as follows:

First—Common School Certificates and Diplomas.

- (a) Third Grade Certificates;
- (b) Second Grade Certificates;
- (c) First Grade Primary Certificates;
- (d) First Grade Certificates;
- (e) Professional Certificates;

- (f) Permanent Certificates ;
 1. Permanent First Grade Primary Certificates ;
 2. Permanent First Grade Certificates ;
 3. Permanent Professional Certificates ;

(g) Life Certificates.

Second—City Certificates.

- (a) City High School Certificates ;
- (b) City Grammar School Certificates ;
- (c) City Primary Certificates.

Third—Certificates and diplomas of the Higher Institutions of Learning.

- (a) Of the Normal Schools ;
- (b) Of the State College of Washington ;
- (c) Of the University of Washington.

Fourth—Temporary Certificates.

Fifth—Special Certificates. (L. '09, p. 339, § 1 (art. 3) ; Rem. & Bal., § 4643.)

ARTICLE IV—COMMON SCHOOL CERTIFICATES AND DIPLOMAS

325. Requirements for certificates

The common school certificates and diplomas issued by authority of the State of Washington, the period for which each shall be valid and the qualifications required of applicants for the same shall be as follows :

First. Third Grade Common School Certificates: Applicant shall pass an examination in reading, grammar, penmanship and punctuation, history of the United States, geography, arithmetic, physiology and hygiene, theory and art of teaching, orthography, and Washington State Manual. This certificate shall be valid for one year: *Provided*, That the holder of a third grade certificate who shall, after the granting of the same, attend any accredited institution of higher education in this state for one year, shall upon application be granted a second grade certificate.

Second. Second Grade Common School Certificates: Applicant shall have credits in the same subjects as for a third grade common school certificate and shall take an examination

in music. This certificate shall be valid for two years, but may be renewed, if, during the life of the certificate, the holder has complied with any one of the following conditions, to-wit: 1. An attendance of one semester at an accredited school of higher education, or of six weeks at an accredited summer school when satisfactory work was done in three subjects and certified to by the principal of such school. 2. Upon sixteen months of successful teaching.

Third. First Grade Primary Certificates: Applicant must have taught at least forty-five months in the primary grades, and shall have credits in the same subjects as for a second grade certificate, and must also pass an examination in nature study, drawing, literature, and physical geography; but the State Board of Education may accept other subjects in lieu of two of the above subjects at the request of the applicant, as provided in section 8 of article 1 of this chapter. This certificate shall authorize the holder to teach in the primary grades only and shall be valid for five (5) years, and may be renewed for a like period if application is made not later than ninety (90) days after certificate expires, and if, during the life of the certificate the holder has complied with any one of the following conditions, to-wit: 1. An attendance of one year at an accredited institution of higher learning during the life of the certificate when satisfactory work was done in three subjects and certified to by the principal or president of such school; 2. Successful teaching for not less than twenty-four (24) months during the life of the certificate. Any renewal may be renewed in like manner.

Fourth. First Grade Certificates: Applicant must have taught at least nine (9) months and shall have credits in the same subjects as for a second grade certificate, and also in physics, English literature, algebra and physical geography. The State Board of Education may accept other subjects in lieu of two of these upon request of the applicant, as hereinbefore provided. Applicant must secure the same number of credits as for a first grade primary certificate. This certificate shall

be valid for five (5) years and may be renewed in the same manner and under the same conditions as a first grade primary certificate.

Fifth. Professional Certificates: Applicant shall meet all the requirements for a first grade certificate, but must have taught successfully twenty-four (24) months, at least eight (8) months of which must have been in the State of Washington. He shall also pass an examination in plane geometry, geology, botany, zoology, and civil government: *Provided*, That the State Board of Education may accept other subjects in lieu of any or all of these upon the request of the applicant, as hereinbefore provided. This certificate shall be valid for five (5) years and may be renewed in the same manner and under the same conditions as a first grade certificate.

Sixth. Permanent Certificates: Applicant must be the holder of a first grade primary certificate, a first grade certificate, or a professional certificate, or a renewal of any one of them, in full force and effect, and must have taught successfully not less than seventy-two (72) months, nor less than thirty-six (36) months in the State of Washington, nor less than eighteen (18) months subsequent to the granting of the certificate upon which the application is made. Upon filing satisfactory evidence of having met these requirements, together with the written endorsement of the county superintendent, a permanent certificate shall be issued of the same grade as that held by the applicant, valid during the life of the holder unless revoked for cause.

Seventh. Life Certificates: Applicant must file with the Superintendent of Public Instruction evidence of having taught successfully for forty-five (45) months, not less than twenty-seven (27) months of which shall have been in this state. He must have the credits required for professional certificates and in addition shall pass an examination in the following, to-wit: psychology, history of education, bookkeeping, composition, general history: *Provided*, That the State Board of Education may accept other subjects in lieu thereof upon request of the

applicant. This certificate shall be valid during the life of the holder unless revoked for cause. (L. '11, p. 51, § 4.)

ARTICLE V—CITY CERTIFICATES

326. Board of examiners—Powers and duties

In any city of this state in which one hundred or more teachers are employed in the city schools, if the board of directors in such city shall so determine, there shall be a board of examiners, consisting of the city superintendent of schools and two other members having practical experience as teachers, residents of said city, to be designated as associate examiners. The associate examiners shall be elected by the board of directors at their regular meeting in July annually, and shall hold office for one year, but no candidate for examination as a preliminary to teaching in the public schools shall be an associate examiner. The city superintendent of schools shall be chairman of the board of examiners. The board of examiners shall meet and hold examinations for the granting of teachers' certificates on such occasions only as may be authorized by the board of directors. Such board of examiners shall have power:

1. To adopt rules and regulations, not inconsistent with the laws of this state or the rules of the State Board of Education, for its own government and for the examination of teachers and to fix standards of proficiency for the granting and renewing of certificates, subject to the approval of the board of directors.

2. To prepare questions on the various subjects prescribed by law and examine by written or oral examination all candidates for the following certificates:

(a) A city high school certificate, valid for one year only, unless renewed, and authorizing the holder to teach or serve as principal in any primary, grammar, or high school in such city.

(b) A city grammar school certificate, valid for one year only unless renewed, and authorizing the holder to teach in any primary or grammar school, or serve as principal in any primary school in such city.

(c) A city primary certificate, valid for one year only, unless

renewed, and authorizing the holder to teach in any primary school in the city.

The board of examiners shall report the result of all examinations to the board of directors, who, through the president and secretary thereof, shall issue to the successful candidates the certificates to which they are entitled; and the board of directors shall report a list of certificates issued to the State Superintendent of Public Instruction and to the county superintendent of the county in which the city is located.

3. To recommend to the board of directors renewals of the various renewable certificates, in accordance with such regulations as they may adopt, or as may be prescribed by the board of directors; whereupon said board of directors, through its president and secretary, may renew such certificates from year to year. (L. '09, p. 342, § 1; Rem. & Bal., § 4645.)

327. Qualifications of applicants

No certificate of permission to teach shall be issued to any person not eighteen years of age. No certificate shall be granted to any person whose moral character or habits are known by the board of examiners or board of directors to be bad, or who is afflicted with a serious infectious or hereditary disease. No certificate shall be granted by the board of directors or upon its authority except to successful candidates in a regular or special examination conducted by the board of examiners in accordance with the provisions of the law. (L. '09, p. 343, § 2; Rem. & Bal., § 4646.)

328. Primary and grammar certificates

City primary and city grammar certificates shall be granted only to applicants who are found upon examination to have a practical knowledge of pedagogics, school management and the general school system of the State of Washington, and to be proficient in and qualified to teach the following branches: reading, writing, spelling, English grammar, geography, arithmetic, physiology and hygiene, United States history, and such other English branches as the board of directors may prescribe: *Provided*, That the examination of applicants for such certifi-

cates shall be specially adapted to discover their fitness to teach all branches named to pupils of primary or grammar grades respectively. (L. '09, p. 344, § 3; Rem. & Bal., § 4647.)

329. High school certificates

City high school certificates shall be granted only to applicants who pass satisfactorily the examination required for grammar certificates and in addition thereto sustain a satisfactory examination in civil government, physical geography, elementary physics, algebra, botany, and such other branches as the board of directors may prescribe. (L. '09, p. 344, § 4; Rem. & Bal., § 4648.)

330. Exemptions from examinations

Holders of normal diplomas and holders of state diplomas or state certificates or any certificate authorized by the laws of the State of Washington shall be exempt from all further examinations during the terms of validity of such certificates as provided by law. Teachers engaged in the exclusive teaching of music, foreign languages, drawing, penmanship, kindergarten, manual training, domestic science and physical culture shall be exempt from all examinations except such as pertain to the special departments over which they preside. (L. '09, p. 344, § 5; Rem. & Bal. § 4649.)

331. Special certificates

Special certificates shall be granted only to applicants who pass satisfactorily the examination in a special or departmental subject (such as music, foreign language, drawing, penmanship, kindergarten, manual training, domestic science, physical culture, etc.), and such other subjects as are calculated to discover applicants' fitness to teach in public schools. (L. '09, p. 344, § 6; Rem. & Bal., § 4650.)

ARTICLE VI—CERTIFICATES AND DIPLOMAS OF THE HIGHER INSTITUTIONS OF LEARNING

332. Papers to be issued according to law

Certificates and diplomas of the normal schools, of the State College of Washington, and of the University of Washington

shall be granted as provided by law. (L. '09, p. 345, §1 (art. 6); Rem. & Bal., § 4651.)

333. Temporary certificates

Temporary certificates shall be issued in accordance with the rules and regulations of the State Board of Education. (L. '11, p. 54, § 5.)

ARTICLE VIII—SPECIAL CERTIFICATES

334. Shall be granted, to whom

Special certificates shall be issued by the county superintendent, or city superintendent if in a city, to applicants who show by examination or otherwise satisfactory evidence of fitness to teach special subjects, such as music, foreign languages, art, manual training, penmanship, kindergarten, domestic science, typewriting, stenography, physical culture, etc. Special certificates shall be valid so long as the holder continues to teach in the city or county where granted, unless revoked. (L. '09, p. 345, § 1 (art. 8); Rem. & Bal., § 4653.)

ARTICLE IX—REVOCATION OF CERTIFICATES

335. May be revoked by authority which issued it

Any certificate to teach named in this act may be revoked by the authority authorized to grant same upon complaint of any superintendent for immorality, violation of written contract, intemperance, crime against the law of the state, or any unprofessional conduct, after the defendant has been given an opportunity to be heard. (L. '09, p. 345, § 1 (art. 9); Rem. & Bal., § 4654.)

Mere inconsiderate language or slight impropriety of conduct of a teacher, not involving moral turpitude, in endeavoring to secure a first grade certificate, is not such "sufficient cause," for the revocation of valid certificates held by her: *Browne v. Gear*, 21 Wash. 147.

Where a teacher is re-elected for the ensuing year, and thereafter expresses her gratification to the secretary of the board that she is to have her same work, and during vacation consults with the principal, at his request, in regard to her proposed work, acceptance on her part is sufficiently shown, and the dispensing with her services subsequently upon abolishing the line of work she had conducted, without giving her an opportunity to accept or refuse other work in the school, amounts to a breach of contract: *MacKenzie v. State*, 32 Wash. 667.

336. Penalty for revocation

In case any certificate is revoked, the holder shall not be eligible to receive another teacher's certificate for a period of twelve months after the date of revocation. (L. '09, p. 346, § 2; Rem. & Bal., § 4655.)

337. Right of appeal

Any teacher whose certificate to teach has been revoked, as provided in the preceding sections, and feeling aggrieved at such revocation, shall have the following right of appeal:

First. To the Superintendent of Public Instruction whenever the certificate has been revoked by the county superintendent.

Second. To the State Board of Education when the certificate has been revoked by the Superintendent of Public Instruction.

Third. To the State Board of Education when the certificate has been revoked by the faculty of the State University, the State College or the normal schools.

Fourth. An appeal under the provisions of this act to the State Superintendent shall operate as a stay of proceedings for a period of thirty (30) days, and an appeal to the State Board of Education shall operate as a stay of proceedings till the next regular or special meeting of said board. (L. '09, p. 346, § 3; Rem. & Bal., § 4656.)

CHAPTER 13

ARTICLE I—GENERAL ELECTIONS

338. General elections—When held

The election of school district directors shall, except as otherwise provided by law, be held on the first Saturday in March of each year, at the district school house, if there be one, or if there be none, or more than one, then at one or more places to be designated by the board of directors. Special school elections shall be called and conducted in the manner provided for calling and conducting annual elections. In districts in which elections are held in more than one voting place, the clerks of the election shall forward the election returns to the clerk of

the board of school directors, who shall canvass the vote on the Saturday following the election, declare the result and issue certificates of election. (L. '13, p. 348, § 1.)

339. Notices of election

The district clerk must give at least ten days' notice of such school election, by posting or causing to be posted, written or printed notices thereof in at least three public places in the district, one of which must be the place of holding the election. Said notice must designate the place of holding the election, day of holding the election, hours between which the polls are to be kept open, names and offices for which persons are to be elected, and terms of office, with a statement of any other questions which the board of directors may desire to submit to the electors of said district. Notices must be signed by the district clerk "By order of the board of directors." Unless otherwise designated in the notice of election, the polls shall be open at one o'clock in the afternoon and close at eight o'clock in the afternoon, but the board of directors may, in districts of the second or third class, previous to giving notice of election, determine on an hour before eight o'clock for closing, but they must not be closed earlier than four o'clock in the afternoon. In no case shall the polls be opened before the hour named in the notice, nor kept open after the hour fixed for closing the polls, but if there is not a sufficient number of electors present at the hour named for opening the polls to constitute a board of election, it shall be lawful to open the polls as soon thereafter as a sufficient number of electors is present. (L. '09, p. 346, § 2; Rem. & Bal., § 4658.)

On appeals from a judgment ousting the appellant from the office of school clerk, he is entitled to file a bond staying proceedings pending the appeal and it is the duty of the trial judge to order and fix the amount thereof: *State v. Sachs*, 3 Wash. 96.

If notice of election, published by the clerk of a school district, notified the electors that the polls would be open until 7 p. m., instead of 8 p. m., as required by statute, the clerk being himself a candidate, cannot take advantage of his own error: *State v. Smith*, 4 Wash. 661.

Elections for the purpose of authorizing an increase of a debt limit of school districts may properly be held under the general provisions of law concerning the holding of annual and special school elections: *Holmes & Bull F. Co. v. Hedges*, 13 Wash. 696.

340. Organization of election board

At the hour fixed for opening the polls the electors present shall select two electors to act as judges of the election and one elector to act as clerk of the election, and the three selected shall constitute the election board; and no election shall be held unless an election board is so constituted and qualified. The judges and clerk aforesaid shall, before entering upon the duties of their office, severally take and subscribe an oath or affirmation faithfully to discharge the duties of such officers of election, said oath or affirmation to be administered by any school officer or any other person authorized to administer oaths. The judges shall, before they commence receiving ballots, cause to be proclaimed aloud at the place of voting that the polls are now open. (L. '09, p. 347, § 3; Rem. & Bal., § 4659.)

341. Must vote by ballot

The voting shall be by ballot. The ballots shall be of white paper of uniform size and quality, containing the names of the persons for whom the electors intend to vote, and designating the office to which such person so named is intended by him to be chosen. Whenever any person offers to vote, one of the judges shall pronounce his name in an audible voice, and if there be no objection to the qualifications of such person as an elector, he shall receive the ballot in the presence of the election board and deposit the same without being opened or examined in the ballot box, and the clerk shall immediately enter the name upon the list headed "Names of voters." (L. '09, p. 347, § 4; Rem. & Bal., § 4660.)

In a school bond election, a ballot so printed on a narrow slip of paper that it may be torn in the middle, leaving the voter to deposit one-half with the words "Bonds, Yes" or "Bonds, No," is sufficiently regular in form, under the statute requiring the ballots to contain the words "Bonds, Yes," or "Bonds, No," where the voter can so fold the portion voted as to preserve the secrecy of the vote: *Kinder v. School District No. 126*, 68 Wash. 410.

342. Qualifications of voters

Every person, male or female, over the age of twenty-one years, who shall have resided in the school district for thirty days immediately preceding any school election, and in the state

one year, and is otherwise, except as to sex, qualified to vote at any general election, shall be a legal voter at any school election, and no other person shall be allowed to vote: *Provided*, That registration for purposes of school election shall not be required except in school districts of the first class. Persons offering to vote may be challenged by any legally qualified school elector of the district, and one of the judges of election shall thereupon, before receiving his vote, administer to the person challenged an oath in substance as follows: "You do swear, (or affirm) that you are a citizen of the United States, that you are twenty-one years of age, according to your information and belief, and that you have resided in this district thirty days next preceding this election, and in the state one year, and that you have not voted before on this day." If he shall refuse to take the oath, his vote will be rejected. Any person guilty of illegal voting shall be punished as provided in the general election laws of the state. (L. '09, p. 348, § 5; Rem. & Bal., § 4661.)

343. Closing of polls—Counting of ballots

When the polls are closed, proclamation thereof shall be made at the place of voting, and no vote shall be afterward received. As soon as the polls are closed the judges shall open the ballot box and commence counting the votes, and in no case shall the ballot box be removed from the room in which the election is held until all the votes are counted. The counting shall be in public. The ballots shall be taken out one by one, by one of the judges, who shall open them and read aloud the name of each person contained therein, and the office for which such person was voted for. The clerk shall write down each office to be filled and the name of such person voted for such office, and shall keep the number of votes by tallies as they are read aloud by one of the judges. The counting of the votes shall continue without adjournment until all the votes are counted. No ticket shall be rejected on account of form or mistake in the initials, or spelling of names, if the judges can determine to their satisfaction the person voted for and the office intended. After

the result of the election is duly canvassed and officially declared, the clerk of the election shall forward the poll sheet thereof to the county superintendent, who shall preserve the same on file in his office. (L. '09, p. 348, § 6; Rem. & Bal., § 4662.)

The successful candidate having received six hundred and fifty votes as against two hundred and eighty for the defeated candidate, the latter must allege and prove, in order to overthrow the election, that had the polls been kept open until 8 p. m. the result would have been different: *State v. Smith*, 4 Wash. 661.

In a proceeding for an injunction to restrain the issuance of school district warrants, authorized at a special election for the purpose of erecting a high school building, the final returns of the canvassing board, declaring the result, after canvassing the votes, regularly made and not impeached for fraud, nor attacked in any proceeding to obtain a review thereof is final and conclusive on the courts as to the number of votes cast: *Nichols v. School District*, 39 Wash. 137.

344. Persons having highest number of votes elected

Persons having the highest number of votes given for each office shall be declared duly elected, and the clerk of election shall immediately make out and deliver to each person so elected a certificate of election. The clerk of election shall also make out a certificate showing the persons elected to each office at such election, with oaths of office of persons elected attached, and mail such certificates and oaths to the superintendent of schools of the county in which the election is held. If two persons have an equal and highest number of votes for one and the same office, they shall, within ten days after the election, appear before the clerk of election of said district and publicly decide by lot which of the persons so having an equal number of votes shall be declared elected, and the clerk of election shall make out and deliver to the person thus declared elected a certificate of his election, and notify the county superintendent of the county as before provided. If the persons above named do not, within ten days after election, thus decide, the office shall be declared vacant by the clerk of election, and the county superintendent shall, when notified of the vacancy, fill the same by appointment. (L. '09, p. 349, § 7; Rem. & Bal., § 4663.)

I do not know of any law that authorizes the county superintendent to set aside an election and appoint school officers in place of those certified to be elected by the election board. The general law provides how elections may be contested, and these provisions in my opinion apply to school as well as to other officers.—BELL.

ARTICLE II—SPECIAL MEETINGS

345. Board may call special meeting of electors

Any board of directors may, at its discretion, and shall, upon a petition of a majority of the legal voters of their district, call a special meeting of the voters of the district, to determine the length of time in excess of the minimum length of time prescribed by law that such school shall be maintained in the district during the year; to determine whether or not the district shall purchase any school house site or sites, and to determine the location thereof; or to determine whether or not the district shall build one or more school houses; or to determine whether or not the district shall maintain one or more free kindergartens; or to determine whether or not the district shall sell any real or personal property belonging to the district, borrow money or establish and maintain a school district library. (L. '09, p. 349, § 1; Rem. & Bal., § 4664.)

A district cannot, after having once located its school house site, sell such site by majority vote, and then purchase another site by majority vote.—BELL.

Directors have no right to convey a right of way without a vote of said board.—LYLE.

There is an implied power for a school district to issue warrants against a building fund for the purpose of constructing school houses.—LYLE.

The directors present at any special meeting of their district are authorized to adopt any form of procedure relating to the casting and counting of votes cast on any question covered by section 4664, Rem. & Bal. Code, (§ 345, Code of Public Instruction) but that the voting must be by ballot, and the ballots must be of white paper and of uniform size and quality.—LYLE.

Rem. & Bal. Code, § 4464, providing that a school election for the purchase of school grounds shall be by ballot, is directory only, and the election is not invalidated by the fact that a standing vote was taken, in the absence of evidence that the election did not fairly represent the will of the electors: *State ex rel. School District No. 56 v. Superior Court*, 69 Wash. 189.

346. The meeting, how, when and where held

All such special meetings shall be held at the school house, if there be one, or if there be none, or more than one, then at such school house or place as the board of directors may determine. The voting shall be by ballot, the ballots to be of white paper of uniform size and quality. At least ten days' notice of such special meeting shall be given by the district clerk in the manner that notice is required to be given of the annual school election, which notice shall state the object or objects for which the meeting is to be held, and no other business shall be trans-

acted at such meeting than such as is specified in the notice. The district clerk shall be clerk of the meeting, and the chairman of the board of directors or, in his absence, the senior director present, shall be chairman of the meeting: *Provided*, That in the absence of one or all of said officers, the qualified electors present may elect a chairman or clerk, or both chairman and clerk, of said meeting as occasion may require, from among their number. The clerk of the meeting shall make a record of the proceedings of the meeting, and when the clerk of such meeting has been elected by the qualified voters present, he shall within ten days thereafter, file the record of the proceedings, duly certified, with the clerk of the district, and said records shall become a part of the records of the district, and be preserved as other records. (L. '09, p. 350, § 2; Rem. & Bal., § 4665.)

347. Board must obey directions

It shall be the duty of every board of directors to carry out the directions of the electors of their districts as expressed at any such meeting. (L. '09, p. 350, § 3; Rem. & Bal., § 4666.)

ARTICLE III—ELECTIONS IN DISTRICTS OF THE FIRST CLASS

348. Notices of election

The regular district election in each district of the first class shall be held upon the first Saturday of December in each year. The board of directors shall cause written or printed notices to be posted, specifying the day and place of such election, and the time during which the ballot box will be kept open. Said notices shall be posted in at least one place in each ward in the district at least twenty days previous to the time of election. Said notices shall also be published three times in two daily papers published in the district, and if there be no daily or dailies, then in the weekly paper or papers in three regular issues next preceding the day of such election. If the board of directors fail to give notice at such time, as herein provided, then any five legal voters residing in the district may give such notice over their own title for such election. (L. '09, p. 351, § 1; Rem. & Bal., § 4667.)

349. All elections to be by ballot

All elections shall be by official ballot and the polls shall be opened at one o'clock p. m., and be closed at eight o'clock p. m. The official ballot shall be printed and furnished by the board of directors, and shall contain the names of all candidates whose names have been presented by petitions filed with the secretary of the board not less than ten days before the day of election. The names of no other candidates shall appear upon said official ballots, and no other ballots shall be received or counted. (L. '09, p. 351, § 2; Rem. & Bal., § 4668.)

350. Voting places

It shall be the duty of the board of directors to provide one or more voting places in each district: *Provided*, There shall not be more voting places in any district than the number of school houses located in such district. The board shall also appoint two judges and one clerk for each voting precinct. Both judges and clerk shall be qualified electors in the precinct for which they are appointed. Should any judge or clerk be absent at the time for opening the polls, the electors present shall appoint a legal voter to fill such vacancy. (L. '11, p. 503, §1.)

351. Qualifications of voters

Only those persons, male and female, who have complied with the laws governing registration in districts of the first class, shall be permitted to vote, and no person shall be entitled to vote at said election except in the ward in which he or she resides: *Provided*, That any elector of said district who has duly registered as a voter at any general election in said district shall be allowed to vote at the next succeeding school election held the same year without registration. (L. '09, p. 351, § 4; Rem. & Bal., 4670.)

352. City clerk must furnish registration books

The city clerk or other municipal officer in whose custody the registration books of the general election are kept shall furnish to the secretary of the board, on the morning of the day of any school election, the registration books of said city or a

copy thereof, which said registration books shall be returned within two days after said election. (L. '09, p. 352, § 5; Rem. & Bal., § 4671.)

353. Board of directors shall canvass returns

The board of directors shall, upon closing the polls, receive the returns at the time and the place it shall direct, and shall, within five (5) days from said election, meet as a canvassing board, and in the presence of any duly qualified justice of the peace in and for said county, canvass the returns and ascertain the result. The result of said election shall be certified by the board of directors to the county school superintendent, who shall preserve said certificate, entering upon his records the receipt of said certificate and the names of the person or persons elected as members of such board of directors for said district, together with the term for which elected. (L. '09, p. 352, § 6; Rem. & Bal., § 4672.)

ARTICLE IV—REGISTRATION OF VOTERS IN SCHOOL DISTRICTS OF THE
FIRST CLASS

354. Who must register

Every person residing in any portion of a school district of the first class, which lies without the limits of any incorporated city, who is not required to register to vote at a general election held therein shall not be entitled to vote at any school election, either general or special, to be held in any such district of the first class unless he or she shall have previously complied with the requirements as to registration as in this act provided. (L. '11, p. 501, § 1.)

355. Secretary must register voters

The secretary of the board of directors in each district subject to the provisions of this act shall keep the books of registration herein provided for, and shall register therein the names of all duly qualified voters in his district, on application, in the manner and at the times here specified. (L. '09, p. 352, § 2; Rem. & Bal., § 4674.)

356. School board must furnish books and blanks

The board of directors of each district subject to the provisions of this act shall furnish the secretary of such board, at the expense of the district, all blanks and books of registration and shall furnish, at the expense of their respective districts, all funds necessary for carrying out the provisions of this act. (L. '09, p. 352, § 3; Rem. & Bal., § 4675.)

357. When and where books shall be opened

The books of registration shall be opened for the purpose of registration, at the office of the secretary of the board of the district, on each day between the hours of 9 o'clock a. m. and 4 o'clock p. m., except on legal holidays, and they shall be closed and no names shall be registered therein during the five days preceding any special or general election held in such district. The secretary of the board shall give notice of the closing of the books of registration in his district by notice published in a newspaper of general circulation, published in his district, at least ten days before the day for closing said books. (L. '09, p. 353, § 4; Rem. & Bal., § 4676.)

358. Books may be opened at convenient places

For a period of thirty days preceding the closing of registration books for any election, the books may be opened at a convenient place in the district for the registration of voters, which places must be designated by the board of directors, and during a period of ten days immediately preceding the closing of such books they shall be kept open until seven o'clock each evening, and they may be kept open until a later hour by order of the board of directors. (L. '09, p. 353, § 5; Rem. & Bal., § 4677.)

359. Registration only once in year

Registration shall not be required more than once in each year. All persons who are duly qualified electors under the provisions of this act, who reside in any portion of a school district of the first class outside of the limits of any incorporated city and who are not required to register to vote at a general election shall be entitled to registration on application to the

secretary of the board of directors of the district in which they reside: *Provided*, Such elector shall have been a resident of the state for one year, of the county ninety days, and of the voting precinct thirty days prior to the next general or special election to be held in such district. No person shall vote at any such election except in the precinct where he or she has resided for the length of time above specified. (L. '11, p. 501, § 2.)

360. Outside voting precincts

Wherever the whole or any portion of such district of the first class shall lie without the limits of any incorporated city the board of directors of such district shall sub-divide such outlying territory into voting precincts so that each precinct shall contain, as near as may be, five hundred inhabitants, and after the boundaries of such precincts shall have been established, said territory shall not be redistricted oftener than once in three years, and not then unless one or more of the precincts thereof shall have attained a population of more than five hundred inhabitants. There shall be provided by the board of directors in each district and kept by the secretary of such board a book of registration for each voting precinct in such district established by the board of directors as above provided. (L. '11, p. 502, § 3.)

361. What the book shall contain

The books of registration aforesaid shall be so arranged as to admit the alphabetical classification of the names of the voters, and ruled in parallel columns with appropriate heads, as follows: Date of registration, name, age, occupation, place of residence, place of birth, time of residence in the state, county and precinct, and if of foreign birth, name and place of court and date of declaration of intention to become a citizen of the United States, or date of naturalization, and with one column for signature and one for remarks, and one column for checking the name of voter at the time of voting. Under head of place of residence shall be noted the number of lot and block, or number and street where applicant resides, or some other definite description suf-

ficient to locate the residence, and the voter so registering as provided in this section shall sign his or her name on the registry opposite the entries above required, in the column headed "Signature," and in case any voter shall not be capable of writing his or her name he or she shall, on the left-hand margin of said column, make his or her mark by a cross or such other mark as is usual in indicating his or her signature, and some person who is personally known to said voter, and is personally known to the registering officer, and who is capable of writing his or her name, shall sign in said column immediately opposite said mark as an identifying witness thereto. (L. '09, p. 354, § 8; Rem. & Bal., § 4680.)

362. Must appear in person to register

No person shall be registered unless he or she appears in person before the secretary or the board of directors in the district in which such elector resides, during the hours the books are opened for registration, and answers truly the questions that may be put to him or her touching his or her qualifications to vote in such district, and shall also make and subscribe the following oath:

State of Washington, County of, ss.

I,, do solemnly swear (or affirm) that I am a legally qualified school elector, under the laws of the State of Washington, and that I have been an actual permanent resident of said state for eleven months and twenty days last past, and of the county for eighty days last past, and the precinct twenty days last past, and that I have not lost my civil rights by reason of being convicted of any infamous crime.

Subscribed and sworn to before me this day of

Said affidavit shall be filed and preserved by the secretary of the board for at least two years. (L. '09, p. 355, § 9; Rem. & Bal., § 4681.)

363. Secretary to administer oaths

The secretaries of the boards of directors are hereby empowered to administer all necessary oaths in examining appli-

cants for registration, or any witness that may be offered in behalf of any applicant. The said secretary shall examine carefully any applicant whose right to register he may doubt, or who may be challenged, and if the applicant shall be entitled to vote at the next election he or she shall be registered, otherwise not. (L. '09, p. 355, § 10; Rem. & Bal., § 4682.)

364. Elector may transfer registration

If any elector shall during the year for which he or she may be registered change his or her place of residence from the precinct in which he or she is registered to any other precinct in said district, outside the corporate limits of such city, he or she shall apply to the secretary of the board to have said removal noted. The secretary shall run a red ink line across the name in the precinct book in which said applicant shall be registered, and likewise note said removal in the column headed, "Remarks," in said book and thereupon the secretary shall enter the name and register the elector in the registration book of the precinct to which he or she has removed. (L. '11, p. 502, § 4.)

365. Voters may be challenged

Registration under the provisions of this act shall be *prima facie* evidence of the right of the elector to vote at any general or special school election held within the district during the year for which said elector is registered. If any person duly registered is challenged, it shall be the duty of the judges of election to examine the challenger and any witnesses that may be produced on oath, touching the right of such elector to vote; the judges shall then, unless they dismiss said challenge, examine the proposed elector on oath, and if it appears that said elector is entitled to vote at said election, his or her vote shall be received, otherwise rejected. Any person swearing falsely before any judge of election, on the hearing of any such challenge, shall be deemed guilty of perjury, and shall be subjected to the pains and penalties of perjury. (L. '09, p. 356, § 12; Rem. & Bal., § 4684.)

366. Secretary to deliver books to election clerks

On the morning of any general or special school election the secretary of the board shall deliver to the clerk of each voting precinct within his district the original book of registration of the precinct for which such clerk was appointed. Each clerk of election shall return the book of registration entrusted to him to the secretary of the board at the time of the delivery of the ballots cast in the precinct at such election, and it shall be unlawful for any clerk or any judge of election to cause or allow any marks or alterations to be made in said book while the same is in their possession, other than a proper check mark when a ballot is cast, to indicate the party voting. (L. '09, p. 356, § 13; Rem. & Bal., § 4685.)

CHAPTER 14—PENALTIES

367. For disclosing questions

Any member of the State Board of Education, any employe of the State of Washington, any county superintendent or any employe of his office, who shall directly or indirectly disclose any question or questions prepared for the examination of teachers or of eighth grade pupils, or any teacher or other person connected with the instruction of or the examination of eighth grade pupils, who shall, before the time appointed for the use of the questions in the examination of such pupils, disclose the questions, or make known their character, or who shall directly or indirectly assist any such eighth grade pupil to answer any question submitted, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred nor more than five hundred dollars. Said fine shall be turned over to the county treasurer of the county in which it is collected, and shall be by him transmitted to the State Treasurer, who shall place the same to the credit of the current school fund of the state. (L. '09, p. 357, § 1; Rem. & Bal., § 4686.)

368. For failure of county superintendent to report to Superintendent of Public Instruction

If any county superintendent fails to make a full and correct report to the Superintendent of Public Instruction of all state-

ments required by him, or if he shall fail to file with the Superintendent of Public Instruction a full and correct annual report within ten days after the time prescribed by law for filing said report, he shall forfeit the sum of fifty dollars from his salary, and the board of county commissioners are hereby authorized and required to deduct therefrom the sum aforesaid upon information from the Superintendent of Public Instruction that such reports have not been made. (L. '09, p. 357, § 2; Rem. & Bal., § 4687.)

369. For failure to pay over fines

Any officer or person collecting or receiving any fines, forfeitures or other moneys belonging to the schools of the State of Washington, or belonging to the school fund of any county or school district in this state, and refusing or failing to pay over the same, as required by law, shall forfeit double the amount so withheld, and interest thereon at the rate of five per cent. per month during the time of so withholding the same; and it shall be a special duty of the county superintendent of schools to supervise and see that the provisions of this section are fully complied with, and report thereon to the county commissioners semi-annually or oftener. Such fines and penalties, when collected, shall be turned over to the county treasurer and by him transmitted to the State Treasurer, who shall place the same to the credit of the current school fund of the state. (L. '09, p. 357, § 3; Rem. & Bal., § 4688.)

370. For failure to provide for teaching hygiene

Upon complaint in writing being made to any county superintendent by any district clerk, or by any head of a family, that the board of directors of the district of which said clerk shall hold his office, or said head of family shall reside, have failed to make provisions for the teaching of hygiene or have failed to require it to be taught, with special reference to the effects of alcoholic drink, stimulants and narcotics upon the human system, as provided by law, in the common schools of such districts, it shall be the duty of such county superintendent to investigate at once the matter of such complaints, and if found to be

true, he shall immediately notify the county treasurer of the county in which such school district is located, and after the receipt of such notice it shall be the duty of such county treasurer to refuse to pay any warrants drawn upon him by the board of directors of such district subsequent to the date of such notice and until he shall be notified to do so by such county superintendent. Whenever it shall be made to appear to the said county superintendent, and he shall be satisfied that the board of directors of such district are complying with the provisions of law in this matter, and are causing physiology and hygiene to be taught in the public schools of such district as hereinbefore provided, he shall notify said county treasurer, and said treasurer shall thereupon honor the warrants of said board of directors. (L. '09, p. 358, § 4; Rem. & Bal., § 4689.)

371. For failure of county superintendent to enforce teaching of hygiene

Any county superintendent of common schools who shall fail or refuse to comply with the provisions of the preceding section shall be liable to a penalty of one hundred dollars, to be recovered in civil action in the name of the state in any court of competent jurisdiction, and the sum recovered shall go into the state current school fund; and it shall be the duty of the prosecuting attorneys of the several counties of the state to see that the provisions of this section are enforced. (L. '09, p. 358, § 5; Rem. & Bal., § 4690.)

372. For clerk's failure to make report

In case the district clerk fails to make the reports as by law provided, at the proper time and in the proper manner, he shall forfeit and pay to the district the sum of twenty-five dollars for each and every such failure. He shall also be liable, if, through such neglect, the district fails to receive its just apportionment of school moneys, for the full amount so lost. Each and all of said forfeitures shall be recovered in a suit brought by the county superintendent or by any citizen of such district, in the name of and for the benefit of such district, and all moneys so collected shall be paid over to the county treasurer and

shall be by him placed to the credit of the general fund of the district to which it belongs. (L. '09, p. 359, § 6; Rem. & Bal., § 4691.)

373. For failure to deliver books to successor

Any school officer who shall refuse or fail to deliver to his qualified successor all books, papers, records and moneys pertaining to his office, or who shall wilfully mutilate or destroy any such property, or any part thereof, or shall misapply moneys entrusted to him by virtue of his office, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not to exceed one hundred dollars; said fine, when collected, to be turned over to the county treasurer and by him transmitted to the State Treasurer, who shall place the same to the credit of the current school fund of the state; and any director who shall aid in, or give his consent to the employment of a teacher who is not the holder of a valid certificate authorizing him or her to teach in the public schools of this state, shall be personally liable to his district for any loss which it may sustain by reason of the employment of such person not lawfully qualified to teach. (L. '09, p. 359, § 7; Rem. & Bal., § 4692.)

374. For failure to enforce course of study

Any teacher who wilfully refuses or neglects to enforce the course of study or the rules and regulations required by the State Board of Education, or by any other lawful authority, shall not be allowed by the directors any warrant for salary due until said teacher shall have complied with said requirements. (L. '09, p. 360, § 8; Rem. & Bal., § 4693.)

375. For maltreatment of a pupil

Any teacher who shall maltreat or abuse any pupil by administering any unjust punishment, or who shall inflict punishment on the head or face of a pupil, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be fined in any sum not exceeding one hundred dollars. Said fine, when collected, shall be turned over to the county treasurer and by him transmitted to the State

Treasurer, who shall place the same to the credit of the current school fund of the state. (L. '09, p. 360, § 9; Rem. & Bal., § 4694.)

376. For failure to attend an institute

In addition to other causes for the revocation of teachers' certificates as provided by law, any teacher failing to attend the annual institute held in the county in which he is employed, or the annual joint institute held by the county in which he is employed and another county or other counties, unless for good and sufficient reasons satisfactory to the Superintendent of Public Instruction, may upon complaint of the superintendent of the county in which he is employed to teach have any certificate he may hold forfeited by order of the Superintendent of Public Instruction: *Provided*, That such forfeiture shall be duly published after the said teacher shall have been given opportunity to present his reasons for such non-attendance, and after final action thereon. (L. '09, p. 360, § 10; Rem. & Bal., § 4695.)

377. For abusing a teacher

Any parent, guardian or other person who shall insult or abuse a teacher in the presence of his school, or anywhere on the school grounds or premises, shall be deemed guilty of a misdemeanor and be liable to a fine of not less than ten dollars nor more than one hundred dollars, and said fine shall be turned over to the county treasurer, and by him remitted to the State Treasurer, who shall place the same to the credit of the current school fund of the state. (L. '09, p. 360, § 11; Rem. & Bal., § 4696.)

378. For disturbing a school meeting

Any person who shall wilfully disturb any school or school meeting shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not more than fifty dollars. Said fine, when collected, shall be turned over to the county treasurer and by him transmitted to the State Treasurer, who shall place the same to the credit of the current school fund of the state. (L. '09, p. 361, § 12; Rem. & Bal., § 4697.)

"Person" applies to and includes a "pupil" of such school who was not attending the school at the time the offense was committed and was outside of the school building: *State v. Pakenham*, 40 Wash. 403.

379. For false report of the presence of pupils

Any teacher, principal or superintendent who shall knowingly report, cause to be reported, or permit to be reported, the presence of any pupil or pupils at school, when such pupil or pupils were absent, or when school is not in session, shall forfeit his certificate or subject it to revocation, and the same shall not be restored or a new one granted within one year after such forfeiture or revocation: *Provided*, That pupils who are excused from attendance at examinations for promotion, having completed their work in accordance with the rules of the board of directors, shall be accredited with attendance during said days of examination. (L. '09, p. 361, § 13; Rem. & Bal., § 4698.)

380. For injuring school property

Any pupil who shall cut, deface or otherwise injure any school house, furniture, fence or outbuilding thereof, or any book or books belonging to the district library, shall be liable to suspension and punishment, and the parent or guardian of such pupil shall be liable for damages, on complaint of the teacher or of any director or other person residing in the district; and when such damages shall have been collected they shall be turned over to the county treasurer and by him placed to the credit of the school district sustaining such damages. (L. '09, p. 361, § 14; Rem. & Bal., § 4699.)

381. For failure to use adopted text books

Any district using text-books other than those prescribed by lawful authority, or any district failing to comply with the course of study prescribed by the State Board of Education or by other lawful authority, or any district in which warrants are issued to a teacher not legally qualified to teach in the common school of the said district, shall forfeit twenty-five per cent. of their school fund for that or the subsequent year, and it is hereby made the duty of the county superintendent to deduct said amount from the apportionment to be made to any district failing in either or all of the above requirements, and the amounts thus deducted shall revert to the general school funds

of the state, and the county treasurer shall return the same to the State Treasurer for reapportionment. (L. '09, p. 361, §15; Rem. & Bal., § 4700.)

Where a school district refuses to follow the course of study adopted by the State Board of Education, the publisher of the books (under contract with the state board) is not entitled to relief by injunction unless materially damaged: *Westland Publishing Co. v. Royal*, 36 Wash. 400.

382. For failure of new district to have one month of school

Any new district formed by the division of an old one and which new district shall have maintained at least one month's school during the preceding school year, as shown by the last annual report of the county superintendent, on file in the office of the Superintendent of Public Instruction, shall be entitled to its just share of school moneys when the time that school was maintained in the old district before division, and in the new one after division, shall be equal to at least the minimum time required by law in the old district: *Provided*, That if any school district has heretofore failed to receive apportionment of state school funds because of a failure to hold school the time required by law, and there are unpaid warrants drawn on the general funds of said district for maintenance of school prior to said failure, a special tax shall be levied by the board of county commissioners on the property of the district, the proceeds of which tax shall be applied to the payment of the indebtedness. (L. '09, p. 362, § 16; Rem. & Bal., § 4701.)

383. For false swearing

If any person shall falsely swear or affirm in taking the oath or making the affirmation herein prescribed when being registered for voting in a school district of the first class, or shall falsely personate another and procure the person so personated to be registered, or if any person shall represent his name to the secretary or officer of registration to be different from what it actually is, and cause such name to be registered, or if any person shall cause any name to be placed upon the register list otherwise than in the manner provided in this act, he or she shall be guilty of a felony, and upon conviction be punished by confinement in the penitentiary not more than five nor less than one year. (L. '09, p. 362, § 17; Rem. & Bal., § 4702.)

CHAPTER 15—APPEALS

384. May appeal within thirty days

Any person, or persons, either severally or collectively, aggrieved by any decision or order of any school officer or school board may, within thirty days after the rendition of such decision or order, or of the failure to act upon the same when properly presented, appeal the same to the proper officer or board as hereinafter provided. (L. '09, p. 362, § 1; Rem. & Bal., § 4706.)

See notes, *infra*, § 163, Code Pub. Ins.

If no point is made in the court below on failure of respondent to appeal from the order of the board of directors in accordance with this section the objection cannot be raised for the first time in the supreme court: *Fitzgerald v. School District*, 5 Wash, 112, 114.

A school teacher before bringing suit against a school district for the alleged breach of contract must appeal from the decision of the board of directors to the county superintendent: *Van Dyke v. School District*, 43 Wash. 235.

Where a board of education is by law constituted a tribunal, from which there is no appeal, for the trial of its school officers, a member of the board who has caused charges to be preferred against a school superintendent because of personal hostility toward him, and has announced a determination to vote against him, whatever the evidence, is disqualified to sit as a member of such tribunal during the trial of the superintendent and, if he attempts to participate as a member of the tribunal, may be restrained by the issuance of a writ of prohibition: *State ex rel. Barnard v. Board of Education*, 19 Wash. 8.

385. Appeals—To whom taken

Appeals from the decision or order, or from the failure to decide or order, by a board of school directors shall be taken to the county superintendent of schools in and for the county. Appeals from the decision or order, or the failure to decide or order, of a county superintendent of schools shall, when relating to the territory or boundaries, or to the adjustment of the assets or liability of school districts, be taken to the board of county commissioners wherein the territory lies, but when relating to the operation or management of schools, or the property of the school district or to the relations with teachers such appeal shall be taken to the Superintendent of Public Instruction: *Provided*, That in matters involving the construction of contracts the appeal shall be taken to the court of the proper resort. (L. '09, p. 363, § 2; Rem. & Bal., § 4707.)

We are of the opinion that an appeal may be taken to the board of county commissioners from an order of the county superintendent refusing to form a new district.—LYLE.

386. The basis of appeal

The basis of appeal shall be an affidavit or affidavits of the party aggrieved, filed within the time for the taking of such appeal, setting forth in a clear and concise manner the errors complained of. (L. '09, p. 363, § 3; Rem. & Bal., § 4708.)

387. Interested parties to be notified

Having received the basis of appeal, as set forth in the preceding section, the officer to whom the appeal is taken shall within ten days, and the board of county commissioners shall at their next regular session, notify in writing the party from whose action the appeal is taken of the taking of such appeal and of its nature and scope. Within twenty days after such notice the said party shall file a complete transcript, properly certified to be correct, of the record and papers and proceedings relating to the decision complained of. Upon the filing of such transcript notice shall be duly given to all parties interested of the time and place where the matter of the appeal shall be heard and determined. (L. '09, p. 363, § 4; Rem. & Bal., § 4709.)

388. Hearing of the appeal

At the hearing of an appeal, properly presented in accordance with this chapter, the county superintendent or the board of county commissioners, as the case may be, shall hear testimony of all parties interested, and for the purpose may administer oaths if necessary, may summon witnesses or demand records or certified copies of the same: *Provided*, That in the case of a hearing before the board of county commissioners the board may hear the case *de novo*, and in case of a hearing on appeal by the Superintendent of Public Instruction no new evidence may be admitted. (L. '09, p. 363, § 5; Rem. & Bal., § 4710.)

389. Decisions to be final

In decisions of appeal by the Superintendent of Public Instruction and by the board of county commissioners the decision or order shall be final unless set aside by a court of com-

petent jurisdiction in an action brought therein to review such order or decision. (L. '09, p. 364, § 6; Rem. & Bal., § 4711.)

Where a district within the consolidation takes an appeal to the county commissioners and it is sustained, the county superintendent should recognize such separate district until decided in the proper court.—LYLE.

No appeal lies from order of county superintendents of counties forming a joint school district: *State ex rel. School Dists. 25 and 100 v. Board of County Commissioners*, 30 Wash. Dec. 304.

390. Record of appeals

Decisions of appeal shall be made a matter of record in full, and certified copies of the same shall be made if asked for by the parties interested within ten days of such decision. Notice of such decision of appeal shall be made in writing to parties interested within five days of their rendition. (L. '09, p. 364, § 7; Rem. & Bal., § 4712.)

391. Certain decisions to be reported to county assessor

In cases of appeal resulting in the change of any school district boundaries the decision shall within five days thereafter be also certified by the proper officer to the county assessor of the county, or to the county assessors of the counties, wherein the territory may lie. (L. '09, p. 364, § 8; Rem. & Bal., § 4713.)

CHAPTER 16—COMPULSORY SCHOOL LAW

392. Age—Attendance—Excuses

All parents, guardians and other persons in this state having or who may hereafter have immediate custody of any child between eight and fifteen years of age (being between the eighth and fifteenth birthdays), or of any child between fifteen and sixteen years of age (being between the fifteenth and sixteenth birthdays) not regularly and lawfully engaged in some useful and remunerative occupation, shall cause such child to attend the public school of the district in which the child resides, for the full time when such school may be in session, or to attend a private school for the same time, unless the superintendent of schools of the district in which the child resides, if there be such a superintendent, and in all other cases the county superintendents of common schools, shall have excused such child from such attendance because the child is physically or mentally unable

to attend school or has already attained a reasonable proficiency in the branches required by law to be taught in the first eight grades of the public schools of this state, as provided by the course of study of such school, or for some other sufficient reason. Proof of absence from public school or approved private school shall be *prima facie* evidence of a violation of this section. (L. '09, p. 364, § 1; Rem. & Bal., § 4714.)

See, *infra*, §§ 443, 444, Code Pub. Ins., prohibiting child labor.

See, *infra*, §§ 479-483, Code Pub. Ins., compulsory education in free government schools.

Private school should be approved, and the county superintendent is the proper person to make the examination thereof.—BELL.

It is no defense to a prosecution for violating the school law requiring parents to cause their children of school age to attend the public school of the district or a private school, that the parent is experienced and qualified as a teacher and gave private instruction to his own children at his home; such home instruction not being attendance at a private school within the meaning of the law, where he did not maintain a private school at his home as determined by the purpose, intent and character of the endeavor: *State v. Cou-nort*, 69 Wash. 361.

In a law for the compulsory vaccination of all pupils attending the public schools, an exception will be presumed in favor of individuals whose health is such as to render the operation dangerous or injurious: *State ex rel. McFadden v. Shorrock*, 55 Wash. 209.

393. Employment of children under fifteen years of age forbidden

No child under the age of fifteen years shall be employed for any purpose by any corporation, person or association of persons in this state during the hours which the public schools of the district in which such child resides are in session, unless the said child shall present a certificate from a school superintendent as provided for in section one of this act, excusing the said child from attendance in the public schools and setting forth the reason for such excuse, the residence and age of the child, and the time for which such excuse is given. Every owner, superintendent, or overseer of any establishment, corporation, company or person employing any such child shall keep such certificate on file so long as such child is employed by him, her or it. The form of said certificate shall be furnished by the Superintendent of Public Instruction. Proof that any child under fifteen years of age is employed during any part of the period in which public schools of the district are in session shall

be deemed *prima facie* evidence of a violation of this section. (L. '09, p. 365, § 2; Rem. & Bal., § 4715.)

See § 2447, Rem. & Bal., certain employment prohibited without consent of judge.

The legal age at which minors may be employed in any store, shop, factory, or any inside employment not connected with farm or house work is in the case of males 14 years or over, and in the case of females 16 years or over, unless said employment is authorized by an order of the judge of the superior court. When public schools are in session no minor under the age of 15 years may be employed without a certificate from the superintendent of schools.—WILSON.

394. Penalty

Any person violating any of the provisions of either of the two preceding sections shall be fined not more than twenty-five dollars. Attendance officers shall make complaint for violation of the provisions of this act to a justice of the peace or to a judge of the superior court. (L. '09, p. 365, § 3; Rem. & Bal., § 4716.)

395. Attendance officers—Their duties

To aid in the enforcement of this act, attendance officers shall be appointed and employed as follows: In incorporated city districts the board of directors shall annually appoint one or more attendance officers. Any attendance officer may be a sheriff, constable, a city marshal, or a regularly appointed policeman. In all other districts the county superintendent shall act as attendance officer, and he shall also have authority to appoint one or more assistant attendance officers to aid him in the performance of his duties as attendance officer. The compensation of attendance officer in such city districts shall be fixed and paid by the board appointing him. The attendance officer shall be vested with police powers, the authority to make arrests and serve all legal processes contemplated by this act, and shall have authority to enter all stores, mills, shops or other places in which children may be employed, for the purpose of making such investigations as may be necessary for the enforcement of this act. The attendance officer is authorized to take into custody the person of any child between eight and fifteen years of age, who may be a truant from school, and to conduct such child to his parents, for investigation and explana-

tion, or to the school which he should properly attend. The attendance officer shall institute proceedings against any officer, parent, guardian, person, company or corporation violating any provisions of this act, and shall otherwise discharge the duties prescribed in this act, and shall perform such other services as the superintendent of schools or the board of directors may deem necessary. The attendance officer shall keep a record of his transactions, for the inspection and information of the board of directors and the city and county superintendent, and shall make a detailed report to the superintendent of the city or of the county, as often as the same may be required. (L. '09, p. 365, § 4; Rem. & Bal., § 4717.)

It would seem that the language, "Any attendance officer may be a sheriff, constable, a city marshal, or a regularly appointed policeman," does not mean that the attendance officer must necessarily be a sheriff, constable or other officer named therein. We do not consider the word "may" as mandatory or even directory, but simply as permissive, and it is the opinion of this office that the attendance officer need not be a sheriff, constable, a city marshal or policeman, but that any of such officers may be appointed as an attendance officer in the discretion of the board of directors in incorporated city districts.—MAGILL.

396. May arrest without warrant

Any attendance officer, sheriff, deputy sheriff, marshal, policeman, or any other officer authorized to make arrests in the city or district, shall arrest without warrant a child who, under the provisions of this act, is required to attend school, such child then being a truant from instruction at the school which he or she is lawfully required to attend, shall forthwith deliver a child so arrested either to the custody of a person in parental relation to the child or to the teacher from whom the child is then a truant, or, in case of habitual or incorrigible truants, shall bring him or her before a justice of the peace. The justice of the peace shall, if he be convinced that the child so arrested is an habitual truant or that the child is guilty of wilful and continued disobedience to the school rules and regulations or laws, or that the conduct of the child is pernicious and injurious to the school, bind the child over to the superior court with a view of his commitment to the State Reform School or other school for incorrigibles. (L. '09, p. 366, § 5; Rem. & Bal., § 4718.)

397. Census report

It shall be the duty of the district clerk or secretary, at the beginning of each school year, to provide the teacher with a copy of the last census of school children taken in his school district: *Provided*, That if there be a principal or city superintendent in such district, the clerk or secretary shall make such census report to him, and it shall be the duty of every teacher to report to the proper truant officer all cases of truancy or incorrigibility in his or her school, immediately after the offense or offenses shall have been committed: *Provided further*, That if there be a principal, the report shall be made to him and by him transmitted to the truant officer: *And provided further*, That if there be a city superintendent, the principal shall transmit such report to said city superintendent, who shall transmit such report to the proper truant officer of his district. (L. '09, p. 367, § 6; Rem. & Bal., § 4719.)

398. Concurrent jurisdiction

In cases arising under this act all justices' courts, municipal courts and superior courts in the State of Washington shall have concurrent jurisdiction. (L. '09, p. 367, § 7; Rem. & Bal., § 4720.)

399. The county attorney shall prosecute

The county attorney shall act as attorney for the complainant in all court proceedings relating to the compulsory attendance of children as required by this act. (L. '09, p. 367, § 8; Rem. & Bal., § 4721.)

400. Notice by county superintendent

The county superintendent shall on or before the 15th day of August of each year, by printed circular or otherwise, call the attention of all school district officers to the provisions of this act, and to the penalties prescribed for the violation of its provisions, and he or she shall require the clerk of every school district to make a report annually hereafter, to him or her, verified by affidavit, stating whether or not the provisions of this act have been faithfully complied with in his district. Such reports shall be made upon blanks to be furnished by the Su-

perintendent of Public Instruction and shall be transmitted to the county superintendent at the time the district clerk is required to make his annual report to the county superintendent. Any district clerk who shall knowingly or wilfully make a false report relating to the enforcement of the provisions of this act or fail to report as herein provided shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction shall be fined not less than twenty-five dollars nor more than one hundred dollars; and any district clerk who shall refuse or neglect to make the report required in this section shall be personally liable to his district for any loss which it may sustain because of such neglect or refusal to report. (L. '09, p. 367, § 9; Rem. & Bal., § 4722.)

401. Penalty

Any superintendent, teacher or attendance officer, who shall fail or refuse to perform the duties prescribed by this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not less than twenty nor more than one hundred dollars: *Provided*, That in case of a district officer, such fine shall be paid to the county treasurer and by him placed to the credit of the school district in which said officer resides, and in case of other officers such fine shall be paid to the county treasurer and by him placed to the credit of the general school fund of the county. (L. '09, p. 368, § 10; Rem. & Bal., § 4723.)

402. Fines applied to support of schools

All fines except as otherwise provided in this act shall inure and be applied to the support of the public schools in the district where such offense was committed. (L. '09, p. 368, § 11; Rem. & Bal., § 4724.)

403. Officers not liable for costs

No officer performing any duty under any of the provisions of this act, or under the provisions of any rules that may be passed in pursuance hereof, shall in any wise become liable for any costs that may accrue in the performance of any duty prescribed by this act. (L. '09, p. 368, § 12; Rem. & Bal., § 4725.)

CHAPTER 17—GRAMMAR SCHOOL EXAMINATIONS

404. Duties of Superintendent of Public Instruction

It shall be the duty of the Superintendent of Public Instruction at such times as he may deem it advisable, but not oftener than three times each year, to forward questions prepared by the State Board of Education for use in the examination of pupils having completed the grammar school course of study, to fix the date for such examination, and to grant certificates of promotion to pupils successfully passing such examination according to the standard prescribed by the State Board of Education: *Provided*, That such certificate shall entitle the holder thereof to entrance into any high school of the state without further examination: *Provided further*, That nothing in this act shall be construed as compelling boards of directors to admit non-resident pupils without tuition charge. (L. '09, pp. 368, § 1; Rem. & Bal., § 4731.)

405. County superintendent may appoint assistant examiners

It shall be the duty of the county board of education to examine and grade the manuscripts of the pupils who take the examinations mentioned in section one (1) of this chapter. The county superintendent may appoint assistant examiners, who shall conduct such examinations of pupils according to the rules and regulations of the State Board of Education, and within three days transmit the manuscripts to the county superintendent. Assistant examiners shall receive three dollars per day, to be paid in the same manner as the regular board. (L. '09, p. 369, § 2; Rem. & Bal., § 4732.)

406. County board of education to grade manuscripts

It shall be the duty of the county board of education to meet at the county seat at the call of the county superintendent for the purpose of examining and grading the manuscripts of pupils taking such examinations under the direction of any assistant examiner or of the county superintendent. No questions shall be used in such examination except those prepared by the State Board of Education as provided in section one (1) of this chapter: *Provided*, That the State Board of Education

may prescribe a special course of reading to be done by pupils in the last year of the grammar school course, as a requisite to their receiving certificates of graduation. (L. '09, p. 369, § 3; Rem. & Bal., § 4733.)

407. County superintendent to report

It shall be the duty of the county superintendent to report to the Superintendent of Public Instruction, within ten days after any meeting of the county board of education, the names of all pupils successfully passing any examination, as herein provided, together with their respective standings or grades in the several prescribed subjects and such other facts relating to said pupils or said examination as the Superintendent of Public Instruction may require. (L. '09, p. 369, § 4; Rem. & Bal., § 4734.)

CHAPTER 18—HIGH SCHOOL EXTENSION EXAMINATIONS

408. State board to outline course

The State Board of Education shall outline a course of reading and study similar to a course of study required in a full four-year high school course, and shall provide for the examination and certification of those taking or completing such course. Examinations for this purpose shall be held at the same time and place of holding examinations for teachers' certificates, and in such form to fully test the students' knowledge of the subject or subjects examined in. Any one or more subjects may be taken at any such examination and a student failing in any subject may again be examined in such subject at any subsequent examination: *Provided*, Each year's work of a lower grade must be completed before a student shall be permitted to complete the work of a higher year. Such examination shall be intended only for those not taking a full course in the same subject in a regular high school, and no person shall be admitted to any such examination unless he shall have given to the county superintendent notice of his intention to take such examination and the subjects in which he desires to be examined at least thirty days before the examination, and obtain

permission from such superintendent to take such examination. (L. '09, p. 370, § 1; Rem. & Bal., § 4735.)

409. Questions and examinations

The questions for such examination shall be prepared by the State Board of Education, and shall be furnished to the State Superintendent of Public Instruction, who shall cause the same to be printed and distributed to the several county superintendents upon request therefor the same as the questions for teachers' examinations are printed and distributed. The manuscripts containing the answers of applicants shall be returned to the Superintendent of Public Instruction, to be marked and graded by him, and who shall issue certificates to those who have the required percentage in the various branches which shall be fixed by the State Board of Education. (L. '09, p. 370, § 2; Rem. & Bal., § 4736.)

410. Certificates to be issued

Upon the completion of the full course as outlined by the State Board of Education, a state high school certificate shall be issued to the applicant by the said board and such certificate shall entitle the holder thereof to enter the freshman class of the State University or to enter any other class in the other state educational institutions as may be specified by the State Board of Education. (L. '09, p. 371, § 3; Rem. & Bal., § 4737.)

CHAPTER 19—KINDERGARTENS

411. How established in districts of the first and the second class

The board of directors of any school districts of the first and second classes shall have power to establish and maintain free kindergartens in connection with the common schools of said districts for the instruction of children between the ages of four and six years, residing in said district, and shall establish such courses of training, study and discipline and such rules and regulations governing such kindergartens as said board may deem best. (L. '11, p. 382, § 1.)

See, *supra*, § 191, subdiv. 4, Code Pub. Ins., kindergartens in districts of first class.

412. Shall be part of public school system

Kindergartens established under this act shall be a part of the public school system and under the control and supervision of the regular officers who have charge of the public schools of the state: *Provided*, That nothing in this act shall be construed to change the law relating to the taking of the census of the school population or the apportionment of state and county funds. (L. '09, p. 371, § 2; Rem. & Bal., § 4739.)

413. Expense to be paid from general fund

The cost of establishing and maintaining such kindergartens shall be paid from the general fund of the district. (L. '11, p. 382, § 3.)

414. Teachers to hold diplomas or certificates

Kindergarten teachers and supervisors shall have diplomas or certificates from some accredited kindergarten training school, from the kindergarten department of a state normal school of this state or of a normal school whose kindergarten department is accredited by the State Board of Education. (L. '09, p. 371, § 4; Rem. & Bal., § 4741.)

CHAPTER 20—TAKING OF PRIVATE PROPERTY FOR SCHOOL HOUSE SITES**415. School districts may take and acquire title**

Whenever any school district shall select any real estate as a site for a school house, or as additional grounds to an existing school house site, within the district, and the board of school directors of such district and the owner or owners of the site or any part thereof, or addition thereto selected, shall be unable to agree upon the compensation to be paid by such school district to the owner or owners thereof, such school district shall have the right to take and acquire title to such real estate for use as a school house site or additional site, upon first paying to the owner or owners thereof therefor the value thereof, to be ascertained in the manner hereinafter provided. (L. '09, p. 372, § 1; Rem. & Bal., § 906.)

A county may take school property for public use, but the showing would have to be to the effect that the new use was more important to the public than the old use.—LYLE.

416. Petition to superior court

The board of directors of the school district shall present to the superior court of the State of Washington in and for the county wherein is situated the real estate desired to be acquired for school house site purposes, a petition, reciting that the board of directors of such school district have selected certain real estate, describing it, as a school house site, or as additional grounds to an existing site, for such school district; that the site so selected, or some part thereof, describing it, belongs to a person or persons, naming him or them; that such school district has offered to give the owner or owners thereof therefor dollars, and that the owner of such real estate has refused to accept the same therefor; that the board of school directors of such school district and the said owner or owners of such real estate are unable to agree upon the compensation to be paid by such school district to the owner or owners of such real estate therefor, and praying that a jury be empaneled to ascertain and determine the compensation to be made in money by such school district to such owner or owners for the taking of such real estate for the use as a school house site for such school district; or in case a jury be waived in the manner provided by law in other civil actions in courts of record, then that the compensation to be made as aforesaid be ascertained and determined by the court, or judge thereof. (L. '09, p. 372, § 2; Rem. & Bal., § 907.)

417. Notice of petition

A notice, stating the time and place, when and where such petition shall be presented to the court, or the judge thereof, together with a copy of such petition, shall be served on each and every person named therein as owner, or otherwise interested therein, at least ten days previous to the time designated in such notice for the presentation of such petition. Such notice shall be signed by the prosecuting attorney of the county wherein the real estate sought to be taken is situated, and may be served in the same manner as summons in a civil action in

such superior court is authorized by law to be served. (L. '09, p. 373, § 3; Rem. & Bal., § 908.)

418. Adjournment of proceedings

The court may, upon application of the petitioner or of any owner of said real estate, or any person interested therein, for reasonable cause adjourn the proceedings from time to time, and may order new or further notice to be given to any party whose interests may be affected by such proceedings. (L. '09, p. 373, § 4; Rem. & Bal., § 909.)

419. Findings of court

At the time and place appointed for the hearing of such petition, or to which the same may have been adjourned, if the court shall find that all parties interested in such real estate sought to be taken have been duly served with notice and a copy of the petition as above described, and shall further find that such real estate sought to be taken is required and necessary for the purposes of a school house site, or as an addition to a school house site, for such school district, the court shall make an order reciting such findings, and shall thereupon set the hearing of such petition down for trial by a jury, as other civil actions are tried, unless a jury is waived in the manner provided by law in other civil actions. (L. '09, p. 373, § 5; Rem. & Bal., § 910.)

420. Jury—Number of persons

The jury impaneled to hear the evidence and determine the compensation to be paid to the owner or owners of such real estate desired for such school house site purpose shall consist of twelve persons, unless a less number be agreed upon, and shall be selected, impaneled and sworn in the same manner that juries in other civil actions are selected, impaneled and sworn: *Provided*, A juror may be challenged for cause on the ground that he is a taxpayer of the district seeking the condemnation of any real estate. (L. '09, p. 373, § 6; Rem. & Bal., § 911.)

421. Superior court judge to preside

A judge of the superior court shall preside at the trial and witnesses may be examined in behalf of either party to the proceed-

ings, as in other civil actions, and upon the request of all the parties interested in such proceedings the court shall cause the jury impaneled to hear the same, to view the premises sought to be taken, and upon the request of any less number of the persons interested in the proceedings, the court may cause the jury to view the premises, pending the hearing of the case. (L. '09, p. 374, § 7; Rem. & Bal., § 912.)

422. Court to instruct jury

Upon the close of the evidence, and the argument of counsel, the court shall instruct the jury as to the matters submitted to them, and the law pertaining thereto, whereupon the jury shall retire and deliberate and determine upon the amount of compensation in money that shall be paid to the owner or owners of the real estate sought to be taken for such school house site purposes therefor, which shall be the amount found by the jury to be the fair and full value of such premises; and when the jury shall have determined upon their verdict, they shall return the same to the court as in other civil actions. (L. '09, p. 374, § 8; Rem. & Bal., § 913.)

Rem. & Bal. § 913, providing that, upon the condemnation of a school site, the compensation to be paid the owner shall be the fair and full value of the premises does not limit the recovery to the naked value of the land, in violation of the constitutional requirement requiring payment of the value of the land taken and for any depreciation of the land not taken; since the statute is directory and contains no words of limitation confining the jury to the value of the land taken alone: *State ex rel. School District No. 56 v. Superior Court*, 69 Wash. 189.

423. The verdict

When ten of the jurors agree upon a verdict, the verdict so agreed upon shall be signed by the foreman, and the verdict so agreed upon shall be and stand as the verdict of the jury. (L. '09, p. 374, § 9; Rem. & Bal., § 914.)

424. Compensation, when jury is waived

In case a jury is waived, the compensation that shall be paid for the premises taken shall be determined by the court and the proceedings shall be the same as in the trial of issues of fact by the court in other civil actions. (L. '09, p. 374, § 10; Rem. & Bal., § 915.)

425. Entry of judgment, etc.

Upon the verdict of the jury, or upon the determination by the court of the compensation to be paid for the property sought to be taken as herein provided, judgment shall be entered against such school district in favor of the owner or owners of the real estate sought to be taken, for the amount found as compensation therefor, and upon the payment of such amount by such school district to the clerk of such court for the use of the owner or owners of, and the persons interested in the premises sought to be taken, the court shall enter a decree of appropriation of the real estate sought to be taken, thereby vesting the title to the same in such school district; and a certified copy of such decree of appropriation may be filed in the office of the county auditor of the county wherein the real estate taken is situated, and shall be recorded by such auditor like a deed of real estate, and with like effect. The money so paid to the clerk of the court shall be by him paid to the person or persons entitled thereto, upon the order of the court. (L. '09, p. 374, § 11; Rem. & Bal., § 916.)

426. Costs

All the costs of such proceedings in the superior court shall be paid by the school district initiating such proceedings. (L. '09, p. 375, § 12; Rem. & Bal., § 917.)

427. Appeal.

Either party may appeal from the judgment for compensation awarded for the property taken, entered in the superior court, to the supreme court of the state within sixty days after the entry of the judgment, and such appeal shall bring before the supreme court the justness of the compensation awarded for the property taken, and any error occurring on the hearing of such matter, prejudicial to the party appealing: *Provided, however,* That if the owner or owners of the land taken accepts the sum awarded by the jury or court, he or they shall be deemed thereby to have waived their right of appeal to the supreme court. (L. '09, p. 375, § 13; Rem. & Bal., § 918.)

428. Possession of premises

An appeal from such judgment by the owner or owners of the land sought to be taken, shall not have the effect to preclude the school district from taking possession of the premises sought, pending the appeal, provided the amount of the judgment against the school district shall have been paid in to the clerk of the court, as hereinbefore provided. (L. '09, p. 375, § 14.) Rem. & Bal., § 919.)

429. Plaintiff and defendants

In all proceedings under this act the school district seeking to acquire title to real estate for a school house site, shall be denominated plaintiff, and all other persons interested therein shall be denominated defendants; and in all such proceedings the clerk of the superior court wherein any such proceeding is brought shall charge nothing for his services, except in taking an appeal from the judgment entered in the superior court. (L. '09, p. 375, § 15; Rem. & Bal., § 920.)

**CHAPTER 21—PROHIBITING SALE OF INTOXICATING LIQUORS
WITHIN PRESCRIBED LIMITS OF STATE EDUCATIONAL
INSTITUTIONS****430. Two thousand feet from institution**

That it shall be unlawful to sell or in any way dispose of any vinous, spiritous, malt or other intoxicating liquors, with or without a license, within two thousand (2,000) feet of any normal school, agricultural college, reform school, or state school for defective youth, now established or which may hereafter be legally established within the State of Washington: *Provided*, That nothing in this act shall be construed to affect in any way the provisions of "An act prohibiting the sale of intoxicating liquors on or near the grounds of the University of Washington," approved March 19, 1895. (L. '09, p. 376, § 1; Rem. & Bal., § 4744.)

See, *infra*, § 475, Code Pub. Ins., sale of liquors on university grounds.

This also includes sales by druggists within the restricted district as exceptions cannot be made by construction where the language is plain and unequivocal: *State v. Pomeroy*, 68 Wash. 389.

431. Penalty

Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine of not less than two hundred (200) dollars, nor more than one thousand (1,000) dollars, or by both such fine and imprisonment. (L. '09, p. 376, § 2; Rem. & Bal., § 4745.)

TITLE IV**CHAPTER 1—DESIGNATION AND INTENT OF ACT AND
REPEALING CLAUSE****432. Official title**

This act shall be known and cited as the Code of Public Instruction of the State of Washington. (L. '09, p. 376, § 1; Rem. & Bal., § 4746.)

"Act" refers to chapter 97 of the Laws of 1909.

433. Intention of act

This act is intended to be and is amendatory of, and a recodification as amended of, all laws relating to the public school system of the state of Washington. (L. '09, p. 376, § 2; Rem. & Bal., § 4747.)

434. Repealing clause

All acts and parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed. (L. '09, p. 376, § 3.)

MISCELLANEOUS LAWS RELATING TO SCHOOLS

PUBLICATION OF ESTIMATES OF SCHOOL EXPENSES

435. Detailed estimates of expenditures

It shall be the duty of county commissioners, city and town councils, and school directors of school districts lying wholly, or in part, within the limits of any incorporated city or town, on or before the first Monday in September of each year, to make estimates of the amount required to meet the public expense for the ensuing year, and to be raised by taxation in such county, city, town, road, school or other taxing district. Such estimates shall be fully itemized, showing under separate heads the amount required for each department, public office, public official, for each public improvement, for the maintenance of each public building, structure, or institution, the salary of each public officer or employe, the maintenance of public highways, roads, streets, bridges, the construction, operation and maintenance of each public utility, and shall contain a full and complete disclosure and statement of the contemplated expenditures for the ensuing year, showing the amount proposed to be expended from each separate fund, and the total amount of public expense. Said statement shall also contain an estimate of the receipts for the ensuing year from sources other than direct taxation, and the amount, or amounts, proposed to be raised by taxation upon the real and personal property of such county, city, town, road, school, or other taxing district. (L. '09, p. 531, § 1; Rem. & Bal., § 9208.)

NOTE: This chapter applies only to school districts of the first or the second class.

In making the tax levy for the ensuing year the officers cannot exceed the amount estimated.—LYLE.

436. Publication of estimate

The estimates required in section one (1) of this act, together with a notice that such board of county commissioners, city or town council, or board of school directors, will meet on the first

Monday in October for the purpose of making tax levies, as stated in said estimates, and naming the time and place of holding such meeting, shall be published for at least two (2) consecutive weeks following the adoption of such estimates as follows: Estimates of expenditures, required to be disbursed by county commissioners, shall be published in the official newspaper of the county, if there be one; if not, then in a newspaper of general circulation in such county. All other estimates shall be published in a newspaper of general circulation in such county, town, school, or other taxing district. (L. '09, p. 531, § 2; Rem. & Bal., § 9209.)

See, *supra*, § 281, Code Pub. Ins. time of levying state school tax.

437. Public hearing

It shall be the duty of county commissioners, city and town councils, and of school directors of school districts, lying wholly, or in part, within the limits of any incorporated city or town, to meet on the first Monday in October, and at the time and place designated in said notice, when and where any taxpayer who may appear shall be heard in favor or against any proposed tax levies. When such hearing shall have been concluded, such county commissioners, city or town councils, and school directors shall proceed to make, determine, and decide the amount of taxes to be levied upon the current assessment rolls. All taxes shall be levied or voted in specific sums, and shall not exceed the amount specified in such published estimates. (L. '09, p. 532, § 3; Rem. & Bal., § 9210.)

438. Penalty

Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than one hundred dollars, nor more than five hundred dollars. (L. '09, p. 532, § 4; Rem. & Bal. § 9211.)

FIRE DRILLS

439. Fire drills twice each month

It shall be the duty of the principal or other person in charge of every public or private school or educational institution

within the state, to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to leave the school building in the shortest possible time and without confusion or panic. Such drills or rapid dismissals shall be held at least twice in each month. (L. '09, p. 386, § 1; Rem. & Bal., § 4748.)

The law requiring fire drills in schools does not apply to the state institutions at Chehalis, Monroe, Vancouver and Medical Lake.—LYLE.

440. Penalty

Neglect by any principal or other person in charge of any public or private school or educational institution to comply with the provisions of this act shall be a misdemeanor, punishable at the discretion of the court by a fine not exceeding fifty (\$50.00) dollars. Such fine to be paid to the county treasurer for the benefit of said school district. (L. '09, p. 386, § 1; Rem. & Bal., § 4749.)

441. Publication of this act

It shall be the duty of the board of directors or other body having control of the schools in any town or city to cause a copy of this act to be printed in the manual or handbook prepared for the guidance of teachers, where such manual or handbook is in use or may hereafter come into use. It shall be the duty of the Superintendent of Public Instruction to cause a copy of this act to be published in the Washington State Manual. (L. '09, p. 386, § 3; Rem. & Bal., § 4750.)

442. Colleges and universities excepted

The provisions of this act shall not apply to colleges or universities. (L. '09, p. 386, § 4; Rem. & Bal., § 4751.)

PROHIBITING CHILD LABOR

443. Child labor forbidden

That no person under the age of nineteen years shall be employed as a public messenger by any person, telegraph company, telephone company, or messenger company in any city of the first class in this state, nor shall any child of either sex under the age of fourteen years be hired out to labor in any fac-

tory, mill, workshop or store at any time: *Provided*, That any superior court judge may issue a permit for the employment of any child between the ages of twelve and fourteen years at any occupation, not in his judgment dangerous or injurious to the health or morals of such child, upon evidence satisfactory to him that the labor of such child is necessary for its support or for the assistance of any parent: *And provided further*, That the judge of the juvenile court may issue permits for the employment of any male child over fourteen years of age, as messenger by telegraph, telephone and messenger companies subject to such limitations and conditions as may be imposed by said court. All permits herein provided for shall be issued for a definite time and shall be revocable at the discretion of the judge by whom issued. (L. '07, p. 238, § 1; Rem. & Bal., § 6570.)

See, *supra*, §§ 392-396, Code Pub. Ins., compulsory school laws.

Laws of 1903, page 261, providing that children under fourteen years of age shall not be "hired out," is intended to forbid their employment, as well as hiring out by parents, and the prohibition extends to all connected therewith, making the employment itself illegal: *Kirkham v. Wheeler-Osgood Co.*, 39 Wash. 415.

444. Penalty

Any employer, or any overseer, superintendent, or agent of such person, telegraph company, telephone company or messenger company who shall violate any of the provisions of this act, shall, upon conviction thereof, be fined for each offense not less than ten dollars nor more than five hundred dollars, or be imprisoned in the county jail not to exceed six months, or by both such fine and imprisonment. (L. '07, p. 238, § 2; Rem. & Bal., § 6571.)

EMINENT DOMAIN

445. Eminent domain extended to public lands

All state, county and school districts, or other lands belonging to other public corporations, shall be subject to the provisions of this act and such corporations, by and through their proper authorities, shall be made parties in all proceedings therein affecting said lands, and shall have the same rights and liable to the same right of eminent domain as private per-

sons, and the lands shall be subject to the right of eminent domain the same as the land of private persons or corporations. (L. '09, Ex. Ses., p. 34, § 43; Rem. & Bal., § 8208.)

"This act" refers to commercial waterways.

446. Assessment of benefits against state and municipalities—Payment

In case lands belonging to the state, county and school district, or other public corporations, are benefited by any improvement instituted under the provisions of this act, all benefits shall be assessed against said lands, and the same shall be paid by the proper authorities of such public corporations at the times and in the same manner as assessments are called and paid in case of private persons out of any general fund of such corporation. (L. '09, Ex. Ses., p. 34, § 44; Rem. & Bal., § 8209.)

CARNEGIE FUND

447. Application for Carnegie fund authorized

The board of regents of the University of Washington and the board of regents of the State College of Washington are authorized to apply for participation by the said university and State College of Washington in the fund of the Carnegie foundation for the advancement of teaching, and from time to time to make application for allowances for such persons as may be eligible to receive the same under the rules laid down by the board of trustees of the Carnegie foundation for the advancement of teaching. (L. '09, p. 53, § 1; Rem. & Bal., § 4551.)

See, *supra*, § 36 *et seq.*, Code Pub. Ins., regents of State College.

See, *supra*, § 14 *et seq.*, Code Pub. Ins., University of Washington.

VACANCIES IN STATE BOARD

448. Vacancies

Whenever any vacancy in the board shall occur, whether by death, removal, resignation or otherwise, the Governor shall fill the vacancy by appointment. (L. '97, p. 367, § 26; Rem. & Bal., § 4304.)

The force of this section, relating to the State Board of Education, is doubtful.

See, *supra*, § 11 *et seq.*, Code Pub. Ins., powers and duties of board.

LEGAL RATE OF INTEREST ON SCHOOL WARRANTS

449. Interest on school warrants

All county, city, town and school warrants, and all warrants or other evidences of indebtedness, drawn upon or payable from any public funds, shall bear interest at a rate not greater than eight per centum per annum, unless a less rate be specified therein. (L. '99, p. 129, § 4; Rem. & Bal., § 6253.)

State warrants draw interest only from the date of their presentation to the treasurer and his endorsement thereon, "Not paid for want of funds," at the legal rate prevailing at the date of presentation and not that in force at the date of issuance, under the statutes of this state: *State ex rel. Capital Nat. Bank v. Young*, 22 Wash. 547.

450. Issuing officer to regulate rate

It shall be the duty of every public officer issuing public warrants to make monthly investigation to ascertain the market value of the current warrants issued by him, and he shall, so far as practicable, fix the rate of interest (not in any event, however, exceeding the maximum rate hereinbefore established therefor) on the warrants issued by him during the ensuing month, so that the par value shall be the market value thereof. (L. '99, p. 129, § 5; Rem. & Bal., § 6254.)

STATE TAX FOR INSTITUTIONS OF HIGHER EDUCATION

451. Definition of terms

The terms "State Institutions of Higher Education" as used in this act shall include the University of Washington, the Washington State College, the State Normal School at Cheney, the State Normal School at Ellensburg, and the State Normal School at Bellingham. (L. '11, p. 340, § 1.)

452. Funds created

There is hereby created a fund to be known as the "University Fund;" a fund to be known as the "Washington State College Fund;" a fund to be known as the "Cheney Normal School Fund;" a fund to be known as the "Ellensburg Normal School Fund;" and a fund to be known as the "Bellingham Normal School Fund." (L. '11, p. 340, § 2.)

See, *infra*, §§ 538-548, Code Pub. Ins., other funds.

453. Where paid

All moneys arising from the tax herein directed to be levied for the said several institutions of higher education shall be paid into the respective funds hereby created. (L. '11, p. 340, § 3.)

454. Tax levy

The State Board of Equalization shall, beginning with the fiscal year 1912 and annually thereafter, at the time of levying taxes for state purposes, levy upon all property subject to taxation a tax of forty-seven and one-half one-hundredths ($47\frac{1}{2}$ -100) of one mill for the State University Fund; thirty-two and one-half one-hundredths ($32\frac{1}{2}$ -100) of one mill for the Washington State College Fund; nine one-hundredths (9-100) of one mill for the Cheney Normal School Fund; seven one-hundredths (7-100) of one mill for the Ellensburg Normal School Fund; and nine one-hundredths (9-100) of one mill for the Bellingham Normal School Fund. After January 1, 1916, it shall be the duty of the Governor upon request of the president of any of the institutions of higher learning to appoint a commission of five members to investigate reasons for changing the levy herein provided for, and to report to him in time for action, if any is necessary, by the legislature of 1917. (L. '11, p. 340, § 4.)

455. Purpose

All sums of money produced by said tax shall be placed in said several funds and hereby set apart for the use of the several institutions herein provided for, for the purpose of maintenance, repairs and construction of buildings, and equipment thereof. (L. '11, p. 341, § 5.)

DUTIES OF PROSECUTING ATTORNEY**456. Attorney for school districts, etc.**

The prosecuting attorney of each county shall have authority and it shall be his duty, subject to the supervisory control and direction of the Attorney General, to appear for and repre-

sent the state and the county and all school districts in the county in which he is a prosecuting attorney, in all criminal and civil actions and proceedings in such county in which the state or such county or such school district is a party. (L. '11, p. 375, § 1.)

PERMANENT FIRE INSURANCE FUND IN DISTRICTS OF THE FIRST CLASS

457. Power to create

That school districts of the first class shall, when in the judgment of the boards of directors it be deemed expedient, have power to create and maintain a permanent insurance fund for said districts, to be used to meet losses by fire, if any, of said school districts. (L. '11, p. 378, § 1.)

The trustees of a state normal school have the power to place insurance on buildings.—LYLE.

458. Power of directors

The board of directors shall annually, at the same time and in the same manner as provided for reporting to the board of county commissioners an estimate of the amount of funds required for the support of the schools, report the additional amount of funds determined upon for creating or adding to the permanent insurance fund of the district, and the board of county commissioners are hereby authorized and required to levy and collect such additional amount of funds, the same as other school taxes. (L. '11, p. 378, § 2.)

See, *supra*, § 191, Code Pub. Ins., powers of directors in districts of the first class.

459. Treasurer may invest funds

The county treasurer, when authorized to do so by the board of directors of any school district, may invest any accumulated permanent insurance fund of said district in school, county, or state warrants of the state of Washington, and all profits accruing from such investment, and the funds so invested, shall revert to the permanent insurance fund of said district, and the county treasurer shall be the custodian of all warrants purchased by and with said permanent insurance fund until the

same are redeemed, and the county treasurer shall submit a statement of such fund and warrants as a part of his monthly report to each district. (L. '11, p. 378, § 3.)

See, *supra*, § 239, Code Pub. Ins., duties of county treasurer.

COMMUNITY PURPOSES—BUILDINGS

460. Wider use of school buildings—Erection of teachers' cottages

That school boards in each district of the second class and third class may provide for the free, comfortable and convenient use of the school property to promote and facilitate frequent meetings and association of the people in discussion, study, improvement, recreation and other community purposes, and may acquire, assemble and house material for the dissemination of information of use and interest to the farm, the home and the community, and facilities for experiment and study, especially in matters pertaining to the growing of crops, the improvement and handling of live stock, the marketing of farm products, the planning and construction of farm buildings, the subjects of household economies, home industries, good roads, and community vocations and industries; and may call meetings for the consideration and discussion of any such matters, employ a special supervisor, or leader, if need be, and provide suitable dwellings and accommodations for teachers, supervisors and necessary assistants. (L. '13, p. 395, § 1.)

461. Districts may erect communal assembly place

That each school district of the second or third class, by itself or in combination with any other district or districts, shall have power, when in the judgment of the school board it shall be deemed expedient, to re-construct, remodel, or build school houses, and to erect, purchase, lease or otherwise acquire other improvements and real and personal property, and establish a communal assembly place and appurtenances, and supply the same with suitable and convenient furnishings and facilities for the uses mentioned in section 1 of this act. (L. '13, p. 396, § 2.)

462. Commission to pass upon plan

That plans of any district or combination of districts for the carrying out of the powers granted by this act shall be submitted to and approved by the board of supervisors composed of seven members, as follows: the State Superintendent of Public Instruction; the head of the extension department of Washington State College; the head of the extension department of the University of Washington; the county superintendent of schools of the county in which such facilities are proposed to be located; these four to choose a fifth member from such county, and a sixth and seventh member, one of whom shall be a woman, from the district or districts concerned. (L. '13, p. 396, § 3.)

463. Limitation of expenditures

No real or personal property or improvements shall be purchased, leased, exchanged, acquired or sold, nor any school houses built, remodeled or removed, nor any indebtedness incurred or money expended for any of the purposes of this act except in the manner provided by law for the purchase, lease, exchange, acquisition and sale of school property, the building, remodeling and removing of school houses and the incurring of indebtedness and expenditure of money for school purposes. (L. '13, p. 396, § 4.)

A board inquires whether it will have power to erect an addition to house manual training and domestic science, without the formality of an election. From section 4 of chapter 129, Laws of 1913, it will appear that the status of the board of directors is the same with respect to obtaining the consent of the electors as they were before the law was passed.—LYLE.

DOORS OF PUBLIC BUILDINGS TO SWING OUTWARD**464. Doors of school buildings**

The doors of all theatres, opera houses, school buildings, churches, public halls, or places used for public entertainments, exhibitions or meetings, which are used exclusively or in part for admission to or egress from the same, or any part thereof, shall be so hung and arranged as to open outwardly, and during any exhibition, entertainment or meeting, shall be kept unlocked and unfastened, and in such condition that in case of danger or

necessity, immediate escape from such building shall not be prevented or delayed; and every agent or lessee of any such building who shall rent the same or allow it to be used for any of the aforesaid public purposes without having the doors thereof hung and arranged as hereinbefore provided, shall, for each violation of any provision of this section, be guilty of a misdemeanor. (L. '09, p. 974, § 273; Rem. & Bal., § 2525.)

THE STATE MUSEUM AT THE UNIVERSITY OF WASHINGTON

465. Museum

The museum of the University of Washington is hereby constituted the state museum as a depository for the preservation and exhibition of documents and objects possessing an historical value, of materials illustrating the fauna, flora, anthropology, mineral wealth, and natural resources of the state, and for all documents and objects whose preservation will be of value to the student of history and the natural sciences. (L. '99, p. 40, § 1; Rem. & Bal., § 6992.)

466. Officials shall collect materials

It shall be the duty of all boards, commissioners and officers acting under the authority of this state who, in the performance of their duties, may come into possession of any documents or material having an historical or scientific value to send for preservation and exhibition all such documents or material, unless otherwise by law provided for, to the state museum constituted by section 1 of this act. (L. '99, p. 40, § 2; Rem. & Bal., § 6993.)

467. Private persons may contribute

This museum may receive all such above named documents or material for preservation and exhibition from any private person under such rules and regulations as the board of regents of the University of Washington may deem proper to make for the care of the aforesaid museum. (L. '99, p. 40, § 3; Rem. & Bal., § 6994.)

468. Regents have charge

The board of regents of the University of Washington *ex officio* shall have full charge and management of the state museum hereby created. (L. '99, p. 41, § 4; Rem. & Bal., § 6995.)

NORMAL MODEL SCHOOL

469. Trustees to estimate number of pupils required for model school

The board of trustees of any normal school having a model school or training department in connection therewith, as authorized by section 4367 shall be authorized, and it shall be their duty on or before the first Monday of September each year, to file with the board of the school district in which such normal school is situated, a certified statement showing an estimate of the number of public school pupils who will be required to make up such model school, specifying the number required for each grade for which training for students is required. (L. '07, p. 180, § 1; Rem. & Bal., § 4368.)

The present force of this and the next two sections is doubtful, as they were omitted from the "School Code" of 1909.

See, *supra*, § 54, Code Pub. Ins., model school.

See note § 471, Code Pub. Ins.

470. Selection of pupils from public schools

It shall thereupon be the duty of the board of the school district with which such statement has been filed, to apportion for attendance to the said training school, a sufficient number of pupils from the public schools under the supervision of said board as will furnish to such normal school the number of pupils required in order to maintain such training school: *Provided*, That the principal of said normal school may refuse to accept such pupil as in his judgment by reason of incorrigibility, or mental defects would tend to reduce the efficiency of said training department. (L. '07, p. 181, § 2; Rem. & Bal., § 4369.)

See note to next section.

471. Report of attendance of common school pupils

Annually on or before the date for reporting the school attendance of the school district in which said normal school is

situated, for the purpose of taxation for the support of the common schools, the board of trustees in each normal school shall file with the board of the school district in which such normal school is situated, a report showing the number of common school pupils in attendance at each such normal school, during the school year last past, and the period of their attendance in the same form that reports of public schools are made. The clerk of such school district shall, in reporting the attendance in said school district, segregate the attendance at said model school, from the attendance in the other schools of said district. (L. '07, p. 181, § 3; Rem. & Bal., § 4370.)

See note, *supra*, § 469, Code Pub. Ins.

Section 4 of this act requiring the state superintendent to apportion part of the funds of the common schools of the district to the support of the model training school is omitted as void.

Laws '07, page 181, § 4, violates constitution, article IX, § 2, requiring the common school fund to be applied exclusively to the support of the common schools: *School District v. Bryan*, 51 Wash. 498.

RESTRICTION OF VIVISECTION

472. Vivisection

No teacher or other person employed in any school in the state of Washington, except a medical or dental school, the medical or dental department of any school, shall practise vivisection upon any vertebrate animal in the presence of any pupil in said school, or any child or minor there present; nor in such presence shall exhibit any vertebrate animal upon which vivisection has been practised. (L. '97, p. 16, § 1; L. '97, p. 426, § 178; Rem. & Bal., § 4703.)

See, *infra*, § 474, Code Pub. Ins., penalty.

473. Dissection permitted, when

Dissection of dead animals, or any portion thereof, in the schools of the state of Washington shall, in no instance, be for the purpose of exhibition, but in every case shall be confined to the class-room and the presence of those pupils engaged in the study illustrated by such dissection. (L. '97, p. 17, § 2; L. '97, p. 426, § 179; Rem. & Bal., § 4704.)

See, *infra*, § 474, Code Pub. Ins., penalty.

474. Violating vivisection law

Any person violating the provisions of the last two sections, shall upon conviction thereof, be deemed guilty of a misdemeanor, and be fined in any sum of not less than fifty nor more than one hundred dollars. Said fine, when collected, shall be turned over to the county treasurer, and by him transmitted to the state treasurer, who shall place the same to the credit of the current school fund of the state. (L. '03, p. 329, § 5; Rem. & Bal., § 4705.)

PROHIBITING SALES OF INTOXICATING LIQUORS**475. Unlawful to sell intoxicating liquors on university grounds**

It shall be unlawful to sell any intoxicating liquors, with or without license, on the grounds of the University of Washington, or within two miles thereof, excepting south half of section twenty-two, township twenty-five, range four east, and any license granted for the sale of such intoxicating liquors within said area shall be void. Said grounds of the University of Washington are otherwise known and described as follows: Fractional section sixteen, township twenty-five north, range four east of Willamette meridian. (L. '95, p. 134, § 1; Rem. & Bal., § 4742.)

This and next section not included in school code of 1909.

See, *supra*, § 430, Code Pub. Ins., sale of liquors near educational institutions.

476. Penalty

Any person or persons violating the provisions of the last preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail for a term not less than six months nor more than one year, or by both such fine and imprisonment. (L. '95, p. 134, § 2; Rem. & Bal., § 4743.)

PROPERTY UNDER CONTRACT**477. Land sold by municipality listed to whom**

Property held under a contract for the purchase thereof, belonging to the state, county or municipality, and school and

other state lands, shall be considered for all purposes of taxation as the property of the person so holding the same. And no deed shall ever be executed until all taxes and municipal charges are fully paid thereon. (L. '97, p. 149, § 26; Rem. & Bal., § 9139.)

A purchaser of state lands, holding the same under an executory contract until certain conditions are complied with, the title meanwhile remaining in the state, must pay the taxes thereon, under this section: *Washington Iron Works Co. v. King County*, 20 Wash. 150; *Gray's Harbor Co. v. Chehalis County*, 23 Wash. 369.

FACILITIES FOR INSTRUCTION

478. Authority of regents to expend income

The board of regents is authorized to expend such portion of the income of the university fund as it may deem expedient for the purchase of apparatus, library, and cabinets of natural history, providing suitable means to keep and preserve the same, and in the procurement of other means of facility for instruction. (L. '90, p. 397, § 8; Rem. & Bal., § 4325.)

Query: Whether this section is superseded by § 18, *supra*.

See, *supra*, § 18, Code Pub. Ins., powers and duties of regents.

COMPULSORY EDUCATION

479. Compulsory attendance at free government schools

Whenever the government of the United States or the State of Washington shall erect, or cause to be erected and maintained, a school for general educational purposes within the State of Washington, and the expense of the tuition, lodging, food and clothing of the pupils therein is borne by the United States or the state of Washington, it shall be compulsory on the part of every parent, guardian or other person in the state of Washington having control of a child or children between the ages of five and eighteen years, eligible to attend said school, to send such child or children to said school for a period of nine months each year, or during school for a period of nine months each year, or during the annual term, unless such child or children is or are excused from such attendance by the principal or superintendent of said school, upon it being shown to the satis-

faction of said principal or superintendent that the bodily or mental condition of such child or children has been and is such as to prevent his, her or their attendance at school, or application at study for the period required, or that such child or children is or are taught in the public schools, private schools, or other schools, or at home in such branches as are usually taught in the public schools: *Provided*, That in case the government of the United States or the state of Washington, does not make provision for the free transportation of said child or children to and from their homes to said school, then he, she or they shall not be liable to the provisions of this act, unless they reside less than ten miles from said school. (L. '03, p. 107, § 1; Rem. & Bal., § 4726.)

"Act" refers to §§ 479-483, Code Pub. Ins.

480. Demand for attendance

It shall be the duty of all principals and superintendents of the school or schools mentioned in this act, before attempting to enforce the provisions of this act hereinafter mentioned to serve, or cause to be served, a demand for the attendance of certain children, naming them, and also designating the school to which their attendance is required, upon the parent, guardian or other person having charge of said child or children as may be eligible to attend said school over which he has charge, and a copy of this act; and such parent, guardian or other person having charge of said child or children shall have ten days to either deliver said child or children at said school, or to the principal or superintendent thereof, or furnish satisfactory proof that the bodily or mental condition of said child or children does not admit of attendance. (L. '03, p. 108, § 2; Rem. & Bal., § 4727.)

481. Failure of parents etc., to comply

If at the expiration of ten days after such notice or demand the parents, guardian or other persons having charge of said child or children shall have failed or refused to comply with this act, the principal or superintendent shall cause a demand to be made upon such parent, guardian or other person for the amount of the penalty hereinafter provided; and if such parent, guard-

ian, or person shall neglect or refuse to pay the same within five days after making said demand, the superintendent or principal shall commence proceedings in the name of the state for recovery of the fine hereinafter provided before any court having jurisdiction: *Provided*, That nothing in this act shall apply to any child or children who is or are actually and necessarily compelled to labor for the support of such parent. (L. '03, p. 108, § 3; Rem. & Bal., § 4728.)

482. Penalty

Any parent, guardian or other person having control or charge of any child or children, failing to comply with the provisions of this act shall be liable to a fine of not less than five dollars nor more than twenty-five dollars, for the first offense, nor less than ten dollars nor more than fifty dollars for the second, and each subsequent offense, besides the cost of collection. (L. '03, p. 108, § 4; Rem. & Bal., § 4729.)

483. Disposition of fines

All fines collected under the provisions of this act shall be paid into the county treasury, the same to be placed to the credit of the general school fund. (L. '03, p. 108, § 5; Rem. & Bal., § 4730.)

JUVENILE COURT LAW

484. Dependent and delinquent children

This act shall be known as the "Juvenile Court Law" and shall apply to all minor children under the age of eighteen years who are delinquent or dependent; and to any person or persons who are responsible for or contribute to, the delinquency or dependency of such children.

For the purpose of this act the words "dependent child" shall mean any child under the age of eighteen years:

(1) Who is found begging, receiving or gathering alms, whether actually begging or under the pretext of selling, or offering anything for sale; or

(2) Who is found in any street, road or public place for the purpose of so begging, gathering or receiving alms; or

(3) Who is a vagrant; or

(4) Who is found wandering and not having any home or any settled place of abode, or any proper guardianship, or any visible means of subsistence; or

(5) Who has no parent or guardian; or who has no parent or guardian willing to exercise, or capable of exercising, proper parental control; or

(6) Who is destitute; or

(7) Whose home by reason of neglect, cruelty or depravity of its parents or either of them, or on the part of its guardian, or on the part of the person in whose custody or care it may be, or for any other reason, is an unfit place for such child; or

(8) Who frequents the company of reputed criminals, vagrants or prostitutes; or

(9) Who is found living or being in any house of prostitution or assignation; or

(10) Who habitually visits any billiard room or pool room; or any saloon, or place where spirituous, vinous, or malt liquors are sold, bartered, or given away; or

(11) Who persistently refuses to obey the reasonable and proper orders or directions of its parents or guardian; or

(12) Who is incorrigible; that is, who is beyond the control and power of its parents, guardian, or custodian by reason of the vicious conduct or nature of said child; or

(13) Whose father, mother, guardian or custodian is an habitual drunkard, or do not properly provide for such child, and it appears that such child is destitute of a suitable home or of adequate means of obtaining an honest living, or who is in danger of being brought up to lead an idle, dissolute or immoral life; or where such child is without proper means of support; or

(14) Who is an habitual truant, as defined in the school laws of the state of Washington; or

(15) Who uses intoxicating liquor as a beverage, or who uses tobacco in any form, or who uses opium, cocaine, morphine,

or other similar drug, without the direction of a competent physician; or

(16) Who from any cause is in danger of growing up to lead an idle, dissolute or immoral life; or

(17) Who wanders about in the night time without being on any lawful business or occupation; or

(18) Any child under the age of twelve years found peddling or selling any article, or singing or playing on any musical instrument for gain upon the public street, or giving any public entertainment, or who accompanies, or is used in aid of, any person so doing: *Provided*, That this act shall not prohibit the giving of entertainments by regularly organized schools or societies where twelve or more musical instruments are used.

The words "delinquent child" shall include any child under the age of eighteen years who violates any law of this state, or any ordinance of any town, city, county or city and county of this state defining crime; or who habitually uses vile, obscene, vulgar, profane or indecent language, or is guilty of immoral conduct; or who is found in or about railroad yards or tracks; or who jumps on or off trains or cars; or who enters a car or engine, without lawful authority.

For the purpose of this act only, all delinquent and dependent children within the state shall be considered wards of this state and their persons shall be subject to the custody, care, guardianship and control of the court as hereinafter provided. (L. '13, p. 520, § 1.)

485. Superior courts to be juvenile courts

The superior courts in the several counties of this state shall have original jurisdiction in all cases coming within the terms of this act. In all trials under this act, any person interested therein may demand a jury trial, or the judge of his own motion, may order a jury to try the case. In counties containing thirty thousand or more inhabitants, the judges of the superior court shall, at such times as they may determine, designate one or more of their number whose duty it shall be to hear all cases arising under this act. A special session to be designated as

the "Juvenile Court Session" shall be provided for the hearing of such cases and the findings of the court shall be entered in a book or books kept for the purpose, and known as the "Juvenile Record," and the court may, for convenience, be called the "Juvenile Court." (L. '13, p. 522, § 2.)

486. Probation officers

The court or judge designated as provided in section 2 of this act, shall appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court, said probation officers to receive no compensation from the public treasury. In case a probation officer shall be appointed by any court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when the child is to be brought before said court; it shall be the duty of said probation officers to make such investigation as may be required by the court. The probation officer or officers shall inquire into the antecedents, character, family history, environments and cause of dependency or delinquency of every alleged dependent or delinquent child brought before the juvenile court and shall make his report in writing to the judge thereof, shall be present in order to represent the interests of the child when the case is heard, shall furnish the court such information and assistance as the judge may require, and shall take such charge of the child before and after the trial as may be directed by the court. In counties containing thirty thousand or more inhabitants when it shall appear that there is a necessity for such county officer, the court may appoint one or more persons to act as probation officers, and one or more persons who shall have charge of detention rooms or house of detention, all of whom shall be paid as compensation for their services, such sums as may be fixed by the board of county commissioners, and who shall be paid as other county officers are paid; all probation officers shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests for the violation of any state law or

city ordinances, relative to the care, custody, and control of delinquent and dependent children. (L. '13, p. 522, § 3.)

487. Expenses of probation officers

The probation officers, and assistant probation officers, and deputy probation officers in all counties of the state shall be allowed such necessary incidental expenses as may be authorized by the judge of the juvenile court, and the same shall be a charge upon the county in which the court appointing them has jurisdiction, and the expenses shall be paid out of the county treasury upon a written order of the judge of the juvenile court of said county directing the county auditor to draw his warrant upon the county treasurer for the specified amount of such expenses. (L. '13, p. 523, § 4.)

488. Petition to court to take charge of child

Any person may file with the clerk of the superior court a petition showing that there is within the county, or residing within the county, a dependent or delinquent child and praying that the superior court deal with such child as provided in this act: *Provided*, That in counties having paid probation officers, such officers shall, as far as possible, first determine if such petition is reasonably justifiable. Such petition shall be verified and shall contain a statement of facts constituting such dependency or delinquency, as defined in section 1 of this act, and the names and residence, if known to the petitioner, of the parents, guardian, or custodian of such dependent or delinquent child. There shall be no fee for filing such petitions. (L. '13, p. 524, § 5.)

489. Summons and notice of hearing

Upon the filing of an information, or the petition, the clerk of the court shall issue a summons requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall not be less than twenty-four hours after service. The parents of the child, if living, and their residence if known, or its legal guardian, if there be one or if there is

neither parent nor guardian, or if his or her residence is not known, then some relative, if there be one, and his residence is known, shall be notified of the proceedings; and in any case the judge shall appoint some suitable person or association to act in behalf of the child. If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court, or bring the child, he shall be proceeded against as for contempt of court. In case the summons cannot be served or the parties served fail to obey same, and in any case when it shall be made to appear to the court that said summons will be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian or the person having custody of the child, or with whom the child may be, or against the child itself. On return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of the case, the child may be retained in the possession of the person having charge of same, or may be kept in some suitable place provided by the city or county authorities, or by any association having for one of its objects the care of delinquent and dependent children. (L. '13, p. 524, § 6.)

490. Publication of summons

In any case where it shall appear by the petition or verified statement, that the person standing in the position of natural or legal guardian of the person of any child, is a non-resident of this state, or that the name or place of residence or whereabouts of such person is unknown, as well as in all cases where, after due diligence, the officer has been unable to make service of the summons or notice provided for in section 6 of this act, the court may, by order, direct the clerk of the court to publish a notice four consecutive weeks in some newspaper printed in the county and having a general circulation therein. Such notice shall be directed to the parent, parents, or other person claiming the right to the custody of the child, if their names are known, and if unknown, the phrase "To Whom It May

Concern" shall be used and apply to, and be binding upon, any such persons whose names are unknown. The name of the court, the name of the child (or children if of one family), the date of the filing of the petition and the date of hearing, which shall not be less than twenty days from the date of the last publication, and the object of the proceeding in general terms, shall be set forth and the whole shall be subscribed by the clerk. There shall be filed with the clerk an affidavit showing due publication of the notice and the cost of publication shall be paid by the county at not to exceed the rate paid by the county for other legal notices. The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated as provided in this section. (L. '13, p. 525, § 7.)

491. Commitment—Parent to support child

When any child under the age of eighteen years shall be found to be delinquent or dependent, within the meaning of this act, the court may, at any time, make an order committing the child to some suitable institution, or to the care of some reputable citizen of good moral character, or to the care of some training school or industrial school as provided by law, or to the care of some association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent, neglected, or delinquent children: *Provided*, Such order may be temporary or permanent in the discretion of the court and may be revoked or modified as the circumstances of the case may thereafter require. In any case in which the court shall find the child dependent or delinquent, it may in the same or subsequent proceeding upon the parent or parents, guardian, or other person having custody of said child, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such persons or person to support the child or contribute to its support, and if the court shall find such person or persons able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same

by execution, or in any way in which a court of equity may enforce its decrees. If it be found, however, that the parent or parents or guardian of a dependent or delinquent child is unable to pay the whole expense of maintaining such child, and in cases where the child is committed to one of the institutions or associations above mentioned, the court may, in the order providing for the custody of such child, direct such additional amount as may be necessary to support such child to be paid from the county treasury of the county for the support of such person. The amount so ordered to be paid from the treasury of said county shall not exceed in the case of any one person, the sum of twelve dollars per month: *Provided, further,* That no order for the payment of all or part of the expense of support and maintenance of a dependent or delinquent child from the county treasury shall be effective for more than six months, unless a new order is secured at the expiration of that period. (L. '13, p. 525, § 8.)

492. Award and adoption of children

In any case where the court shall award a child to the care of any association or individual, the child shall, unless otherwise ordered, become a ward and be subject to the guardianship of the association or individual to whose care it is committed; such association shall have authority, with the assent of the court, to place such child in a family home, either temporarily or for adoption. With the written consent of the parents, or other person having the right, under the laws of this state, to dispose of a dependent or delinquent child, the court may make an order or decree of adoption transferring to any suitable person or persons, willing to receive such child, all the rights of the parent or other guardian. The order of the court made upon such consent will be binding upon the child and its parents or guardian, or other person, the same as if such person were in court and consented thereto, whether made a party to the proceedings or not. The estate or property rights of any child shall not be affected nor subject to guardianship by the provisions of this act. The juris-

diction of the court shall continue over every child brought before the court, or committed pursuant to this act, and the court shall have power to order a change in the care or custody of such child, if at any time it is made to appear to the court that it would be for the best interests of the child to make such change. (L. '13, p. 527, § 9.)

493. Court proceedings may be private

The hearings may be conducted in any room provided for the purpose in the court house, or building where sessions of the court are held and, as far as practicable, such cases shall not be heard in conjunction with other business of the court. At the hearing of any case involving a child, the court shall have power to exclude the general public from the room where the hearing is had, admitting thereto only such persons as may have a direct interest in the case. Any child may have a private hearing upon the question of its dependency or delinquency, and upon the request of said child, or either of its parents, or guardian, or custodian, such hearing may be had privately. An order of court adjudging a child dependent or delinquent under the provisions of this act shall in no case be deemed a conviction of crime. The probation officer's investigation record and report in each case, shall be withheld from public inspection, but such records shall be kept open to the inspection of such child, its parents, or guardian, or its attorney, and to such other persons as may secure a special order of the court therefor. Such records shall be kept as unofficial records of the court and shall be destroyed at any time in the discretion of any judge presiding in said court on or before the child shall arrive at the age of twenty-one years. After acquiring jurisdiction over any child, the court shall have power to make an order with respect to the custody, care or control of such child, or any order, which in the judgment of the court, would promote the child's health and welfare. In any case of a delinquent or dependent child, the court may continue the hearing from time to time, and may commit the child to the care or guardianship of a probation officer, duly appointed by the

court, and may allow such child to remain at its own home subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required and subject to being returned to the court for further proceedings whenever such action may appear to be necessary, or the court may commit the child to the care and guardianship of the probation officer, to be placed in a suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of the child until a suitable provision may be made for the child in a home without such payment, or the court may commit the child to a suitable institution for the care of delinquent or dependent children. In no case shall a child be committed beyond the age of twenty-one years. A child committed to such institution shall be subject to the control thereof and the said institution shall have the power to parole such child, on such conditions as may be prescribed, and the court shall have power to discharge such child from custody, whenever, in the judgment of the court, his or her reformation shall be complete; or the court may commit the child to the care and custody of some association that will receive such child, embracing in its objects the care of neglected, delinquent, and dependent children. (L. '13, p. 527, § 10.)

494. Child not to be detained in jail

No court or magistrate shall commit a child under sixteen years of age to a jail, common lock-up, or police station; but if such child is unable to give bail, it may be committed to the care of the sheriff, police officer, or probation officer, who shall keep such child in some suitable place or house or school of detention provided by the city or county, outside the enclosure of any jail or police station, or in the care of any association willing to receive it and having as one of its objects the care of delinquent, dependent or neglected children. When any child shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same building with such

adult convicts, or to bring such child into any yard or building in which such adult convicts may be present. (L. '13, p. 529, § 11.)

495. Justice court cases transferred to juvenile court

When, in any county where a court is held as provided in section 2 of this act, a child under the age of eighteen years is arrested with or without warrant, such child may, instead of being taken before a justice of the peace or police magistrate, be taken directly before such court; or if the child is taken before a justice of the peace or police magistrate, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such court, and the officer having the child in charge shall take the child before that court, and in any such case, the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition as hereinbefore provided. In any such case, the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for such purpose. If, upon investigation, it shall appear that a child has been arrested upon the charge of having committed a crime, the court, in its discretion, may order such child to be turned over to the proper officers for trial under the provisions of the criminal code. (L. '13, p. 529, § 12.)

496. Detention rooms required

Counties containing more than fifty thousand inhabitants shall, and counties containing a lesser number of inhabitants may, provide and maintain at public expense, a detention room or house of detention, separated or removed from any jail, or police station, to be in charge of a matron, or other person of good character, wherein all children within the provisions of this act shall, when necessary, be sheltered. (L. '13, p. 530, § 13.)

497. Liberal construction of act

This act shall be liberally construed to the end that its purpose may be carried out, to-wit: that the care, custody and discipline of a dependent or delinquent child as defined in this act shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can be properly done, the dependent or delinquent child as defined in this act shall be placed in an approved family and may become a member of the family, by adoption or otherwise. No dependent or delinquent child as defined in this act shall be taken from the custody of its parent, parents or legal guardian, without the consent of such parent, parents or guardian, unless the court shall find such parent, parents or guardian is incapable or has failed or neglected to provide proper maintenance, training and education for said child; or unless said child has been tried on probation in said custody, and has failed to reform, or unless the court shall find that the welfare of said child requires that his custody shall be taken from said parent or guardian. In this act, the words used in any gender shall include all other genders, and the word "county" shall include "city and county," the plural shall include the singular and the singular shall include the plural. (L. '13, p. 530, § 14.)

498. Court may change order

Any order made by the court in the case of a dependent or delinquent child may at any time be changed, modified or set aside, as to the judge may seem meet and proper. (L. '13, p. 530, § 15.)

499. Fees not allowable

No fees shall be charged or collected by any officer or other person for filing petition, serving summons, or other process under this act. (L. '13, p. 531, § 16.)

500. Penalty for delinquency of child

In all cases where any child shall be dependent or delinquent under the terms of this act, the parent or parents, legal

guardian or person having custody of such child, or any other person who shall by any act or omission, encourage, cause or contribute to the dependency or delinquency of such child shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding one thousand dollars, or imprisonment in the county jail for not more than one year, or by both such fine and imprisonment, and the juvenile court shall have jurisdiction of all such misdemeanors: *Provided, however,* That the court may suspend sentence for a violation of the provisions of this section and impose conditions as to conduct in the premises of any person so convicted, and make such suspension to depend upon the fulfillment by such person of such conditions, and, in case of the breach of such conditions, or any thereof, the court may impose sentence as though there had been no such suspension. The court may also, as a condition of such suspension, require a bond in such sum as the court may designate, to be approved by the judge requiring same, to secure the performance by such persons on the conditions imposed by the court on such suspension. Such bond shall, by its terms, be made payable to the State of Washington, and any moneys received for a breach thereof shall be paid into the county treasury. (L. '13, p. 531, § 17.)

501. Board of visitation

In each county, the judge presiding over the juvenile court sessions, as defined in this act, may appoint a board of four reputable citizens, who shall serve without compensation, to constitute a board of visitation, whose duty it shall be to visit as often as twice a year all institutions, societies and associations within the county receiving children under this act, as well as all homes for children or other places where individuals are holding themselves out as caretakers of children, also to visit other institutions, societies and associations within the state receiving and caring for children, whenever requested to do so by the judge of the juvenile court: *Provided,* The actual expenses of such board may be paid by the county commissioners when members thereof are requested to visit institutions

outside of the county seat, and no member of the board shall be required to visit any institution outside the county unless his actual traveling expenses shall be paid as aforesaid. Such visits shall be made by not less than two members of the board, who shall go together or make a joint report. The board of visitors shall report to the court from time to time the condition of children received by or in charge of such institutions, societies, associations, or individuals. It shall be the duty of every institution, society, or association, or individual receiving and caring for children to permit any member or members of the board of visitation to visit and inspect such institution, society, association or home where such child is kept, in all its departments, so that a full report may be made to the court. (L. '13, p. 531, § 18.)

502. Repealing clause

Sections 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, and 2004 of Remington and Ballinger's Annotated Codes and Statutes of Washington and chapter 56 of the Laws of 1911 are hereby repealed. (L. '13, p. 532, § 19.)

STATE SCHOOL FOR GIRLS

503. Name of school

That there be established an institution which shall be known as the State School for Girls. (L. '13, p. 513, § 1.)

504. Site

The Governor shall appoint four electors of the State of Washington, two of whom shall be women, who, together with the members of the State Board of Control, shall select a site for such school, to consist of not more than one hundred sixty acres of fertile land, and at a cost not to exceed the sum of one hundred fifty dollars (\$150) per acre, said site to be within a radius of not less than one mile and not more than ten miles of the State Training School at Chehalis. As soon as the site has been selected, the State Board of Control shall at once proceed to the erection and equipment of such buildings as may be necessary, the number, kind and character of which

shall be determined by the State Board of Control acting as a joint commission with the four electors above mentioned. In the construction and arrangement of buildings, the cottage plan shall be followed as far as practicable, each cottage to provide for a group of not to exceed thirty girls: *Provided*, That the above named electors shall serve without compensation other than necessary expenses. (L. '13, p. 513, § 2.)

505. Officers

The government, control and business management of such school shall be vested in the State Board of Control. The board shall, with the approval of the Governor, appoint a suitable superintendent of said school and shall designate the number of subordinate officers and employes to be employed, and fix their respective salaries, and have power, with the like approval, to make and enforce all such rules and regulations for the administration, government and discipline of the school as they may deem just and proper, not inconsistent with this act. The superintendent and all subordinate officers of the school shall be women: *Provided, however*, If a married woman be appointed superintendent or to any subordinate position, the husband of such appointee may, with the consent of the board, reside at the institution, and may be assigned such duties or employment as the board may prescribe. (L. '13, p. 514, § 3.)

506. Superintendent to give bond

Before entering upon the discharge of her duties, the superintendent shall give a surety bond payable to the State of Washington in such sum as the Board of Control shall prescribe, to be approved by the said board, conditioned for the faithful performance of her duties, and that she will faithfully account for all moneys, property and effects of the institution or the inmates intrusted to her care. (L. '13, p. 514, § 4.)

507. Duties of superintendent

The superintendent, subject to the direction and approval of the Board of Control shall: (1) Have general supervision and control of the grounds and buildings of the institution, the

subordinate officers and employes, and the inmates thereof, and all matters relating to their government and discipline; (2) make such rules, regulations and orders, not inconsistent with law or with the rules, regulations or directions of the Board of Control, as may seem to her proper or necessary for the government of such institution and for the employment, discipline and education of the inmates; (3) exercise such other powers, and perform such other duties as the Board of Control may prescribe; and (4) have power to engage and remove all employes, subject to the approval of the Board of Control. (L. '13, p. 515, § 5.)

508. Age of commitment

Any girl more than ten and under eighteen years of age, who has been found delinquent under the juvenile delinquency law of this state, may be committed by the court to the State School for Girls, there to remain until twenty-one years of age, unless sooner paroled or discharged as provided in sections 8 and 9 of this act, and such commitment shall not be subject to modification or revocation. (L. '13, p. 515, § 6.)

509. Court record of girl

The superior court shall cause a memorandum to be made and kept of the name, age, birthplace, occupation, last place of residence, and previous record of such girl, and the names and places of residence of the parents, next of kin or guardian of such girl, a copy of which shall be furnished to the superintendent at the time of the commitment to the school. The court shall find and determine the age of the girl, which shall be stated in the order for commitment. Such finding shall be conclusive evidence as to such age in any action to recover damages for detention and shall be presumptive evidence in any other inquiry, action or proceeding. (L. '13, p. 515, § 7.)

510. Plan of parole

The Board of Control, acting with the superintendent, shall, under a system of marks, or otherwise, fix upon a uniform plan by which girls may be paroled or discharged from the school, which system shall be subject to revision from time to time.

Each girl shall be credited for personal demeanor, diligence in labor or study and for the results accomplished, and charged for derelictions, negligence or offense. The standing of each girl shall be made known to her as often as once a month. (L. '13, p. 516, § 8.)

511. Conditional parole

Every girl shall be entitled to a trial on parole before reaching the age of twenty years, such parole to continue for at least one year unless violated. The superintendent and resident physician, with the approval of the Board of Control, shall determine whether such parole has been violated. Any girl committed to the school who shall escape therefrom or who shall violate a parole, may be apprehended and returned to the school by any officer or citizen on written order or request of the superintendent. Any person who shall go upon the school grounds except on lawful business, or by consent of the superintendent, or who shall entice any girl away from the school, or who shall in any way interfere with its management or discipline, shall be guilty of a misdemeanor. (L. '13, p. 516, § 9.)

512. Girls must be of sound mind

No girl shall be received in the State School for Girls who is not of sound mind, or who is subject to epileptic or other fits, or is not possessed of that degree of bodily health which should render her a fit subject for the discipline of the school. It shall be the duty of the court committing her to cause such girl to be examined by a reputable physician to be appointed by the court, who will certify to the above facts, which certificate shall be forwarded to the school with the commitment. Any girl who may have been committed to the school, not complying with the above requirements, may be returned by the superintendent to the court making the commitment, or to the officer or institution last having her in charge. The Board of Control shall arrange for the transportation of all girls to and from the school. (L. '13, p. 516, § 10.)

513. Teachers—Part of school system

It shall be the duty of the superintendent, subject to the approval of the Board of Control, to employ teachers, and as far as practicable, to instruct the girls in all of the branches usually taught in the grades of the common schools of the state, also in such trades and vocational occupations as may be found desirable. The educational work of the school shall be a part of the educational system of the state, and as such shall be under the supervision of the State Board of Education. Only those certified by the State Superintendent of Public Instruction shall be employed as teachers. (L. '13, p. 517, § 11.)

514. Girls may receive wages or be apprenticed

The superintendent shall have power to place any girl under the age of eighteen years at any employment for account of the institution or the girl employed, and receive and hold the whole or any part of her wages for the benefit of the girl less the amount necessary for her board and keep, and may also, with the consent of any girl over fourteen years of age, and the approval of the State Board of Control endorsed thereon, execute indentures of apprenticeship, which shall be binding on all parties thereto. In case any girl so apprenticed shall prove untrustworthy or unsatisfactory, the superintendent may permit her to be returned to the school, and the indenture may thereupon be cancelled. If such girl shall have an unsuitable employer, the superintendent may, with the approval of the Board of Control, take her back to the school, and cancel the indenture of apprenticeship. All indentures so made shall be filed and kept in the school. A system may also be established, providing for compensation to girls for services rendered, and payments may be made from time to time, not to exceed in the aggregate to any one girl the sum of twenty-five dollars for each year of service. (L. '13, p. 517, § 12.)

515. Transfer of girls from the State Training School at Chehalis

As soon as the school buildings have been erected and equipped all girls then in the Washington State Training School at Chehalis, shall be transferred to the State School for Girls, all

who may then be on parole shall be transferred to the supervision of said school. Both shall thereafter be subject to all the laws, rules, and regulations governing the school last mentioned. (L. '13, p. 517, § 13.)

516. Appropriation

There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of one hundred and twenty-five thousand dollars (\$125,000), or so much thereof as may be necessary to carry out the provisions of this act. (L. '13, p. 518, § 14.)

THE STATE TRAINING SCHOOL

517. Establishment of

A reform school shall be and is hereby established to be known as the Washington State Training School. (L. '07, p. 171, § 1; Rem. & Bal., § 8596.)

See, *supra*, § 503, *et seq.*, Code Pub. Ins., Girls' State Training School.

For attempted legislation on this subject see, *supra*, § 63, Code Pub. Ins., and note.

518. Aim and purpose of

Said school to be for the keeping and reformatory training of all youths between the ages of eight and eighteen who are residents of the state of Washington, and who, on presentation to the presiding officer of said school by an accompanying officer, parent, or guardian, shall be accompanied by a certificate of commitment from a court legally authorized to make such commitment. (L. '90, p. 272, § 2; Rem. & Bal., § 8597.)

This section harmonizes with § 64, *supra*, Code Pub. Ins.

See note, *supra*, § 63, Code Pub. Ins.

519. Bills to be certified, audited, etc.—Payment of

All bills against the state for supplies or materials furnished or labor performed in connection with said school shall be certified to by the president and secretary of the Board of Control, and such board shall not certify to any bill or sanction the payment of any account for labor performed, or material or supplies furnished, except the same shall have been duly contracted for and the provisions of the contract fully complied with. All

bills and accounts of said school shall be audited by the State Auditor, who shall draw a warrant on the State Treasurer for the amount so certified to by the president and secretary of the board, which warrant shall state on its face the person in whose favor it is drawn, and for what particular purpose it was drawn; but the Auditor shall draw no warrant for any bill or account connected with said school, except said bill or account be certified to according to the provisions of this act. (L. '90, p. 274, § 10; Rem. & Bal., § 8598.)

The present force of this section is doubtful.
See §§ 8931 and 8953, Rem. & Bal.

520. Employment of director and matron—Appointments

The superintendent shall have immediate control of the male department of said school, and shall, by and with the consent of the board, employ a matron who shall have immediate control of the female department of the school, and the superintendent shall also appoint such other officers and teachers as may be necessary for the management of the school. (L. '90, p. 275, § 13; Rem. & Bal., § 8599.)

521. Superintendent to give bond

The superintendent, before entering upon the duties of his office, shall execute and file with the board a bond, with good and approved sureties, in the sum of five thousand dollars, conditioned for the faithful performance of his duties as superintendent of said training school. (L. '90, p. 275, § 15; Rem. & Bal., § 8600.)

522. Powers and duties of superintendent

The superintendent shall be present at all meetings of the board after his appointment and qualification, and shall there confer with the board regarding the management and interests of the school. He shall have entire supervision of the school, subject, however, to the control of the board, and shall hold his office during the pleasure of the same. (L. '90, p. 276, § 16; Rem. & Bal., § 8600 $\frac{1}{2}$.)

See, § 8936, Rem. & Bal., term of office four years.

523. Investigation by board—Inmate to be returned, when

It shall be the duty of the board to investigate any and all complaints made against the superintendent, matron, or any employe of said training school, and for good and sufficient reason remove the person against whom such complaint have been made. The board shall further investigate any and all charges made by the superintendent against any inmate or inmates of the school, and if, after the investigation of such charges, any inmate or inmates of said school shall be found incorrigible, unmanageable, or detrimental to the best interests of the school, such inmate or inmates, as the case may be, shall be returned to the court which made the commitment. (L. '90, p. 276, § 17; Rem. & Bal., § 8601.)

524. Separation of sexes

Said State Training School shall consist of two departments, one for the male and one for the female inmates, and the two departments shall be entirely separate. The matron shall be directly accountable to the superintendent for the management of the female department of the school. (L. '90, p. 276, § 18; Rem. & Bal., § 8602.)

See, *supra*, § 503, Code Pub. Ins., establishment of State Training School for Girls.

525. Branches to be taught and instruction given—Nature of

All the branches taught in the public schools of the state shall be taught in the State Training School, and the inmates shall be taught and trained in morality, temperance, and frugality, and they shall also be instructed in the different trades and callings of the two sexes, as far as possible in the scope of the institution. (L. '90, p. 276, § 19; Rem. & Bal., § 8603.)

See, *supra*, § 69, Code Pub. Ins., this section duplicated.

See note, *supra*, § 63, Code Pub. Ins.

526. Superintendent to make report, when

The superintendent shall, at the close of each year, make a full and complete report to the board of the condition, number, and standing of the inmates of the school, as well as the number received and the number dismissed during the year,

and he shall give such further information, as the board may require. (L. '90, p. 276, § 21; Rem. & Bal., § 8604.)

PARENTAL SCHOOLS

527. Establishment in cities of 50,000

In cities having a population of fifty thousand inhabitants or more, there may be established, maintained and conducted, one or more parental or truant schools, for the purpose of affording a place of confinement, discipline, instruction, and maintenance of children of compulsory school age who may be committed thereto in the manner hereinafter provided. (L. '03, p. 109, § 1; Rem. & Bal., § 8605.)

See, *supra*, § 250, Code Pub. Ins., apportionment of funds.

See, *supra*, § 484 *et seq.*, Code Pub. Ins., Juvenile Court Law.

528. Sites purchased or leased—Location—Furnishing

For the purpose of establishing such school or schools, sites may be purchased and buildings constructed or premises rented in the same manner as in the case of public schools in such cities. And in addition school or schools may be established and site or sites may be purchased and buildings constructed or premises rented outside of said cities: *Provided*, No school or schools shall be established, or sites be purchased, any buildings constructed or premises rented which shall be distant more than ten miles from the city so establishing or erecting said schools or purchasing said site or sites: *And, provided further*, That no school shall be erected at or near any penal institution. And it shall be the duty of the board of directors to furnish all such schools which are by them at any place established, with said furniture, fixtures, apparatus and provisions as may be necessary for the maintenance and operation thereof. (L. '03, p. 109, § 2; Rem. & Bal., § 8606.)

529. Superintendent, officers, teachers, etc.

The board of directors may also employ a superintendent and all other necessary officers, agents and teachers, and shall prescribe the methods of discipline and the course of instruction, and shall exercise the same powers and perform the same

duties as is prescribed by law for the management of other schools. (L. '03, p. 110, § 3; Rem. & Bal., § 8607.)

530. Religious services

No religious instruction shall be given in such school, but the board of directors may make suitable regulations so that the inmates may receive religious training, either by allowing religious services to be established in the institution, or by arranging for attendance elsewhere. (L. '03, p. 110, § 4; Rem. & Bal., § 8608.)

531. Petition to superior court for commitment

It shall be the duty of any truant officer or agent of such board of directors to petition, and any reputable citizen of the city may petition the superior court, to inquire into the case of any child of compulsory school age, who is not attending school, or who has been guilty of habitual truancy, or of persistent violation of the rules of the public school, and the petition shall also state the name, if known, of the father and mother of said child, or the survivor of them; and if neither father or mother of said child is living or cannot be found in the county or if their names cannot be ascertained, then the name of the guardian if there be one known, and if there be a parent living whose name can be ascertained, or guardian, the petition shall show whether or not the father or mother or guardian consents to the commitment of child to such parental or truant school. Such petition shall be verified by oath upon the belief of the petitioner and upon being filed the judge of the superior court for such child named in the petition brought before him for the purpose of determining the application in said petition contained. But no child shall be committed to such school who has ever been convicted of any offense punishable by confinement in any penal institution. (L. '03, p. 110, § 5; Rem. & Bal., § 8609.)

532. Procedure—Notice of hearing

Upon the filing of such petition the clerk of the court shall issue a writ to the sheriff of the county directing him to bring

such child before the court; and if the court shall find that the material facts set forth in the petition are true, and in the opinion of the court such child is a fit person to be committed to such parental or truant school, an order shall be entered that such child be committed to such parental or truant school, to be kept there until he or she arrives at the age of fourteen years, unless sooner discharged in the manner hereinafter set forth. Before the hearing aforesaid, notice in writing shall be given to the parent or guardian of such child if known, of the proceedings about to be instituted, that he or she may appear and resist the same if they so desire. (L. '03, p. 110, § 6; Rem. & Bal., § 8610.)

533. Parents to provide clothing

It shall be the duty of the parent or guardian of any child committed to this school to provide suitable clothing upon his or her entry into such school and from time to time thereafter as it may be needed, upon notice in writing from the superintendent or other proper officer of the school. In case any parent or guardian shall refuse or neglect to furnish such clothing the same may be provided by the board of school directors, and such board may have an action, in the name of said directors, against such parent or guardian of said child to recover the cost of such clothing with ten (10) per cent. addition thereto. (L. '03, p. 111, § 7; Rem. & Bal., § 8611.)

534. Rules and regulations by Board of Education—Parole

The board of education of such city shall have power to establish rules and regulations under which children committed to such parental or truant schools may be allowed to return home upon parole, but to remain while upon parole in the legal custody and under control of the officers and agents of such school, and subject at any time to be taken back within the inclosure of such school by the superintendent or any authorized officer of such school except as hereinafter provided; and full power to enforce such rules and regulations to take any such child upon parole is hereby conferred upon the board of school directors. No child shall be released upon parole in less than four

weeks from the time of his or her commitment nor thereafter until the superintendent of such parental or truant school shall have become satisfied from the conduct of such child that if paroled, he or she will attend regularly the public or private school to which he or she may be sent by his or her parents or guardian, and shall so certify to said board of school directors. (L. '03, p. 111, § 8; Rem. & Bal., § 8612.)

535. Monthly reports—Final discharge

It shall be the duty of the principal or other person having charge of the school to which such child so released on parole may be sent to report at least once each month to the superintendent of the parental or truant school stating whether or not such child attends school regularly, and obeys the rules and requirements of said school, and if such child so released upon parole shall be regular in his or her attendance at school and his or her conduct shall be satisfactory for a period of one year from date on which he or she was released upon parole, he or she shall then be finally discharged from the parental or truant school and shall not be committed thereto except upon petition as hereinbefore provided. (L. '03, p. 111, § 9; Rem. & Bal., § 8613.)

536. Violation of parole

In case any child released from said school upon parole as hereinbefore provided shall violate the conditions of his or her parole at any time within one year thereafter, he or she shall upon the order of the board of school directors as hereinbefore provided, be taken back to such parental or truant school and shall not be again released upon parole within the period of three months from the date of such entry; and if he or she shall violate the conditions of a second parole he or she shall be re-committed to such parental or truant school, and shall not be released therefrom on parole until he or she shall remain in such school at least one year. (L. '03, p. 112, § 10; Rem. & Bal., § 8614.)

537. Incurrigibles sent to reformatory

In any case where a child is found to be incurrigible and his or her influence in such school to be detrimental to the inter-

ests of the other pupils, the board of directors may authorize the superintendent or any officer of the school to represent these facts to the superior court by petition, and the court shall have the power to commit such child to some reformatory institution. (L. '03, p. 112, § 11; Rem. & Bal., § 8615.)

STATE EDUCATIONAL FUNDS

538. State University permanent fund

There is here created in the state treasury a permanent and irreducible fund to be known as the "State University Permanent Fund," into which fund shall be paid all moneys now in the state treasury in either the "University of Washington Fund," the "University Fund," or the "State University Fund," and into which shall also be paid all moneys derived from the sales of lands granted, held or devoted to State University purposes. (L. '07, p. 394, § 1; Rem. & Bal., § 5041.)

See, *supra*, § 281 *et seq.*, Code Pub. Ins., general and current state funds.
See, *supra*, § 243 *et seq.*, Code Pub. Ins., apportionment of school funds.

539. State University current fund

There is hereby created in the state treasury a fund to be known as the "State University Current Fund," into which shall be paid all the interest and earnings of the State University permanent fund, and the rentals of all lands granted, held or devoted to State University purposes, and which shall be subjected to appropriation for State University purposes. (L. '07, p. 394, § 2; Rem. & Bal., § 5042.)

540. Agricultural College current fund

There is hereby created in the state treasury a fund to be known as "The current fund of the Agricultural College and School of Science." (L. '05, p. 73, § 1; Rem. & Bal., § 5043.)

541. Same, payment of money into

There shall be paid into said fund for the use and support of the Agricultural College and School of Science: First—All money heretofore collected or hereafter to be collected from the lease or rental of lands set apart by the enabling act or other-

wise for the Agricultural College and School of Science; Second—All interest or income arising from the proceeds of the sale of any of said lands; Third—All moneys received or collected as interest on deferred payments on contracts for the sale of such lands. (L. '05, p. 73, § 2; Rem. & Bal., § 5044.)

542. Normal school

There is hereby created in the state treasury a fund to be known as "The normal school current fund." (L. '05, p. 73, § 3; Rem. & Bal., § 5045.)

543. What moneys payable into fund

There shall be paid into said "The normal school current fund" for the use and support of the normal schools of the state: First—All moneys heretofore collected or hereafter to be collected from the lease or rental of lands set apart by the enabling act or otherwise for the State normal schools; Second—All interest or income arising from the proceeds of the sale of said lands; Third—All moneys received or collected as interest on deferred payments on contracts for the sale of such lands. (L. '05, p. 73, § 4; Rem. & Bal., § 5046.)

544. Disposition of lands for scientific school—Vested in regents

The board of regents of the Agricultural College, Experiment Station and School of Science of the State of Washington is hereby authorized and directed to select and set aside for the purposes hereinafter described four full sections of land in lots of not less than forty acres each from the lands granted to the State of Washington for the establishment and maintenance of a scientific school and belonging to the Agricultural College and School of Science. The entire management, control and power of disposition of said four sections of land be and hereby are vested in the board of regents of the Agricultural College, Experiment Station and School of Science and subject to the provisions of this act. (L. '01, p. 170, § 1; Rem. & Bal., § 5047.)

"This act" refers to this and the next section.

See, *infra*, § 600, Code Pub. Ins., acquisition of lands for experimental purposes.

545. Scientific School Fund

There shall be kept by the State Treasurer a separate fund to be known as the Scientific School Fund, into which shall be paid all moneys received from the sale of the lands, or valuable material thereon, belonging to the Agricultural College and School of Science, which fund shall be paid out by the State Treasurer only upon warrants drawn by the State Auditor, which warrants shall be based upon proper vouchers of the board of regents of the Agricultural College and School of Science. (L. '01, p. 172, § 4; Rem. & Bal., § 5048.)

546. Funds of State College—Duties of State Treasurer and State Auditor

The State Treasurer shall hereafter constitute and be the treasurer of all funds belonging to the State College, Experiment Station and School of Science of the State of Washington, known as the State College of Washington. All moneys or funds received from the United States or from any other source whatsoever for the benefit of said State College or from the products or property of said college, or for the use of or belonging to said college shall be paid to and deposited with the State Treasurer; when so deposited the same shall be held as special funds for said college, and are hereby appropriated to the uses and purposes for which the same are received. Upon receipt of any funds belonging to said college by the State Treasurer, he shall issue duplicate receipts therefor and deposit one of such receipts with the State Auditor, who shall keep the accounts of said college as other accounts are kept, and shall draw warrants against said accounts upon the presentation of properly executed vouchers therefor, but no warrant shall be drawn on any such fund for an amount in excess of the amount remaining in such fund. (L. '09, Ex. Ses., p. 36, § 1; Rem. & Bal., § 5049.)

See, *infra*, § 598, Code Pub. Ins., disposition of appropriation.

547. Investment of state educational funds—Board of Finance

There is hereby created a board which shall be known and designated as the "State Board of Finance." Said board shall be composed of the Governor, State Treasurer and State Audit-

or: *Provided, however,* That the Governor may designate and appoint some state officer as his representative. (L. '07, p.16, § 1; Rem. & Bal., § 5053.)

See, *supra*, § 279, Code Pub. Ins., sources of school revenues.

548. Records—Office

Said board shall keep a full and complete record of all their proceedings in appropriate books of record, and a clerk in the office of the State Auditor shall act as the secretary of the said board. Their office shall be in the office of the State Auditor, and all records and correspondence relating to the said board shall be kept in the office of the State Auditor, and shall be subject to public inspection. (L. '07, p. 17, § 2; Rem. & Bal., § 5054.)

549. Rules—Treasurer chairman of board

Said State Board of Finance shall make appropriate rules and regulations for the carrying out the provisions of this act, not inconsistent with law, and the State Treasurer shall act as chairman of said State Board of Finance. (L. '07, p. 17, § 3; Rem. & Bal., § 5055.)

550. Investment, in what bonds lawful—School district bonds preferred

Whenever there shall be in the permanent school funds of the state, or in the permanent funds of the normal school, State University, Scientific School, Agricultural College, or the charitable, educational, penal and reformatory institutions, one thousand dollars or more available for investment, said State Board of Finance shall invest the same in national, state, county, municipal or school district bonds, bearing not less than three and three-fourths per cent interest per annum, paying therefor not more than the par value thereof: *Provided,* The word bonds in this section shall not be interpreted to mean or include any special, or assessment district bonds or bonds other than those to be found within the limit of indebtedness prescribed by law, or regularly created and issued as general indebtedness bonds: *Provided, further,* That school district bonds, regularly created

and issued, shall be given preference in said investments. Upon such investment being made, the State Auditor shall draw his warrant on said fund for the amount so invested, and the bonds so purchased shall be deposited with the State Treasurer, whose duty it shall be to collect all interest payments falling due thereon, and the principal at maturity. (L. '07, p. 17, § 4; Rem. & Bal., § 5056.)

This section seems to supersede Laws '03, chapter 95, page 143, authorizing the State Board of Land Commissioners to invest the school funds.

Under the provisions of article XVI, § 5, of the Constitution, authorizing the investment of the permanent school fund, "in national, state, county or municipal bonds," the moneys in such fund may be invested in school district bonds, as school districts are municipal corporations within the purview of our state Constitution: *State v. Grimes*, 7 Wash. 270.

Warrants are not bonds within the meaning of Constitution, article XVI, § 5, providing, that the permanent school fund may be invested in national, state, county or municipal bonds, but that none of it shall ever be loaned; and hence Laws of 1899, page 53, authorizing the investment thereof in state warrants is unconstitutional as a loaning of the permanent school fund: *State ex rel. Hellar v. Young*, 21 Wash. 391.

551. Investment of the permanent school fund in state bonds

Whenever there shall be in the hands of the State Treasurer, belonging to the state permanent school fund, money to the amount of five thousand dollars or more, of which no investment can be made in the securities now or hereafter authorized by law, and the state shall have an outstanding general fund warrant indebtedness in amount equal to or greater than the amount of five thousand dollars (\$5,000), the Governor of the state and the State Auditor are hereby authorized, and it shall be their duty, to issue the bonds of the state of Washington in amount equal to that amount, and sell and deliver such bonds to the State Treasurer for the account of the state permanent school fund at the face or par value thereof. (L. '99, p. 67, § 1; Rem. & Bal., § 5057.)

It is expressly provided that this section is not affected by the act of 1903, superseded by the preceding section. See Laws '03, page 144, § 2.

Bonds issued by the state for sale to the permanent school fund under this section do not increase the debt of the state, but simply transfer cash in one fund to another fund which is used at once in the redemption of general fund warrants: *State ex rel. Winston v. Rogers*, 21 Wash. 206.

Bonds issued for the construction of a capitol group, guaranteed by the state cannot be purchased from the general school fund, when such bond issue would exceed the constitutional limit of indebtedness: *State Capitol Commission v. State Board of Finance*, 32 Wash. Dec. 1.

552. Bonds—Description of, interest, maturity, etc.

Such bonds shall bear date of issue and be issued in denominations of five thousand dollars (\$5,000), and shall bear interest at the rate of three and one-half per cent. per annum, payable semi-annually on the first day of May and November of each year until paid, payable out of the state general fund, and the State Treasurer is hereby authorized and directed to transfer from the said state general fund to the said current school fund sufficient money to pay said interest as the same falls due, and certify the same to the State Auditor, which certificate shall be authority to said auditor to make the necessary and proper entries in the books and records of his office to show such transfer. The principal of said bonds shall be payable, any or all of them, on or before twenty years from the date of issue, to the State Treasurer for the account of the state permanent school fund, out of the state general fund, to which the proceeds thereof shall have been credited, and when paid the principal thereof shall be credited to the state permanent school fund. (L. '01, p. 388, § 1; Rem. & Bal., § 5058.)

553. Bonds—Printing, signing, etc.

Said bonds shall be printed on good bond paper and shall each be signed by the Governor and personally attested by the State Auditor, and sealed with the seal of the State Auditor, but no coupon need be attached thereto. (L. '99, p. 68, § 3; Rem. & Bal., § 5059.)

554. Proceeds of bonds used to call general fund warrants

It shall be the duty of the State Treasurer, whenever any such bonds are executed and presented to him to invest the state permanent school fund in such bonds to the amount of the face or par value thereof at par, and receipt to the State Auditor therefor, and at once transfer from the state permanent school fund to the state general fund money to the amount of the face or par value of such bonds so delivered to him, and the money so transferred to the general fund shall be at once used in the redemption of outstanding general fund warrants. (L. '99, p. 68, § 4; Rem. & Bal., § 5060.)

555. Interest, to current school fund

All interest paid on such bonds shall be credited to the current common school fund of the state on the day it falls due. (L. '99, p. 69, § 5; Rem. & Bal. § 5061.)

556. Redemption

It shall be the duty of the State Treasurer to redeem any of said bonds on any interest pay day whenever, and to the extent that he shall have in his hands money belonging to the state general fund equal to one or more of such bonds in excess of all outstanding general fund warrants. (L. '99, p. 69, § 6; Rem. & Bal., § 5062.)

BONDING UNIVERSITY LANDS**557. Appropriation from university fund**

For the purpose of refunding to the state of Washington the moneys appropriated for the erection and support of the said university there is hereby appropriated from this said "University of Washington fund," to be paid into the general fund of the state, the following sums, to-wit: One hundred and fifty thousand dollars, appropriated by the legislative session of eighteen hundred and ninety-three for the erection of buildings and the preparation of the new grounds; fifty thousand dollars, appropriated by the legislative session of eighteen hundred and ninety-five for the same or similar purposes; twenty-five thousand dollars, being a portion of the sum appropriated by the legislative session of eighteen hundred and ninety-five for the support or maintenance of the said university; making a total appropriation herein of two hundred and twenty-five thousand dollars. (L. '95, p. 108, § 2; Rem. & Bal., § 5063.)

The "University of Washington fund" was transferred to the "State University permanent fund, by *supra*, § 538, Code Pub. Ins.

558. Bonds authorized

For the purpose of anticipating the fund out of which the foregoing appropriation is provided to be paid, the Governor, State Auditor, and State Treasurer are hereby authorized to

make a loan of two hundred and twenty-five thousand dollars upon the bonds of the state, to be signed by the Governor and attested by the Secretary of State, under the seal of the State, and countersigned and registered by the State Auditor. Said bonds shall be of denomination of not less than one thousand dollars each, and shall, on their face, be made payable at any time after five years and within fifteen years from their date, at the option of the state, at the office of the State Treasurer; shall bear interest at the rate of four per cent. per annum, which interest shall be payable semi-annually out of the fund provided for in section 5041, and no primary or secondary application for the payment of said bonds, except out of the aforesaid fund, is intended to be created by this chapter. Said bonds shall not be sold for less than par. If at any time there is not sufficient money in the aforesaid fund to defray the interest charges when due, the state shall pay said interest out of the general fund, which general fund shall be repaid such interest payments out of the first moneys paid into the said "University of Washington fund." (L. '95, p. 108, § 3; Rem. & Bal., § 5064.)

CRIMES BY OR AGAINST PUBLIC OFFICERS

559. Bribery of public officer

Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any executive or administrative officer of the state, with intent to influence him with respect to any act, decision, vote, opinion or other proceeding, as such officer; or who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to a member of the legislature, or attempt, directly or indirectly, by menace, deceit, suppression of truth or other corrupt means, to influence such member to give or withhold his vote or to absent himself from the house of which he is a member or from any committee thereof; or who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to a judicial officer, juror, referee, arbitrator, appraiser, assessor or other person authorized by law to hear

or determine any question, matter, cause, proceeding or controversy, with intent to influence his action, vote, opinion or decision thereupon; or shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to a person executing any of the functions of a public officer other than as hereinbefore specified, with intent to influence him with respect to any act, decision, vote or other proceeding in the exercise of his powers or functions, shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or by both. (L. '09, p. 910, § 68; Rem. & Bal., § 2320.)

560. Asking or receiving bribe

Every executive or administrative officer or person elected or appointed to an executive or administrative office who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion, or action upon any matter then pending, or which may by law be brought before him in his official capacity, shall be influenced thereby; and every member of either house of the legislature of the state who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his official vote, opinion, judgment or action shall be influenced thereby, or shall be given in any particular manner, or upon any particular side of any question or matter upon which he may be required to act in his official capacity; and every judicial officer, and every person who executes any of the functions of a public office not hereinbefore specified, and every person employed by or acting for the state or for any public officer in the business of the state, who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion, judgment, action, decision or other official proceeding shall be influenced thereby, or that he will do or omit any act or proceeding or in any way neglect or violate any official duty, shall be punished by im-

prisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or by both. (L. '09, p. 911, § 69; Rem. & Bal., § 2321.)

561. Interfering with public officer

Every person who, by means of any threat, force or violence, shall attempt to deter or prevent any executive or administrative officer from performing any duty imposed upon him by law, or who shall knowingly resist by force or violence any executive or administrative officer in the performance of his duty, shall be guilty of a gross misdemeanor. (L. '09, p. 914, § 79; Rem. & Bal., § 2331.)

562. Offering reward for appointment

Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward, in consideration that he or another person shall be appointed to a public office or to a clerkship, deputation or other subordinate position in such office, or that he or any other person shall be permitted to exercise, perform or discharge any prerogative or duty or receive any emolument of such office, shall be guilty of a gross misdemeanor. (L. '09, p. 914, § 80; Rem. & Bal., § 2332.)

563. Grafting

Every person who shall ask or receive any compensation, gratuity or reward, or any promise thereof, upon the representation that he can, directly or indirectly, or in consideration that he shall, or shall attempt to, directly or indirectly, influence any public officer, whether executive, administrative, judicial or legislative, to refuse, neglect, or defer the performance of any official duty; or who shall ask or receive any compensation, gratuity or reward, or any promise thereof, the right to retain or receive which shall be conditioned that such person shall, directly or indirectly, successfully influence by any means whatever any executive, administrative or legislative officer, in respect to any act, decision, vote, opinion or other proceeding, as such officer, or who shall ask or receive any compensation, gratuity or reward, or any promise thereof, upon the rep-

resentation that he can, directly or indirectly, or in consideration that he shall, or shall attempt to, directly or indirectly, influence any public officer, whether executive, administrative, judicial or legislative, in respect to any act, decision, vote, opinion or other proceeding, as such officer, unless it be clearly understood and agreed in good faith between the parties thereto, on both sides, that no means or influence shall be employed except explanation and argument upon the merits, shall be guilty of a gross misdemeanor, and, in any prosecution, under the third clause of this section, evidence of the means actually employed to influence such officer shall be admitted as proof of the means originally contemplated by the defendant. (L. '09, p. 915, § 81; Rem. & Bal., § 2333.)

564. Misconduct of public officer

Every public officer who shall—

1. Ask or receive, directly or indirectly, any compensation, gratuity or reward, or promise thereof, for omitting or deferring the performance of any official duty; or for any official service which has not been actually rendered, except in case of charges for prospective costs or fees demandable in advance in a case allowed by law; or

2. Be beneficially interested, directly or indirectly, in any contract, sale, lease or purchase which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward from any other person beneficially interested therein; or

3. Employ or use any person, money or property under his official control or direction, or in his official custody, for the private benefit or gain of himself or another;

Shall be guilty of a gross misdemeanor, and any contract, sale, lease or purchase mentioned in subdivision 2 hereof shall be void. (L. '09, p. 915, § 82; Rem. & Bal., § 2334.)

A school board cannot hire the minor son of a member of the board to do work for such board.—TANNER.

565. Grant of official powers

Every public officer who, for any reward, consideration or gratuity paid or agreed to be paid, shall, directly or indirectly, grant to another the right or authority to discharge any function of his office, or permit another to perform any of his duties, shall be guilty of a gross misdemeanor. (L. '09, p. 916, § 83; Rem. & Bal., § 2335.)

566. Intrusion into and refusal to surrender public office

Every person who shall falsely personate or represent any public officer, or who shall wilfully intrude himself into a public office to which he has not been duly elected or appointed, or who shall wilfully exercise any of the functions or perform any of the duties of such officer, without having duly qualified therefor, as required by law, or who, having been an executive or administrative officer, shall wilfully exercise any of the functions of his office after his right to do so has ceased, or wrongfully refuse to surrender the official seal or any books or papers appertaining to such office, upon the demand of his lawful successor, shall be guilty of a gross misdemeanor. (L. '09, p. 916, § 84; Rem. & Bal., § 2336.)

567. Injury to public record

Every person who shall wilfully and unlawfully remove, alter, mutilate, destroy, conceal or obliterate a record, map, book, paper, document or other thing filed or deposited in a public office, or with any public officer, by authority of law, shall be punished by imprisonment in the state penitentiary for not more than five years, or by a fine of not more than one thousand dollars, or by both. (L. '09, p. 919, § 95; Rem. & Bal., § 2347.)

568. Injury to and misappropriation of record

Every officer who shall mutilate, destroy, conceal, erase, obliterate or falsify any record or paper appertaining to his office, or who shall fraudulently appropriate to his own use or to the use of another person, or secrete with intent to appropriate to such use, any money, evidence of debt or other property

intrusted to him by virtue of his office, shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or by both. (L. '09, p. 919, § 96; Rem. & Bal., § 2348.)

569. False report

Every public officer who shall knowingly make any false or misleading statement in any official report or statement, under circumstances not otherwise prohibited by law, shall be guilty of a gross misdemeanor. (L. '09, p. 920, § 98; Rem. & Bal., § 2350.)

570. Perjury—Second degree

Every person who, whether orally or in writing, and whether as a volunteer, or in a proceeding or investigation authorized by law, shall knowingly swear falsely concerning any matter whatsoever, shall be guilty of perjury in the second degree and shall be punished by imprisonment in the state penitentiary for not more than five years, or by imprisonment in the county jail for not more than one year. (L. '09, p. 920, § 101; Rem. & Bal., § 2353.)

571. "Oath" and "swear" defined

The term "oath" shall include an affirmation and every other mode authorized by law of attesting the truth of that which is stated. A person who shall state any matter under oath shall be deemed to "swear" thereto. (L. '09, p. 920, § 102; Rem. & Bal., § 2354.)

See, *supra*, § 383, Code Pub. Ins., false oath.

**572. Irregularity in administering oath or incompetency of witness
no defense**

It shall be no defense to a prosecution for perjury that an oath was administered or taken in an irregular manner, or that the defendant was not competent to give the testimony, deposition, certificate or affidavit of which falsehood is alleged. It shall be sufficient that he actually gave such testimony or made such deposition, certificate or affidavit. (L. '09, p. 921, § 103; Rem. & Bal., § 2355.)

573. Deposition—When complete

The making of a deposition, certificate or affidavit shall be deemed to be complete when it is subscribed and sworn to or affirmed by the defendant with intent that it be uttered or published as true. (L. '09, p. 921, § 104; Rem. & Bal., § 2356.)

574. Statement of what one does not know to be true

Every unqualified statement of that which one does not know to be true is equivalent to a statement of that which he knows to be false. (L. '09, p. 921, § 105; Rem. & Bal., § 2357.)

575. Public officer making false certificate

Every public officer who, being authorized by law to make or give a certificate or other writing, shall knowingly make and deliver as true such a certificate or writing containing any statement which he knows to be false, in a case where the punishment thereof is not expressly prescribed by law, shall be guilty of a gross misdemeanor. (L. '09, p. 927, § 128; Rem. & Bal., § 2380.)

See, *supra*, § 569, Code Pub. Ins., false reports by officers.

576. False auditing and paying claims

Every public officer, or person holding or discharging the duties of any public office or place of trust under the state or in any county, town or city, a part of whose duty it is to audit, allow or pay, or take part in auditing, allowing or paying, claims or demands upon the state or such county, town, or city, who shall knowingly audit, allow or pay, or, directly or indirectly, consent to or in any way connive at the auditing, allowance or payment of any claim or demand against the state or such county, town or city, which is false or fraudulent or contains any charge, item or claim which is false or fraudulent, shall be guilty of a gross misdemeanor. (L. '09, p. 927, § 129; Rem. & Bal., § 2381.)

SECURITY FOR LABOR ON PUBLIC WORKS, ETC.**577. Contractor's bond—Filing**

Whenever any board, council, commission, trustees or body acting for the state or any county or municipality or any pub-

lic body shall contract with any person or corporation to do any work for the state, county or municipality, or other public body, city, town or district, such board, council, commission, trustees or body shall require the person or persons with whom such contract is made to make, execute and deliver to such board, council, commission, trustees or body a good and sufficient bond, with two or more sureties, or with a surety company as surety, conditioned that such person or persons shall faithfully perform all the provisions of such contract and pay all laborers, mechanics and subcontractors and materialmen, and all persons who shall supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work, all just debts, dues and demands incurred in the performance of such work, which bond shall be filed with the county auditor of the county where such work is performed or improvement made, except in cases of cities and towns, in which cases such bond shall be filed with the clerk or the comptroller thereof, and any person or persons performing such services or furnishing material to any subcontractor shall have the same right under the provision of such bond as if such work services or material was furnished to the original contractor. (L. '09, p. 716, § 1; Rem. & Bal., § 1159.)

See, *supra*, § 163, Code Pub. Ins., powers and duties of board.

School districts are, within the contemplation of the legislative and constitutional enactments of the state, municipal corporations providing for liens for work done or improvements made for any "county, incorporated town or city, or other municipal corporation:" *Maxon v. School District*, 5 Wash. 142.

It is not necessary that a school district should be made a party to a suit against a contractor for materials furnished in the construction of a school house in order to subject the district to liability for failure to take bond from contractor: *Pacific Mfg. Co. v. School District*, 6 Wash. 121.

Where a contractor's bond by mistake names the board of school directors instead of the state of Washington as obligee, such defect is not fatal, if from the terms of the bond it appears that its object was to secure laborers and materialmen as provided for by this section: *Thrig v. Scott*, 5 Wash. 584; and such a bond is not inoperative by reason of its being made payable to the school district instead of the state: *Wadsworth v. School District*, 7 Wash. 485.

In an action against a school district for failure to take a sufficient bond from a contractor for the protection of materialmen, the fact that the sureties thereon did not justify is a mere irregularity and presumed not injurious in the absence of allegations and proof that they could not justify as required by law: *Wadsworth v. School District*, *supra*.

It is not necessary to file such bond with the auditor prior to furnishing material to the contractor in order to relieve the district from liability: *Wadsworth v. School District*, *supra*.

An action on a contractor's bond given under this section is not barred by the procuring of a judgment against the contractor personally prior to suit against his bond: *Fisher v. Quigley*, 8 Wash. 322.

A bond taken by a school district under this section, conditioned that the surety shall be liable only in case the contractor fails to "perform said work and comply with said contract, plans and specifications to which reference is hereby made and same made a part of the bond," is insufficient: *Puget Sound Brick etc. Co. v. School District*, 12 Wash. 118.

578. Liability for failure to take bond

If any board of county commissioners of any county, or mayor and common council of any incorporated city or town, or tribunal transacting the business of any municipal corporation shall fail to take such bond as herein required, such county, incorporated city or town, or other municipal corporation, shall be liable to the persons mentioned in section 1159, to the full extent and for the full amount of all such debts so contracted by such contractor. (L. '09, p. 717, § 2; Rem. & Bal., § 1160.)

See notes to above section.

579. Conditions of bond—Action on

The bond mentioned in section 1159 shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, and shall be to the state of Washington, except in cases of cities and towns, in which cases such municipalities may by general ordinance fix and determine the amount of such bond and to whom such bond shall run: *Provided*, the same shall not be for a less amount than twenty-five per cent. (25%) of the contract price of any such improvement, and may designate that the same shall be payable to such city, and not to the state of Washington, and all such persons mentioned in said section 1159 shall have a right of action in his, her, or their own name or names on such bond, for the full amount of all debts against such contractor, or for work done by such laborers or mechanics, and for materials furnished or provisions and goods supplied and furnished in the prosecution of such work, or the making of such improvements: *Provided*, That such persons shall not have any right of action on such bond for any sum whatever, unless within thirty (30) days from and after the completion of the contract with and acceptance of the work by the board, council, commission, trustees, or body

acting for the state, county or municipality, or other public body, city, town or district, the laborer, mechanic or subcontractor, or materialman, or person claiming to have supplied materials, provisions or goods for the prosecution of such work, or the making of such improvement, shall present to and file with such board, council, commission, trustees or body acting for the state, county or municipality, or other public body, city, town or district, a notice in writing in substance as follows: To (here insert the name of the state, county or municipality or other public body, city, town or district):

Notice is hereby given that the undersigned (here insert the name of the laborer, mechanic or subcontractor, or materialman, or person claiming to have furnished labor, materials or provisions for or upon such contract or work) has a claim in the sum of.....dollars (here insert the amount) against the bond taken from.....(here insert the name of the principal and surety or sureties upon such bond) for the work of.....(here insert a brief mention or description of the work concerning which said bond was taken).

(Here to be signed).....

Such notice shall be signed by the person or corporation making the claim or giving the notice; and said notice, after being presented and filed, shall be a public record open to inspection by any person: *Provided further*, That any city may avail itself of the provisions of this act, notwithstanding any charter provisions in conflict herewith: *And provided further*, That any city or town may impose any other or further conditions and obligations in such bond as may be deemed necessary for its proper protection in the fulfillment of the terms of the contract secured thereby. (L. '09, p. 717, § 3; Rem. & Bal., § 1161.)

Failure to file bond does not relieve the contractor from failure to file claim: *Crane Company v. Aetna Indemnity Co.*, 43 Wash. 516.

The overstatement of the amount due, in a notice to a city of a claim for material furnished to a contractor upon public work, is not fatal to recovery on the contractor's statutory bond to secure laborers and materialmen, where actual fraud is not shown: *Strandell v. Moran*, 49 Wash. 533.

Such a notice, required by the statute to be signed by the claimant, is suf-

ficient when signed by one "A. S. agent," through whom the claimant did business without disclosing the principals when no one was misled thereby; since the same fulfills the purpose of the statute to give notice of claims: *Id.*

STATE COLLEGE OF WASHINGTON EXPERIMENT STATION

580. Acceptance of federal aid

The state of Washington hereby assents to the purposes, terms, provisions and conditions of the grant of money provided in an act of Congress approved March 16, 1906, said act being entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," and having for its purpose the more complete endowment and maintenance of agricultural experiment stations theretofore or thereafter established under an act of Congress approved March 2, 1887. (L. '07, p. 423, § 1; Rem. & Bal., § 4344.)

See, *supra*, § 25 *et seq.*, Code Pub. Ins., State College of Washington.

Evidently by oversight, this and the next section were omitted from the "School Code" of 1909.

581. Disposition of appropriation

Said annual sum appropriated and granted to the state of Washington in pursuance of said act of Congress approved March 16, 1906, shall be paid as therein provided to the treasurer or other officer duly appointed by the board of regents of the State Agricultural Experiment Station at Pullman, Washington; and the board of regents of such experiment station are hereby required to report to the Secretary of Agriculture on or before the first day of September of each year a detailed statement of the amount so received and its disbursements on schedules prescribed by the Secretary of Agriculture. (L. '07, p. 424, § 2; Rem. & Bal., § 4345.)

Superseded, in part, by *supra*, § 546, Code Pub. Ins., requiring payment to State Treasurer.

582. Experiment station at Puyallup

The operation and conduct of the agricultural experiment station heretofore established at Puyallup, Washington, shall be under the supervision and control of the board of regents of

the Agricultural College and School of Science, and the State Auditor is hereby authorized to audit all claims and, if found correct, to issue warrants upon the State Treasurer in payment of bills duly authorized by said board as provided by law, and the State Treasurer is hereby directed to pay the same. (L. '99, p. 132, § 1; Rem. & Bal., § 4346.)

583. Acquisition of lands for experimental purposes

The board of regents of the State College of Washington is hereby authorized and empowered to acquire by lease or gift, any tract or tracts of land, which, in its judgment, are necessary for experimental or demonstrational purposes, or for otherwise carrying out the purposes or work of the college as defined by law, and to pay for the same out of the maintenance fund of the college: *Provided*, That not more than twelve hundred dollars a year shall be paid from said fund for said purposes: *Provided further*, That when said land is leased by the state for purposes of this act, such land shall be exempt from taxation. (L. '09, p. 815, § 1; Rem. & Bal., § 4347.)

See, *supra*, § 544, Code Pub. Ins., disposition of lands.

RULES AND REGULATIONS, BY STATE BOARD OF EDUCATION

TEACHERS.

1. The teachers in the public schools of this state shall follow the prescribed course of study and enforce the rules and regulations of the State Board of Education; shall keep records, use blanks and render reports according to instructions.

2. Teachers shall be held responsible for the care of all school property entrusted to them; shall frequently inspect the same and promptly report to the district clerk any damage it may have received.

3. Each teacher shall prepare a program of daily exercises, a copy of which shall be posted in a conspicuous place in the school room.

4. Teachers shall exercise watchful care over the conduct and habits of the pupils while under their jurisdiction.

5. Teachers shall maintain strict order and discipline in their schools at all times. Any neglect of this requirement shall be considered good cause for dismissal. Corporal punishment may be resorted to when it becomes necessary to the preservation of proper discipline. No cruel or unusual punishment shall be inflicted; and no teacher shall administer punishment on or about the head of any pupil.

6. In any case of misconduct or insubordination, when the teacher deems it necessary for the good of the school, he may suspend a pupil, and shall immediately notify the directors of the district thereof for further action, and shall send a copy of said notice to the parents or guardians of the child.

7. Every public school teacher shall give vigilant attention to the temperature and ventilation of the school room and shall see that the atmosphere of the room is frequently changed.

8. Teachers shall have the right, and it shall be their duty to direct and control within reasonable limits the studies of their pupils: *Provided*, That all pupils shall receive instruction in the branches included in the prescribed course of study.

9. The use of tobacco in any form or place by a teacher is discounted, and the use of alcoholic stimulants in any form or place as a beverage is prohibited. The use of tobacco or any other narcotic on the school premises by a teacher shall work a forfeiture of his certificate.

10. The teacher shall make an estimate of the worth of each pupil's work in the several subjects as often as once every two months. This estimate should be based upon the pupil's daily work, together with such tests as the teacher may deem it advisable to give during the period.

At the close of every term of school the teacher shall thoroughly examine, in all necessary branches, all pupils whose work has not been satisfactory, and shall leave in the register a statement of the work completed by each pupil in each subject. He shall also leave a record of the department of each pupil.

11. Teachers shall require excuses from the parents or guardians of pupils, either in person or by written note, in all cases of absence, tardiness or dismissal before the close of school, and no excuse shall be deemed valid except that of sickness. Excuses for absence shall be placed in the hands of the attendance officer, and it shall be the duty of said attendance officer to investigate thoroughly each case and enforce the provisions of the law relating thereto.

12. An attendance of less than one hour at any half-day's session shall not be counted by the teacher in making his or her annual report.

13. Teachers are enjoined to encourage exercises in composition and declamation, including memorization of choice selections and quotations. In the preparation of programs for rhetorical, teachers shall use every effort to secure selections of a high literary character.

14. Teachers are required to be at their respective schoolrooms at least thirty minutes before the time of opening of school in the morning and fifteen minutes before the opening of school in the afternoon.

15. Teachers are required to make due preparation daily for their duties, such preparation to include attendance upon teachers' meetings and other professional work contributing to efficient school service, which may be required by the superintendent, principal, or board of directors.

PUPILS.

1. Every pupil shall be punctual and regular in attendance, obedient to all rules of the school, diligent in study, respectful and obedient to teachers and kind and obliging to schoolmates.

2. Wilful disobedience, habitual truancy, vulgarity or profanity, the use of tobacco on or about the school premises, stealing, the carrying of deadly weapons, the carrying or using of dangerous playthings, shall constitute good cause for suspension or expulsion from school.

3. As soon as dismissed, pupils shall leave the school premises and go directly to their homes. Loitering on the way to and from school is positively forbidden.

4. Pupils shall give attention to personal neatness and cleanliness, and any who repeatedly fail in this respect may be sent home to be prepared properly for school.

5. Pupils shall not be detained more than forty minutes after the regular hour for dismissal.

INSTRUCTIONS RELATIVE TO ISSUANCE OF BONDS AND PREPARATION OF TRANSCRIPT.

In the course of the past few years the Attorney General and his assistants have had occasion to examine and pass upon a large number of bond issues of school districts throughout the state. From such examination the Attorney General has been impressed with the fact that the procedure leading up to the issuance of such bonds and the manner of preparing the transcript are not fully understood by the different school officers. For the assistance of those in charge of the affairs of the various school districts these instructions are printed, in which a number of the more common defects in procedure are pointed out and explanation of the transcript required by the State Board of Finance is given.

The procedure in the issuance of bonds by school districts is prescribed in sections 288 to 302, inclusive, Code of Public Instruction. (Remington and Ballinger's Code, sections 4607 to 4621, inclusive, as amended by chapter 88, Laws of 1911.)

The conduct of elections in districts of the first class is governed by sections 348 to 366, inclusive, Code of Public Instruction. (Remington and Ballinger's Code, sections 4667 to 4685, inclusive, as amended by chapters 106 and 107, of the Laws of 1911.)

In school districts of the second and third classes elections are held under sections 338 to 344, inclusive, Code of Public Instruction. (Remington and Ballinger's Code, sections 4657 to 4663, inclusive, as amended by chapter 115, Laws of 1913.)

The suggestions here made do not refer to the procedure in validating indebtedness of school districts, which is covered by other provisions of the Code of Public Instruction, sections 303 to 310, inclusive. (Remington and Ballinger's Code, sections 4622 to 4269, inclusive, and chapter 136, Laws 1913.) Directors intending to submit the question of the validation of indebtedness to the electors of their districts are advised to consult the prosecuting attorney of their county respecting the forms of resolutions to be adopted, and all other matters of procedure.

In order that there may be no question of the validity of the proposed bond issue, there should be a strict compliance with the provisions of the statutes referred to. The suggestions here made do not cover all of the provisions of the law, but are intended to be supplementary thereto and in explanation thereof.

A transcript is required by all bond buyers in order that the purchaser may be informed of the nature and character of the investment, and of the validity of the bonds offered for sale. The purchaser of bonds depends almost entirely upon the transcript for this informa-

tion, and it is necessary therefore to have all the proceedings set forth very fully and in as legible a manner as possible. In preparing the transcript it should be borne in mind that those who are called upon to examine the proceedings are not familiar with local conditions in the different school districts, and for that reason every step should be carefully explained.

All action by the directors of a district should be taken by resolutions, as motions are too indefinite.

PURPOSES FOR WHICH BONDS MAY BE ISSUED.

Bonds may be issued only for the purposes enumerated in the statute, which are as follows:

1. For the funding of outstanding indebtedness.
2. For the purchase of school house site or sites.
3. For the building of one or more school houses, and providing the same with all necessary furniture, apparatus or equipment (section 288, Code of Public Instruction).

If the purposes for which the bonds are being issued are not naturally related or connected they must be considered as separate propositions. Each proposition must be separately submitted to the voters at the election and voted upon separately. For instance, the issuance of refunding bonds, and bonds to secure money to purchase a site and build a school house are two separate and distinct propositions.

An indebtedness in order to be refunded under this chapter (ten) must be valid, and proof of the validity is required before refunding bonds will be accepted.

The purposes for which money may be borrowed and bonds issued, it will be noted, are those which require an unusual and extraordinary expenditure of money. Bonds cannot be issued for continuing regular expenditures for the maintenance of the schools. This class of expenditures must be taken care of from the current revenues of the district.

Before any steps looking to the issuance of bonds are taken, the object and purpose of the issue should be fully and carefully considered by the officers of the district, and a complete investigation of the financial condition of the district made.

LIMIT OF INDEBTEDNESS.

The constitution limits the amount of indebtedness any school district may incur to five per centum of the assessed valuation of the taxable property therein, to be ascertained from the last assessment for state and county purposes previous to the incurring of the indebtedness (Const. art. 8, sec. 6). In other words, no territory can be made liable for a debt for school purposes in excess of five per cent. of the assessed valuation of the property in that particular territory. It makes no difference by what district the indebtedness is to be or was incurred. It should be remembered in this connection that districts forming a consolidated district retain their corporate existence

for the purpose of paying off their indebtedness existing at the time of their consolidation. Such indebtedness is not absorbed by the consolidated district. For instance, if a school district prior to its consolidation with other districts to form a consolidated district, had an outstanding indebtedness, then the consolidated district cannot incur an indebtedness the result of which will be to charge the territory within such school district with an indebtedness, which when added to its existing indebtedness will exceed the five per cent. limit.

The same principles apply in the case of a union high school district. A union high school district cannot incur an indebtedness which when distributed among the districts forming it will result in charging the territory within any school district with an indebtedness in excess of five per cent. of the assessed valuation of the property therein. Conversely, a school district which is a part of a union high school district cannot incur an indebtedness which when added to its proper proportion of the indebtedness of the union high school district will exceed the five per cent. limit.

Cash on hand and uncollected taxes due may be considered as an asset for the purpose of computing the indebtedness of a school district. This rule, however, is subject to the following exceptions:

1. If the district seeks to include cash on hand or uncollected taxes as an asset, it must deduct therefrom any indebtedness contracted or liability incurred which is payable from such cash or the proceeds of such taxes.
2. Cash in the general fund and uncollected taxes due to the general fund can only be considered as an offset to indebtedness payable from the general fund.

ELECTIONS.

The suggestions made under this heading apply only to school districts of the second and third classes. Elections in districts of the first class must be conducted under sections 348 to 366, inclusive, Code of Public Instruction, to which reference must be had by the officers of such districts.

All school elections in districts of the second and third classes must be held at the school house if there be one in the district; or if there is no school house in the district, or if there are more than one, then at one or more places designated by the directors.

The judges and clerk must be selected by the electors present at the polling place at the hour named for the opening of the polls, or as soon thereafter as there are a sufficient number of electors present to constitute an election board.

The polls must be opened at 1 o'clock p. m. and closed at the hour named in the notice of election, which must not be earlier than 4 o'clock p. m. or later than 8 o'clock p. m.

Each proposition to be voted upon must be submitted separately and voted upon separately.

The ballots must contain a statement of each proposition and following each proposition the words, "Bonds, Yes," and "Bonds, No."

SALE OF BONDS.

The board of directors should within thirty days after the date of election certify the result of the election to the county treasurer.

The notice of sale of bonds must be advertised for four consecutive issues, in at least a weekly newspaper published at the county seat, if there be one. The notice of sale of bonds must state: (1) The amount of bonds to be sold; (2) The time they are to run; (3) Where payable; (4) The option, if any, of the district to redeem; (5) The hour and day for considering bids; (6) The manner in which bids are to be submitted, with a request that the bidders name the price and rates of interest at which they will purchase such bonds. Bonds cannot bear a greater rate of interest than six per centum.

The bonds as advertised for sale should correspond in every respect with those which the voters have authorized the directors to issue.

TRANSCRIPT.

The State Board of Finance furnishes a blank certificate to be signed and an affidavit to be subscribed and sworn to by the directors of a district selling bonds to the state. This certificate requires twelve exhibits, which should be attached to the general certificate and affidavit, which constitute the transcript. This general certificate and affidavit should be made out and subscribed and sworn to subsequent to the date or dates upon which all the exhibits required are made and subscribed and sworn to. The exhibits of resolutions called for are to be exact copies of the actual entries that have been made in the records of the board of directors. If they are not of record the record should be perfected before the transcript is completed or certified to.

No forms or blanks for preparing exhibits or resolutions are supplied by the state.

The exhibits should be on good quality of paper, the same width and length as the general certificate and affidavit of the board of directors furnished by the State Board of Finance, unless printed forms are used.

The exhibits must be properly lettered and identified by the letters as set forth in the general certificate furnished by the State Board of Finance.

EXHIBITS.

"Exhibit A" must be a copy of the resolution adopted by the board of directors authorizing the issuance of the bonds. The resolution to be in proper form should set forth in detail the amount and duration of the bonds, the option, if any, to redeem, and the purpose for which the bonds are issued. To this resolution should be attached a certificate signed by the board of directors, to the effect that such resolution was duly passed and adopted by the board of directors at a regular or special meeting of the board, setting forth the date of the meet-

ing, the names of the directors present, and that the same appears of record upon the book of proceedings of the district.

"Exhibit B" must be a copy of the resolution adopted by the board of directors providing for the calling of the election at which the question of whether or not bonds shall be issued is to be submitted to the voters. This resolution to be in proper form should set forth the purpose for which the bonds are to be issued, the amount and duration of the bonds, together with the option, if any, to redeem; and should provide for the holding of the election at the school house of the district, and for the posting of the notices of election at least ten days prior to the date of the election in three conspicuous public places in the district. This resolution should have attached to it a certificate showing that such resolution was duly passed and adopted by the board of directors at a regular meeting of the board, setting forth the date of the meeting, the names of the directors present, and a statement that the same appears of record upon the book of proceedings of the district.

"Exhibit C" must be a true and correct copy of the notice of election as posted.

"Exhibit D" must be an affidavit by the person posting the notices of election, setting forth that the notices were posted in at least three conspicuous public places in the district, one of which was the place at which the election was held, the places at which the notices were posted, the date of the posting of the notices, the length of time prior to the date of election that they were posted, that they remained posted until after the date of election, and that "Exhibit C" of the transcript is a true and correct copy of the notices so posted. This exhibit is an affidavit and must be subscribed and sworn to before some officer, such as a notary public, duly authorized to administer such an oath. The director of a school district has no such authority.

"Exhibit E" must be a copy of the report of the judges and clerk of election as submitted to the board of directors of the district, and as entered on the records of said board. This report consists of a copy of the poll sheet, together with the oaths of the judges and clerk of election, and should be accompanied by an affidavit of the judges and clerk of election to the effect that they were duly selected to act as such judges and clerk of election by the voters present at the polling place at the hour named for the opening of the polls; that they took and subscribed to the oaths as such judges and clerk of election, as set forth on the copy of the poll sheet thereto attached; that they opened the polls at the hour named in the notice of election (1 o'clock p. m.) and closed them at the hour named in the notice of election (not earlier than 4 o'clock p. m. nor later than 8 o'clock p. m.); that to the best of their knowledge and belief they permitted none but the duly qualified electors of the district to vote, and refused no duly qualified elector the right to vote; that the election was duly conducted in all respects as required by law; the number of ballots and

the number of votes cast, the number of votes for and the number of votes against bonds. This affidavit should be subscribed and sworn to before some officer authorized to take such an oath. The director of a district has no such authority.

"Exhibit F" must be a copy of the certificate of election submitted to the county treasurer by the directors. The facts set forth in this certificate should correspond with those as shown in the resolutions marked "Exhibits A" and "B," and the notice of election marked "Exhibit C." The directors have no authority to certify that bonds in an amount different from that voted upon or of a different character, are to be issued.

"Exhibit G" must be an affidavit of the county treasurer, showing how and in what manner the sale of bonds was advertised, and should refer to "Exhibit H." The treasurer should be careful in preparing his notice of sale for publication to call for bonds of the same character as those which the certificate of the directors shows were authorized by the voters.

"Exhibit H" must be an affidavit by the publisher giving the time of publishing the notice of the sale of bonds, and must set forth a copy of the published notice.

"Exhibit I" must be a copy of the resolution awarding the bonds to the state, as adopted by the board of directors at their meeting with the county treasurer. This resolution to be in proper form should set forth a statement of each bid received; that it is determined that the bid of the state is the best bid, and should provide for the sale of the bonds to the state in accordance with the bid of the State Board of Finance. To this exhibit should be attached a certificate signed by the board of directors, to the effect that such resolution was duly passed and adopted by the board of directors at a regular meeting of the board, setting forth the date of the meeting, the names of the directors present, and a statement that the same appears of record upon the book of proceedings of the district.

"Exhibit J" must be a certificate by the county treasurer, showing the equalized assessed valuation of the district last preceding the day of the bond election, as shown by the records of his office. The county treasurer should be sure to attach his seal to his certificate. If the district issuing the bonds is a consolidated district the county treasurer should set forth the assessed valuation of each district forming the consolidated district as well as the assessed valuation of the consolidated district. If the district is included within a union high school district, the county treasurer should set forth the assessed valuation of the union high school district. If the district is a union high school district the county treasurer should set forth the assessed valuation of each district forming the union high school district.

"Exhibit K" must be a certificate of the county superintendent of schools, giving in detail the time and manner of the organization of the district, setting forth a copy of the order of the superintendent

forming the district, together with such other information as the records of the county superintendent show relative to the organization of the district. The boundaries of the district should be set forth, together with a plat showing the location of such boundaries. The names of the officers of the district and their terms of office from the date of the passage of the resolution marked "Exhibit A" up to the date of the making of the general certificate should be certified to. The county superintendent in certifying as to the organization of the district should state whether or not the same is a consolidated district, and if so the districts from which it was formed. He should also state whether the district is included within or a part of a union high school district, and if so, the name and number of the union high school district and the districts forming the same. If the district is a consolidated district the county superintendent of schools should certify that none of the districts forming such consolidated district were at the time of their consolidation included within any union high school district.

"Exhibit L" must be a certificate by the county treasurer showing the indebtedness of the district by items and must give every class of indebtedness against such district, whether special or general. If the district is a consolidated district he should set forth the indebtedness of each district forming the consolidated district in addition to the indebtedness of the consolidated district. The indebtedness of each district should be set forth separately. If the district is a part of or included within a union high school district, the county treasurer must furnish a certificate as to the indebtedness of each district forming the union high school district. In this connection your attention is called to the fact that where districts are consolidated they retain their corporate existence for the purpose of paying off their indebtedness until the same has been fully paid. The indebtedness is not charged as an item of indebtedness of the consolidated district. If the district is attempting to include taxes for the current year as an asset, all indebtedness which has been contracted, and all liability incurred, such as salaries of teachers, janitors, etc., but is unearned and is payable from the money derived from current taxes, should be included as an indebtedness.

The directors should certify as to all indebtedness contracted against the district in such a case.



FORMS FOR USE OF SCHOOL OFFICERS AND TEACHERS

No.	DESCRIPTION OF BLANK.
2.	Petition to County Superintendent for Formation of School District.
3.	Petition to County Superintendent for Alteration of School District.
4.	Notice of Meeting to Investigate Petition for Formation of New School District.
5.	Notice of Meeting to Investigate Petition for Alteration of School District.
6.	Certificate of Formation of School District (to County Commissioners).
7.	Certificate of Alteration of School District (to County Commissioners.)
11.	County Treasurer's Certificate to County Superintendent of Funds to be Apportioned.
12.	County Superintendent's Certificate to County Treasurer of Funds Apportioned.
13.	County Superintendent's Notice to School District Clerk of Funds Apportioned.
14.	Annual Report of County Treasurer to County Superintendent (2 copies for each district).
15.	County Superintendent's Appointment of Director to Fill Vacancy.
16.	County Superintendent's Report of Defective Youth (each blank holds 16 names).
17.	Graded School Report (2 copies for each district maintaining graded schools).
18.	High School Report (2 copies to each high school).
19.	Annual Report of School District Clerk to County Superintendent (2 copies to each district).
19s.	Supplement (Census of Children of School Age—Each blank holds 50 names).
20.	Petition to Form Consolidated District.
21.	Estimate of Expenses (1 copy to each district).
21B.	Form for Advertisement of Estimate of Expenses in Districts of First and Second Class.
23.	Notice of Annual School Election (3 copies for each district).
25.	Notice of Election to Vote Bonds (3 copies for each election held to vote bonds).
26.	Notice of Special School District Meeting (3 copies for each meeting held).
27.	Notice of Meeting to Form Consolidated District (3 notices to each).
28.	Certificate of Election and Oath of Office (1 copy for each officer elected).
29.	School District Election Poll Book (1 copy for each district).
30.	Certificate of Directors to County Treasurer that Bonds have been voted.
31.	Report to County Auditor of School District Officers Elected and Qualified (each blank will contain 15 names).
32.	Report to County Auditor of School District Director Appointed (report required for each officer appointed).
33.	Teacher's Register (book).
34.	Teacher's Contract with Directors (2 copies for each contract made).
35.	Teacher's Annual or Term Report to County Superintendent (duplicate to clerk in register).
37.	Temporary Certificates (book).
38.	Teacher's Special Certificates.
39.	County Superintendent's Certificate that District Clerk's Reports Have Been Made (quarterly).
40.	Form of Contractor's Bond.
45.	Appointment of Member of County Board of Education.
48.	School District Map.
49.	Report of Teachers' Examination (each blank holds 25 names).
52.	Requisition Blanks—A, long ; B, short.

- 53. Certificate of Formation of Consolidated District.
- 54. Notice of Clerk Claiming Attendance.
- 55A. Certificate to Clerk Claiming Attendance in Public School.
- 55B. Certificate of Attendance in Private School.
- 56. Report of Registers and Record Books Sold.
- 57. Certificate of Organization of School Board.
- 58. Excuse by Superintendent from Attendance of Pupil at School.
- 59. Term Record of Grades and Examination.
- 60. Report of Eighth Grade Graduates.
- 69. Application for Temporary Certificate Based on Non-Accredited Paper.
- 70. Application for Temporary Certificate Based on Accredited Paper.
- 71. Application for Teacher's Certificate upon Examination.
- 72. Application for Grades of 90 per cent. or Above.
- 73. Application for Teacher's Certificate Based on Examination and Grades of 90 per cent. Obtained in Other States.
- 74. Application for Renewal of Certificate.
- 75. Application for Certificate upon Papers.
- 76. Application for a Permanent Certificate.
- 77. Application for a Second Grade Certificate.
- 78. Certificate of Attendance at Summer School (for use of principals of accredited summer schools).
- 80. Clerk's Record Book.

Note.—Blank forms may be secured from the county superintendent.

SPECIMEN COPIES OF FORMS MOST USED

FORM No. 2.

Petition for Formation of a School District.

To the Superintendent of Common Schools of.....County, Washington :
 We, the undersigned, being heads of families and lawful petitioners for the purpose herein set forth, do hereby petition you to form a school district in the county of....., State of Washington, with the following boundaries, viz.: [Here describe boundaries.] Our reasons for asking for the above described district are as follows, viz.: [Here give reasons.] Following is a correct list of the names of children of school age residing within the limits of the proposed district, viz.:

Names of Children.	Names of Children.	Names of Children.
.....
.....
.....
Names of Petitioners.	Names of Petitioners.	Names of Petitioners.
.....
.....
.....

Dated this.....day of....., 191...

Note.—This petition must be signed by at least five heads of families residing in the proposed district.

FORM No. 3.

Petition for Alteration of a School District.

To the Superintendent of Common Schools of.....County, Washington:

We, the undersigned, being heads of families and lawful petitioners for the purpose herein set forth, do hereby petition you to change the boundaries of School Districts Nos.....and....., of.....county, State of Washington, as follows, viz.: [Here describe change desired.] Our reasons for desiring said change of boundaries are as follows, viz.: [Here give reasons.] Following is a correct list of the names of children of school age residing within the territory which it is desired to have transferred:

Names of Children.	Names of Children.	Names of Children.
.....
.....
.....

Names of Petitioners.	Names of Petitioners.	Names of Petitioners.
.....
.....
.....

Dated this.....day of....., 191...

Note.—This petition must be signed by a majority of the heads of families residing in the territory which it is desired to have transferred.

FORM No. 4.

Notice of Meeting to Investigate a Petition for the Formation of a School District.

Notice is hereby given that a meeting will be held at..... on the..... day of....., 191..., at the hour of..... o'clock...M., for the purpose of investigating a petition which was filed in my office on the..... day of....., 191..., praying for the formation of a School District, with the following boundaries, viz.:

.....

And all parties are hereby notified that a full and fair investigation will be made at the time and place above stated, of all matters pertaining to the formation of the above described School District, and if it shall be deemed advisable, the petition will be granted and the School District formed as prayed for.

Dated this.....day of....., 191....

(Signed).....

Supt. Common Schools....., County, Washington.

The above notice is posted by.....this.....day of....., 191....

Remarks.—Twenty days' notice must be given.

FORM No. 5.

Notice of Meeting to Investigate a Petition for Alteration of School District Boundaries.

Notice is hereby given that a meeting will be held at..... on the..... day of....., 191..., at the hour of..... o'clock...M., for the purpose of investigating a petition which was filed in my office on the..... day of....., 191..., praying for changes in the boundaries of School Districts Nos.....and....., in the county of....., State of Washington, viz.:

.....
 And all parties are hereby notified that a full and fair investigation will be made at the time and place above stated, of all matters pertaining to said change of boundaries, and that if it shall be deemed advisable the petition will be granted and the changes made as above described.

Dated this.....day of....., 191....

(Signed).....

Supt. Common Schools....., County, Washington.

At least one notice must be posted in each district affected by the proposed change, and at least one notice must be posted in the territory which it is proposed to have transferred. Notices must be posted at least twenty days. The county superintendent should retain a verbatim copy of the foregoing notice in his office.

FORM No. 15.

Appointment of School District Officer.

By virtue of authority in me vested by law, I hereby appoint..... to the office of director of School District No.of.....county, State of Washington, to fill a vacancy caused by.....; said.....to continue in office until the fourth Monday following the next annual school election, and until his successor has qualified according to law.

Done, this.....day of....., 191.....

.....
 County Supt. of Schools.....County, Washington.

OATH OF OFFICE.

State of Washington, County of....., ss.

I,....., do hereby solemnly swear that I will support the constitution of the United States and the constitution of the State of Washington; that I will endeavor to promote the interests of education, and faithfully discharge the duties of director of School District No....., in the county of....., in said state. So help me God.

(Signed).....

Postoffice.....

Subscribed and sworn to before me, this.....day of....., 191..

*Here state character of officer administering oath. Any school district officer may administer it.

Remark.—This oath should be subscribed before some officer authorized to administer oaths within ten days after the appointment, and should be sent to the county superintendent at once. The county superintendent cannot recognize an officer as such until his oath is on file.

FORM No. 16.

Report of Defective Youth.

To the Board of Commissioners.....County, Washington :

I herewith transmit to you a report of all defective youth residing in your county, as reported to me by the clerks of the several school districts of the county :

Dated this.....day of....., 191....

.....
Supt. of Common Schools,..... County, Washington.

Name of Youth.	Character of Ailment	Name of Parent or Guardian.	P. O. Address of Parent or Guardian.
.....
.....
.....

Remarks.—This report should be made to the county commissioners, at their August meeting, and a copy of it should be sent by the county superintendent to the State Board of Control at Olympia, Washington.

FORM No. 20.

Petition for Formation of a Consolidated School District.

To the Superintendent of Common Schools of.....County, Washington :

We, the undersigned, being heads of families and lawful petitioners for the purpose herein set forth, do hereby petition you to form a consolidated school district in the county of....., State of Washington, consisting of school districts Nos.....and.....of said county.

Our reasons for asking for the above described district are as follows, viz. :

.....
Following is a correct list of the names of children of school age residing within the limits of the proposed district, viz. :

Names of Children	Miles from School	Names of Children	Miles from School
.....
.....
.....

Names of Petitioners	No. of District	Names of Petitioners	No. of District
.....
.....
.....

Dated this.....day of....., 191....

Note.—This petition must be signed by at least five heads of families residing in the proposed district.

FORM No. 21.

Estimate of School District Tax Levy.

To the Board of Commissioners,.....County, Washington:

I,....., clerk of school district No.....of said county, do hereby certify that at a meeting of the board of directors, duly held in said school district, pursuant to sec. 219, Code of 1909, on the.....day of....., 191..., it was estimated that the following amount of money will be required for school purposes in said district during the present school year:

General School Fund.	Building Fund.
Repairs \$.....	Sites \$.....
Salaries of teachers.....	Buildings
Salaries of janitors.....	Furnishings
Salary of clerk.....	Apparatus
School maintenance and supplies .....	.....
Fuel .....	.....
Warrant indebtedness .....	.....
Incidental expenses .....	.....
.....
Total..... \$.....	Total..... \$.....

Note.—General school fund cannot be used for sites, buildings, furnishings or apparatus.

You are hereby authorized to levy a sufficient tax on the property of school district No.....to produce this amount after deducting the amount to be received by the said school district from state and county funds.

Dated this.....day of....., 191....

....., Clerk
School District No.....,County, Washington.

Note.—This notice must be filed with the clerk of the board of county commissioners on or before the first day of September.

It is the duty of the county commissioners to make sufficient levies for bond interest and redemption of bonds, in addition to the above estimates.

The county superintendent will file with the county commissioners an estimate of the amount to be received by each school district from state and county funds.

Amount to be raised for redemption of bonds, \$....; Bond interest, \$.....

FORM No. 21-B.

Districts of the First and of the Second Class.

[Form of Advertisement.]

ESTIMATE OF SCHOOL EXPENSES AND RECEIPTS.

School District No.....,County. (Required by chapter 138, Session Laws of 1909.)

Notice is hereby given that the board of directors of school district No.....,county, State of Washington, estimate that the said school district will need during the school year beginning July 1st,, the amount shown

by the itemized statement printed below. This estimate is subject to revision and the board of school directors of the above named district will meet at..... o'clock...M., Monday, October....., at....., for the purpose of giving any taxpayer an opportunity of being "heard in favor or against any proposed tax levies." A more detailed statement of the purposes for which the proposed tax levy is to be expended is now on file in the office of the clerk of the district and is open to inspection :

ESTIMATE OF EXPENSES.

General School Fund.	Building Fund.
Salary of superintendent.. \$.....	Sites \$.....
Salary of attendance officer.	Buildings
Salary of clerk or secretary of school district.. ..	Furnishings
Salaries of ... principals.. ..	Apparatus
Salaries of supervisors ... ..	.....
Salaries of ... teachers... ..	.....
Salaries of... janitors ... ..	.....
Interest on warrant indebtedness ..... ..	.....
Payment of warrant indebtedness ..... ..	.....
Supplies for teachers and pupils ..... ..	.....
Advertising ..... ..	.....
Operating expenses ..... ..	.....
Incidentals ..... ..	.....
Repairs ..... ..	.....
Total..... \$.....	Total..... \$.....

ESTIMATE OF RECEIPTS.

State current school fund. \$.....	Sale of bonds..... \$.....
County school fund..... ..	..... ..
Miscellaneous ..... ..	..... ..
.....
Total..... \$.....	Total..... \$.....

Amount to be raised by district tax..... \$.....
 Dated:, 191....

.....
 Clerk of School District No....., County.

General school fund cannot be used for sites, buildings, furnishings or apparatus.

It is the duty of the county commissioners to make sufficient levies for bond interest and bond redemption fund, in addition to the above estimates.

Amount to be raised for, Redemption of Bonds, \$..... ; Bond Interest, \$.....

FORM No. 23

Notice of Annual School Election.

Notice is hereby given that the annual election of School District No..... of..... county, State of Washington, will be held at....., in

said School District, on Saturday, the.....day of March, 191...., for the purpose of electing one school district director for a term of three years and for the transaction of such other business as may lawfully come before the meeting.

The polls will be open from.....o'clock...M. to.....o'clock...M.

By order of the board of directors.

Dated this.....day of....., 191....

.....School District Clerk.

Remarks.—Three of these notices must be posted at least ten days prior to the day of election, one of which must be at the place of holding the election.

All elections should be held at the school house, if there be one, on the first Saturday in March.

If vacancies are to be filled in the office of director, the clerk will state the facts in the blank space left for that purpose. No school district clerk will be elected by the people, the directors being required to elect one. Directors elected will take office the fourth Monday after their election, and clerks will take office as soon as they are elected by the school board. The board should be organized, and the clerk elected on the fourth Monday after the school election, at two o'clock p. m. In districts of the third class the clerk must be a member of the board. In districts of the second class he may or may not be a member of the board.

FORM No. 25.

Notice of School District Bond Election.

Notice is hereby given that a special election will be held at..... in School District No....of.....county, State of Washington, on the.....day of....., 191...., for the purpose of determining whether or not the directors of said school district shall borrow money and issue bonds for the district in the sum of.....dollars, for the purpose of..... Said bonds, if issued, shall bear a rate of interest not to exceed 6 per centum per annum, payable.....annually; the bonds to be payable and redeemable in..... years after date: *Provided, That said school district reserves the right to pay or redeem said bonds, or any of them, at any time after.....years from the date thereof.

The election will be by ballot. Those in favor of the issuing of bonds, as above specified, will vote "Bonds, yes;" those opposed, "Bonds, no."

The polls will be open from.....o'clock...M. to.....o'clock...M.

By order of the board of directors.

Dated this.....day of....., 191....

(Signed).....School District Clerk.

Remarks.—All elections must be held at the school house, if there be one. At least three notices must be posted at least ten days, one of which must be at the place of holding election.

*If the directors do not desire the option of paying the bonds, or any part of them, before the maximum limit stated in the notices, this clause should be erased.

FORM No. 26.

Notice of Special School District Meeting.

Notice is hereby given that a special meeting of the legal school electors of School District No....., of.....county, State of Washington, will be held at.....in said district on the.....day of....., 191....

beginning at the hour of.....o'clock...M. of said day, for the purpose of determining*

By order of the board of directors.

Dated this.....day of....., 191....

(Signed).....School District Clerk.

Remarks.—At least three notices should be posted at least ten days.

*See Sec. 345-6-7, School Code.

FORM No. 27.

Notice of Meeting to Form Consolidated School District.

Notice is hereby given that a meeting will be held at.....on theday of....., 191..., at the hour of.....o'clock ...m., for the purpose of investigating a petition which was filed in my office on the.....day of....., 191..., praying for the consolidation of school districts Nos.....and....., thus forming a consolidated school district.

And all parties are hereby notified that a full and fair investigation will be made at the time and place above stated of all matters pertaining to the formation of the above described school district, and, if it shall be deemed advisable, the petition will be granted and the school district formed as prayed for.

Dated this.....day of....., 191....

(Signed).....
Supt. of Common Schools of.....County, Washington.

Remarks.—Twenty days' notice must be given and three notices should be posted in each district.

FORM No. 28.

Certificate of Election and Oath of Office.

To the Superintendent of Schools,.....County, Washington:

I hereby certify that at the annual election of School District No.....,county, State of Washington, held on the.....day of , 191...., M.....was duly elected to the office of director of said district for a term of.....years, beginning on the fourth Monday next succeeding said election.

I further certify that h...postoffice address is....., State of Washington.

(Signed).....
Clerk of Annual School Election.

OATH OF OFFICE.

State of Washington, County of....., ss.

I,, do hereby solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the State of Washington; that I will endeavor to promote the interests of education, and

will faithfully discharge the duties of director of School District No.....in the county of.....in said state. So help me God.

(Signed).....

Subscribed and sworn to before me this.....day of....., 191...

(Here state official character of officer who administers oath.)

Remarks.—This notice should be given to the person elected, who must qualify within ten days, and send the oath and certificate above to the county superintendent. He must also file with the county auditor his signature, certified to by some school officer. The auditor cannot register any warrants signed by any school officers whose signatures so certified, are not filed in his office. The county superintendent should not recognize any one as director or clerk whose oath is not on file in his office.

FORM No. 29.

School District Election Poll Book.

Poll book of an election held in School District No...., of..... county, State of Washington, on the.....day of....., 191... and.....being chosen judges of said election, and.....clerk, all being duly sworn, as required by law, before entering upon the duties of their respective offices.

NUMBER AND NAMES OF ELECTORS VOTING.

Table with 4 columns: No., Name of Voter., No., Name of Voter. Below the table are two 'Tally List.' sections.

We hereby certify that the whole number of electors voting at this election amounts to.....; that the whole number of ballots cast at this election amounts to.....; that.....received.....votes; that.....received.....votes.

Attest:

Clerk of Election.

Judges.

OATH OF JUDGES OF ELECTION.

State of Washington, County of.....ss.

Weand.....do solemnly swear that we will, as judges of an election to be held in and for School District No., of.....county, State of Washington, on this.....

day of....., 191...., duly attend said election during its continuance; that we will not receive any vote or ballot from any person other than such as we firmly believe to be duly qualified voters at said election, according to law; that we will make a true and perfect return of said election, and will, in all things, faithfully and impartially discharge our duties as judges of said election to the best of our judgment and ability; and that we are not directly or indirectly interested in any bet or wager on the result of said election. So help us God.

.....

 Judges.

Subscribed and sworn to before me this.....day of..... 191..

 (Here state official character of officer who administers oath.)

OATH OF CLERK OF ELECTION.

State of Washington, County of.....ss.

I,do solemnly swear that I will, as clerk of an election to be held in and for School District No....., county of....., State of Washington, on this.....day of.....191...., duly attend said election during its continuance; that I will record on the poll book of said election the name of each person voting thereat, and faithfully and impartially discharge the duties of clerk of said election; and that I am not directly or indirectly interested in any bet or wager on the result of said election. So help me God.

.....
 Clerk of Election.

Subscribed and sworn to before me this.....day of..... 191..

 (Here state official character of officer administering the oath. A director may administer it.)

Remarks.—Election boards may vary the tally lists and certificate to suit the nature of the election. If held for the election of officers at an annual election, the name of each person voted for must be entered on the tally list, and a tally of the votes cast for him must be placed opposite his name. If the election be for approving estimate of expenditures for current year, or for selecting school house site, etc., or for voting bonds, the number of votes for and against the proposition must be entered on the tally list. The certificate must simply contain a summary of the vote as shown by the tally list. Election boards are chosen by the voters. The school district officers, or any part of them, may be chosen as an election board. The poll book and all other papers should be forwarded by the clerk of election to the county superintendent. Attached to the poll book should be the oaths of the judges and clerk of election.

FORM No. 30.

Certificate of Bond Election.

To the Treasurer of.....County, Washington:
 State of Washington, County of....., ss.

We, the undersigned directors of School District No....., of..... county, Washington, do hereby certify that at an election held in said School District on the.....day of....., 191...., it was voted that

the bonds of said School District shall be issued by the directors thereof in the sum of.....dollars, (\$.....), payable..... years after date, with interest not to exceed six per cent. per annum, payable annually; and we further certify that the board of directors of said School District reserves the right to redeem said bonds as follows:

Witness our hands this.....day of....., 191...

Directors.

Attest:

Director and Clerk.

Certificate of Bond Election Officers.

We,, and....., as judges and clerk respectively of the bond election held in School District No., county, State of Washington, on the.....day of....., 191..., do hereby certify, that we were duly selected by the voters present at the polling place of said election at the hour of the opening of the polls; that we took and subscribed to the oath as such judges and clerk of said election, as provided by law; that the polls of said election were opened at 1 o'clock p. m., and closed at.....o'clock p. m. (The hour named in the notices of election, for the closing of the polls should be inserted here. This should not be earlier than 4 o'clock p. m., nor later than 8 o'clock p. m.); that to the best of our knowledge we permitted none but the duly qualified electors of said district to vote at said election, and refused none of the duly qualified electors the right to vote; and that the election was conducted in all respects as required by law.

Judges.

Clerk.

Dated this.....day of....., 191...

FORM No. 34.

Notice of Teacher's Contract.

To....., County Superintendent of Schools:

The following contract has been made in accordance with the action of the board of directors, as found in the minutes of the meeting of the.....day of....., 191....

Clerk District No....

TEACHER'S CONTRACT.

It is hereby agreed, by and between the directors of School District No....., county of....., State of Washington, and....., the holder of a teacher's certificate now in force in said county, that said teacher is to teach, govern and conduct the public school of said district to the best of h...ability, follow the course of study lawfully adopted, keep a register of the daily attendance of each pupil attending said school, make all reports required by law or by lawful authority, and endeavor to preserve in good condition the

school house, grounds, furniture, apparatus, and such other property of the district as may come under the immediate supervision of said teacher, for a term of.....school months, commencing on the.....day of....., 191....., for the sum of.....dollars per month, to be paid at the end of each school month, out of the funds of said School District, upon a warrant drawn by the directors of said School District and payable by the county treasurer: Provided, That if said teacher shall be legally dismissed from school, or shall have.....certificate lawfully annulled, by expiration or otherwise, then said teacher shall not be entitled to compensation from and after such dismissal and annulment: Provided further, That the wages of said teacher for the last month of the school term shall not be paid unless said teacher shall have made all reports hereinbefore mentioned, and shall have kept the register in a proper manner as directed therein.

And the directors of said School District hereby agree to keep the school house in good repair, to provide a school register, fuel and other necessary supplies for the comfort of the school.

In witness whereof, we have hereunto subscribed our names this..... day of....., 191...

.....

Directors of School District No.....

.....Teacher.

P. O. Address.....

Attest:, Clerk.

Approved and registered....., 191...

....., County Superintendent.

Note.—The law positively requires the making of these contracts. The contract should be made in duplicate and mailed by the clerk to the county superintendent of common schools, who will register it and return one copy to the clerk and the other to the teacher. Directors can make no contract, lawfully, which extends beyond the time when the teacher's certificate expires; and the law requires that all teachers shall be employed at school board meetings.

FORM No. 39.

County Superintendent's Certificate That All Reports Have Been Made.

Office of Superintendent of Schools,.....County, Washington.
, 191....

To the Board of Directors of School District No.,County, Washington:

I hereby certify that....., clerk of School District No....., has made all reports due from said district, to the county superintendent, for the quarter last past, including the following:.....
County Superintendent.

Remarks.—This certificate is required to be made out and forwarded, on or before the last Saturday of January, April, July and October of each year, to all clerks who have made all reports required by law, and the board of directors is forbidden to audit any account or issue any warrant for services performed by any clerk until this certificate is filed with them.

FORM No. 40.

Form of Contractor's Bond.

BOND.

KNOW ALL MEN BY THESE PRESENTS :

That.....(Hereinafter called the Principal), and.....
.....(hereinafter called the Surety), are held and firmly bound unto the State
of Washington in the penal sum of.....dollars (\$.....) in
lawful money of the United States, for the payment of which sum well and
truly to be made the said Principal and the said Surety bind themselves, their
heirs, executors, administrators, successors and assigns, jointly and severally,
firmly by these presents.

Signed and dated this.....day of....., A. D., 191... The con-
dition of the obligation is such that,

WHEREAS, said Principal has entered into a written contract with School
District No.....,County, State of Washington, dated the
.....day of....., A. D., 191., for.....

.....
according to the terms and conditions of said contract, a copy of which is hereto
attached and made a part hereof,

NOW THEREFORE, if the said Principal shall faithfully perform all of the
provisions of said contract in the manner and within the time therein set forth,
and shall pay all laborers, mechanics, sub-contractors and material men, and all
persons who shall supply said principal or sub-contractors with provisions and
supplies for carrying on of said work, all just debts, dues and demands incurred
in the performance of said work; and shall hold said School District No....,
.....County, State of Washington, harmless from any loss or damage
occasioned to any person or property by reason of any carelessness or negligence
on the part of said principal, or of any sub-contractor, in the performance of
said work, then and in that event this obligation shall be void; but otherwise
it shall be and remain in full force and effect.

IN TESTIMONY WHEREOF, the said Principal and the said Surety have here-
unto caused this instrument of writing to be signed and sealed by their duly
authorized officers.

.....
Principal.

.....
Surety.

Witnesses :

.....
.....

FORM No. 54.

Notice of District Clerk Claiming Attendance.

To the Clerk of School District No.....,County :

You are hereby notified that the public school of this district opened on the
.....day of....., 191., and that it will close on the.....
day of....., 191., and that all brances will be taught up
to and including those of the.....grade; that this district claims the
attendance of its resident pupils who attend your school during the time this

school is in session. On or before June 30th, 19...., you will please certify to the clerk of this district the number of days' attendance of the following named pupils who have attended your school during the time this school has been in session:

.....

Signed.....

Clerk of School District No....

Dated this.....day of....., 191....

Note.—A copy of this notice must be sent to the county superintendent at the time it is served on the school clerk.

FORM NO. 55 A.

Certificate of Attendance.

To the Clerk of School District No.....,County, Washington:

You are hereby notified that the following named students have attended school in District No...., between the.....day of....., 191.., and the.....day of....., 191..; that they are entitled to attendance in your school during such time, and that the attendance of each pupil during such time was as follows:

Name of Pupil.	Number of Days.	Name of Pupil.	Number of Days.
.....
.....
.....

(Signed)

Clerk School District No.....,County.

FORM NO. 55 B.

Certificate of Attendance.

To the Clerk of School District No.....,County, Washington.

You are hereby notified that the following named students have attended*between the.....day of....., 191.., and the.....day or....., 191.., and that the attendance of each pupil during such time was as follows:

Name of Pupil.	Days.	Name of Pupil.	Days.
.....
.....
.....

(Signed).....

Title.....

Note.—Accredited attendance cannot be allowed from a business college, art school, or any other school whose course of study does not parallel the course of study in the common school up to and including the eighth grade.

*Here insert name of school.

FORM No. 57.

Certificate of Election of Clerk and Chairman.

To the Superintendent of Schools.....County, Washington:
 You are hereby notified that at a meeting of the board of directors of School District No....., of said county, held on the.....day of....., 191..., M....., whose P. O. address is....., was duly elected chairman of the board, for a period of one year, and that M....., whose P. O. address is....., was duly elected clerk of the board for a period of one year from and after March....., 191.....

(Signed).....
 Clerk School District No.....

Note.—The new board must meet and organize by the election of a chairman and clerk, on the fourth Monday next succeeding the annual school election.

Forward this report to county superintendent immediately.

FORM No. 58.

Excuse of Child From Attendance at School.

To Whom It May Concern :

All parties are hereby notified that....., whose age isyears, and whose residence is.....of..... county, State of Washington, is hereby excused from attendance at school for a period of.....months from and after this date, for the following reason, viz:

 and that any person or corporation is at liberty to employ the above named child during the period for which he is excused from attendance at school, as above indicated.

Dated at....., Washington, this.....day of....., 191...
 (Signed).....
 Superintendent of.....

ERRATA

A change in numbering the last sections in the book makes inaccurate the following cross references:

- Under § 14 to § 601
- Under § 18 to § 606
- Under § 107 to § 609
- Under § 152 to § 624
- Under § 195 to § 618
- Under § 544 to § 600

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