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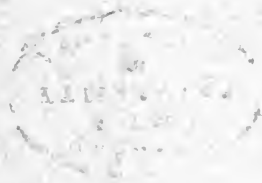


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General School Law of South Carolina

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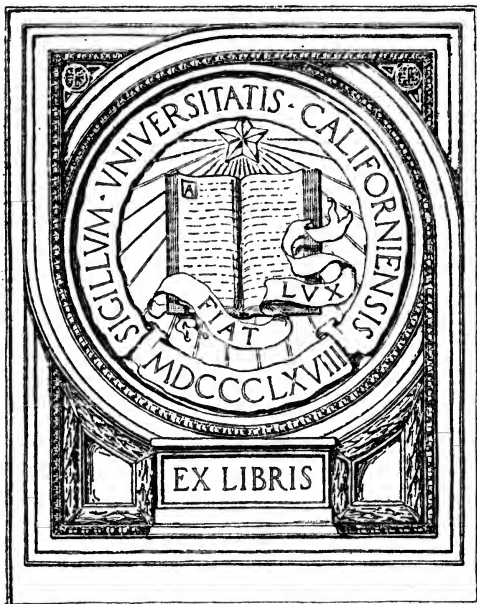


Compiled by THOS. H. PEEPLES
Attorney General, October 1916

*Issued by the State Department of Education
J. E. SWEARINGEN, State Superintendent*

1916
Oulla Printing & Binding Co.
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GENERAL SCHOOL LAW OF SOUTH CAROLINA 1916

PUBLISHED BY J. E. SWEARINGEN
State Superintendent of Education

Constitutional Provisions.

ARTICLE XI.

EDUCATION.

§ 1. The supervision of public instruction shall be vested in a State Superintendent of Education, who shall be elected for the term of two years by the qualified electors of the State, in such manner and at such time as the other State officers are elected; his powers, duties and compensation shall be defined by the General Assembly.

§ 2 There shall be a State Board of Education, composed of the Governor, the State Superintendent of Education, and not exceeding seven persons to be appointed by the Governor every four years, of which board the Governor shall be Chairman, and the State Superintendent of Education, Secretary. This Board shall have the regulation of examination of teachers applying for certificates of qualification, and shall award all scholarships, and have such other powers and duties as may be determined by law. The traveling expenses of the persons to be appointed shall be provided for by the General Assembly.

§ 3 The General Assembly shall make provision for the election or appointment of all other necessary school officers, and shall define their qualifications, powers, duties, compensation and terms of office.

§ 4 The salaries of the State and County school officers and compensation of County Treasurers for collecting and disbursing school moneys shall not be paid out of the school funds, but shall be otherwise provided for by the General Assembly.

§ 5 The General Assembly shall provide for a liberal system of free public schools for all children between the ages of six and twenty-one years, and for the division of the counties into suitable school districts, as compact in form as practicable, having regard to natural boundaries, and not to exceed forty-nine nor be less than nine square miles in area: **Provided**, That in cities of ten thousand inhabitants and over, this limitation of area shall not apply: **Provided, further**, That when any school district laid out under this section shall embrace cities or towns already organized into special school districts in which graded school buildings have been erected by the issue of bonds, or by special taxation, or by donation, all the territory included in

said school district shall bear its just proportion of any tax that may be levied to liquidate such bonds or support the public schools therein: **Provided, further,** That nothing in this article contained shall be construed as a repeal of the laws under which the several graded school districts of this State are organized. The present division of the counties into school districts and the provisions of law now governing the same shall remain until changed by the General Assembly.¹

§ 6. The existing County Boards of Commissioners of the several counties, or such officer or officers as may hereafter be vested with the same or similar powers and duties, shall levy an annual tax of three mills on the dollar upon all the taxable property in their respective counties, which tax shall be collected at the same time and by the same officers as the other taxes for the same year, and shall be held in the county treasury of the respective counties; and the said fund shall be apportioned among the school districts of the county in proportion to the number of pupils enrolled in the public schools of the respective districts, and the officer or officers charged by law with making said apportionment shall notify the trustees of the respective school districts thereof, who shall expend and disburse the same as the General Assembly may prescribe. The General Assembly shall define "enrollment." Not less than three trustees for each school district shall be selected from the qualified voters and taxpayers therein, in such manner and for such terms as the General Assembly may determine, except in cases of special school districts now existing, where the provisions of law now governing the same shall remain until changed by the General Assembly:² **Provided,** The manner of the selection of said trustees need not be uniform throughout the State. There shall be assessed on all taxable polls in the State between the ages of twenty-one and sixty years (excepting Confederate soldiers above the ages of fifty), an annual tax of one dollar on each poll, the proceeds of which tax shall be expended for school purposes in the several school districts in which it is collected. Whenever during the three next ensuing fiscal years the tax levied by the said County Boards of Commissioners or similar officers and the poll tax shall not yield an amount equal to three dollars per capita of the number of children enrolled in the public schools of each county for the scholastic year ending the thirty-first of October in the year eighteen hundred and ninety-five, as it appears in the report of the State Superintendent of Education for said scholastic year, the Comptroller General shall, for the aforesaid three next ensuing fiscal years, on the first day of each of said years, levy such an annual tax on the taxable property of the State as he may determine to be necessary to make up such deficiency, to be collected as other State taxes, and apportion the same among the counties of the State in proportion to the respective deficiencies therein. The sum so apportioned shall be paid by the State Treasurer to the County Treasurers of the respective counties, in proportion to the deficiencies therein, on the warrant of the Comptroller General, and shall be apportioned among the school districts of the counties, and disbursed as other school funds; and from and after the thirty-first day of December, in the year eighteen hundred and ninety-eight, the General Assembly shall cause to be levied annually on all the taxable property of the State such a tax, in addition to the said tax levied by the said County Boards of Commissioners

1. The laws applying to school districts and the Graded schools held not repealed by this constitutional provision. *Martin v. School District of Laurens*, 57 S. C. 125.

Liberal provision for support of schools required. *Murph v. Landrum*, 76 S. C. 32. And Acts in the interest of the schools will be so construed. *State, Spencer v. McCaw*, 67 S. C. 351.

Subdivision XI, of § 34, of Art III, of Const. of 1895, must be construed in connection with Sec.

5, of Art. XI, and so construed a separate Act extending the boundaries of a school district already created may be regarded a special provision in a general law. *State v. McCaw*, 77 S. C. 351. 58 S. E. 145.

2. The General Assembly has no power to disburse public school funds by Joint Resolution, except through the trustees of the district. *Asbill v. Martin*, 84 S. C. 271, 66 S. E. 297, distinguishing *Dickson v. Burckmeyer*, 67 S. C. 534.

or similar officers, and poll tax above provided, as may be necessary to keep the schools open throughout the State for such length of time in each scholastic year as the General Assembly may prescribe; and said tax shall be apportioned among the counties in proportion to the deficiencies therein and disbursed as other school funds. Any school district may by authority of the General Assembly levy an additional tax for the support of its schools.³

§ 7. Separate schools shall be provided for children of the white and colored races, and no child of either race shall ever be permitted to attend a school provided for children of the other race.⁴

§ 8. The General Assembly may provide for the maintenance of Clemson Agricultural College, the University of South Carolina, and the Winthrop Normal and Industrial College, a branch thereof, as now established by law, and may create scholarships therein; the proceeds realized from the land script given by the Act of Congress passed the second day of July, in the year eighteen hundred and sixty-two, for the support of an agricultural college, and any lands or funds which have heretofore been or may hereafter be given or appropriated for educational purposes by the Congress of the United States, shall be applied as directed in the Acts appropriating the same: **Provided**, That the General Assembly shall, as soon as practicable, wholly separate Claflin College from Claflin University and provide for a separate corps of professors and instructors therein, representation to be given to men and women of the negro race; and it shall be the Colored Normal, Industrial, Agricultural and Mechanical College of this State.

§ 9. The property or credit of the State of South Carolina, or of any county, city, town, township, school district or other subdivision of the said State, or any public money, from whatever source derived, shall not, by gift, donation, loan, contract, appropriation, or otherwise, be used, directly or indirectly, in aid or maintenance of any college, school, hospital, orphan house, or other institution, society or organization, of whatever kind, which is wholly or in part under the direction or control of any church or of any religious or sectarian denomination, society or organization.⁵

§ 10. All gifts of every kind for educational purposes, if accepted by the General Assembly, shall be applied and used for the purpose designated by the giver, unless the same be in conflict with the provisions of this Constitution.

§ 11. All gifts to the State where the purpose is not designated, all escheated property, the net assets or funds of all estates or copartnerships in the hands of the Courts of the State where there have been no claimants for the same within the last seventy years, and other money coming into the Treasury of the State by reason of the twelfth section of an Act entitled "An Act to provide a mode of distribution of the moneys as direct tax from the citizens of this State by the United States in trust to the State of South Carolina," approved the twenty-fourth day of December, in the year of eighteen hundred and ninety-one, together with such other means as the General Assembly may provide, shall be securely invested as the State School Fund, and the annual income thereof shall be apportioned by the General Assembly for the purpose of maintaining the public schools.

3. The term "levy" as the three mill tax imposes purely ministerial duties on the board, and requires that it shall take such action as will place the tax on the auditor's books. *Dickson v. Burckmeyer*, 67 S. C. 534.

As to the apportionment of the tax, see *Capers v. Derham*, 54 S. C. 349; *Murph v. Landrum*, 76 S. C. 32.

4. See *Floyd v. News and Courier*, 71 S. C. 118.

5. See Attorney General's opinion as to what are not violations of this section. In the case of the Epworth Orphanage, September 27, 1902; and also Reports and Resolutions, 1905, vol. 2, p. 27.

§ 12. All the net income to be derived by the State from the sale or license for the sale of spirituous, malt, vinous and intoxicating liquors and beverages, not including so much thereof as is now or may hereafter be allowed by law to go to the counties and municipal corporations of the State, shall be applied annually in aid of the supplementary taxes provided for in the sixth section of this article; and if after said application there should be a surplus, it shall be devoted to public school purposes, and apportioned as the General Assembly may determine: **Provided, however,** That the said supplementary taxes shall only be levied when the net income aforesaid from the sale or license for the sale of alcoholic liquors or beverages is not sufficient to meet and equalize the deficiencies for which the said supplementary taxes are provided.⁶

* * * * *
 Done in Convention in Columbia, on the fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five.

JOHN GARY EVANS, President of the Convention.
 IRA B. JONES, Vice-President of the Convention.
 W. JASPER TALBERT, Vice-President of the Convention.

Attest:
 S. W. VANCE, Secretary of the Convention.

6. Murray v. Wilson Distilling Co., 53 L. Ed. Landrum, 76 S. C. 22; Capers v. Derham, 54 S. 742, 213 U. S. 151. C. 250.
 How funds must be apportioned. See Murph v.

General School Law of South Carolina 1916

TITLE IX.

OF PUBLIC INSTRUCTION.

CH. PTER XXIV. Free Public Schools.

CHAPTER XXIV.

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§ 1698. **State Superintendent of Education—His Election, Bond, and Salary.**—The State Superintendent of Education shall be elected at each general election, in the same manner as other State officers, and shall enter upon the duties of his office at the time prescribed by law. Before entering upon the duties of his office, he shall give bond, for the use of the State of South Carolina, in the penal sum of five thousand (\$5,000) dollars, with good and sufficient sureties, to be approved by the Governor, conditioned for the faithful and impartial performance of the duties of his office; and he shall also, at the time of giving bond, take and subscribe the oath prescribed in Section 26 of Article III of the Constitution of the State, which shall be endorsed upon the back of said bond; and the bond shall be filed with the Secretary of State, and by him recorded, and when so recorded, shall be filed with the State Treasurer. The State Superintendent of Education shall receive as compensation for his services the sum of nineteen hundred dollars per annum, payable monthly out of the State Treasury; and his traveling expenses, not exceeding three hundred dollars, shall be paid out of the State Treasury upon duly itemized accounts rendered by him.

Civ. '02, § 1174; 1896, XXII,150; 1901, XXIII, 750.

§ 1699. **Duties.**—He shall have general supervision over all the public school funds, and it shall be his duty to visit every County in the State as often as practicable for the purpose of inspecting the schools, awakening an interest favorable to the cause of education, and diffusing as widely as possible, by public addresses and personal communications with school officers, teachers and parents, a knowledge of existing defects and of desirable improvements in the government and instruction of the said schools. He shall secure, by and with the advice of the State Board of Education, uniformity in the use of text books throughout the free public schools of the State, and shall forbid the use of sectarian or partisan books and instruction in said schools. He shall prepare and transmit to the several County Superintendents of Education, school registers, blank certificates, reports and such other suitable blanks, forms and printed instructions as may be necessary to aid school officers and teachers in making their reports and carrying into full effect the various provisions of the school laws of this State; and shall cause the law relating to the free public schools, with such rules, regulations, forms and instructions as shall be legally prescribed, to be printed, together with a suitable index, in pamphlet form, at the expense of the State; and he shall cause copies of the same to be transmitted to the several County Superintendents of Education for distribution. He shall collect in his office such school books, apparatus, maps and charts as can be obtained. He may certify copies of all papers filed in his office, and such certified copies shall be competent evidence thereof.

Civ. '02, § 1175; 1896, XXII, 150.

Note.—The State Superintendent has general supervision over all public schools and school funds. *Duncan v. Heyward*, 74 S. C. 565; 78 S. C. 243. No fees can be charged pupils entitled to attend such schools. Attorney General's opinion, 1903, Reports and Resolutions, 1904, p. 1062. Though such fees may be charged under some special charter. Atty. General's opinion 1901, Oct. 15.

§ 1700. **To Report to General Assembly.**—He shall make a Report, through the Governor, to the General Assembly at each regular session thereof showing: 1. The whole number of pupils registered in and the number enrolled as hereinafter defined in the free common schools of this State during the year ending the thirtieth day of the last preceding June, and the number in each County registered in and the number enrolled as hereinafter defined during the same period. 2. The number of whites and the number of colored, of each

se., attending the said schools. 3. The number of free schools in the State. 4. The number of pupils studying each of the branches taught. 5. The average wages paid to teachers of each sex, and to the principals of schools and departments in said schools. 6. The number of school houses erected during the year, and the location, material and cost thereof. 7. The number previously erected, and the material of their construction, and their condition and value, and the number with the grounds enclosed. 8. The Counties in which Teachers' Institutes were held, and the number attending the Institutes in each County. 9. Such other statistical information as he may deem important, together with such plans as he may have matured and the State Board of Education may have recommended for the management and improvement of the school fund and for the more perfect organization and efficiency of the free public schools. All State institutions of higher learning shall make an annual report on or before the first day of September of each year to the State Superintendent of Education, embracing a detailed account of the operations of such institutions, including the expenditure of the public moneys for the current scholastic year, which reports the State Superintendent of Education shall include in his annual report to the Legislature. All Acts or parts of Acts requiring annual reports to be made to other authorities are hereby repealed.

Civ. '02, § 1176; 1896, XXII, 150.

Note.—As to erection of school houses, see Atty. Gen. op. May 12, 1916.

§ 1701. **Salary of Clerk.**—The sum of nine hundred dollars shall be allowed to the Superintendent of Education for the purpose of defraying the expenses of clerk hire in his office.

Civ. '02, § 1177; 1896, XXII, 150.

§ 1702. **State Treasurer to Hold Devise or Bequest to State for Educational Purposes, etc.**—The State Treasurer shall take and hold in trust for the State any grant or devise of lands and any gift or bequest of money or other personal property made to him for educational purposes, all gifts to the State where the purpose is not designated, all escheated property, the net assets or funds of all estates or copartnerships in the hands of the Courts of the State where there have been no claimants for the same within the last seventy years, and other money coming into the Treasury of the State by reason of the Twelfth Section of an Act entitled "An Act to provide a mode of distribution of the moneys as direct tax from the citizens of this State by the United States in trust to the State of South Carolina," approved the twenty-fourth day of December in the year eighteen hundred and ninety-one, together with such other means as the General Assembly may provide. The State Treasurer shall from time to time invest in bonds of this State or of the United States all such money in the name of the State, as permanent State school fund, and shall pay out the income derived therefrom to the County or the Counties of the State as the same may be apportioned among said Counties by the State Board of Education: **Provided**, That no disposition shall be made of any property, grant, devise, gift, or bequest, inconsistent with the purpose, conditions or terms thereof. For the faithful management of all property so received by the State Treasurer, he shall be responsible upon his bond to the State as for other funds received by him in his official capacity: **Provided, however**, That the Trustees of any school district of this State may take and hold in trust for their particular school district any property granted, devised, given or bequeathed to such school district, and apply the same in interest of the schools of their district in such manner as in their judgment seems most conducive to the welfare of the schools when not otherwise directed by the terms of the grant, devise, gift or bequest: **And Provided, further**, That before said Trustees shall assume control of

any grant, devise, gift or bequest they shall give bond, to be approved by the County Board of Education of the County in which such grant, devise, gift or bequest is made, conditioned for the faithful discharge of the trust reposed in them in respect to said property, which bond shall be deposited with the Clerk of the Court of said County. The said Trustees are hereby invested with the care and custody of all school house or other school property belonging to their school districts, with full power to control the same in such manner as they may think will best subserve the interest of the free public schools and the cause of education.

Civ. '02, § 1178; 1896, XXII, 150.

§ 1703. **Other Duties.**—The State Superintendent of Education shall discharge such other duties as may be provided by law; and he shall deliver to his successor, within ten days after the expiration of his term of office, all books, papers, documents and other property belonging to his office.

Civ.'02, § 1179; 1896, XXII, 150.

§ 1704. **Vacancy—How Filled.**—In case a vacancy occurs in the office of State Superintendent of Education, from any cause, such vacancy shall be filled by the Governor, by and with the advice and consent of the Senate, and the person so appointed shall qualify within fifteen days from the date of such appointment, or else the office shall be deemed vacant. If the vacancy occur during the recess of the Senate, the Governor shall fill the same by appointment until the Senate can act thereon.

Civ.'02, § 1180; 1896, XXII, 150.

§ 1705. **State Board of Education.**—The Governor, the Superintendent of Education, and seven persons, one from each Congressional District, to be appointed by the Governor, who shall hold office for four years, and until their successors may be appointed, unless sooner removed by the Governor, shall constitute the State Board of Education. Of this Board the Governor shall be *ex officio* Chairman, and the State Superintendent of Education shall be Secretary of the Board. The Secretary shall be custodian of the records, papers and effects, and shall keep minutes of its proceedings; and said records, papers and minutes shall be kept in the office of the State Superintendent of Education and shall be open to inspection by the public.

Civ. '02, § 1181; 1896, XXII, 150.

§ 1706. **Meetings of Board—Compensation.**—The said Board shall meet on the call of its Chairman, or upon the request of a majority of its members, at the office of the State Superintendent of Education, or at such other place as may be designated in the call. A majority of the Board shall constitute a quorum for transacting business. The official seal of the State Superintendent of Education shall be used for the authentication of the acts of the State Board. The members of the State Board of Education appointed by the Governor shall receive as compensation four dollars per diem and mileage as is provided for members of the General Assembly, not exceeding twenty days in any one year.

Civ.'02, § 1182; 1896, XXII, 150.

§ 1707. **Advisory Board to Superintendent of Education—Powers in Cases of Appeal.**—The State Board of Education shall constitute an advisory body, with whom the State Superintendent of Education shall have the right to consult when he is in doubt as to his official duty; and shall have the power to review on appeal all decisions of the County Boards of Education, as hereinafter provided for. Appeals to the State Board of Education must be made through the County Boards of Education, in writing, and must dis-

tinctly set forth the question of law as well as the facts of the case upon which the appeal is taken, and the decision of the State Board shall be final upon the matter at issue.

Civ. '02, § 1183; 1896, XXII, 150.

Note. The remedy against illegal acts of County Boards of Education is by appeal to the State Board. *Greenville College for Women v. County Board of Education*, 75 S. C. 93. *State v. Daniel*, 52 S. C. 201. *Sligh v. Bowers*, 62 S. C. 409. The appeal operates as a supersedeas. *Atty. Gen. op.* 1905, p 41. As to procedure on appeal to State Board of Education, see *Atty. Gen. op.* June 24, 1913.

§ 1708. The State Board of Education shall have power: 1. To adopt rules and regulations not inconsistent with the laws of the State for its own government and for the government of the free public schools. 2. To prescribe and enforce rules for the examination of teachers. 3. To prescribe a standard of proficiency before County Boards of Education, which will entitle persons examined by such Boards to certificates as teachers. 4. To prescribe and enforce the course of study in the free public schools. 5. To prescribe and enforce, as far as practicable, the use of a uniform series of textbooks in the free public schools of the State; to enter into an agreement with the publishers of the books prescribed, fixing the time of prescription and the price above which the books shall not be retailed during the period of prescription and a rate of discount at not less than which the books shall be furnished by the retail dealers in this State; to require the publishers, in the discretion of the Board, to establish in each county one or more depositories of their books within the State, at such place or places as the Board may designate, and where such books may be obtained without delay; and to exact of the publishers a bond in the sum of not more than five thousand dollars, conditioned for the faithful performance of the agreement, and with a penalty of twenty-five dollars for each violation of the agreement, the form and execution of the bond to be approved by the Attorney General of the State, which agreement and bond shall be deposited with the State Treasurer, all recoveries thereon to go into the State treasury for school purposes: **Provided**, That the State Board of Education shall not have power, without permission of the General Assembly of the State, to change a textbook within five (5) years from the date of its adoption except for violation of the agreement entered into by its publisher with the State Board of Education, for which cause it may be changed by the said Board: **And Provided, further**, That not more than 50 per cent. of the exchangeable books used in the first, second and third grades, and not more than 50 per cent. of the exchangeable books used in the fourth, fifth, sixth and seventh grades, and not more than 50 per cent. of the exchangeable books used in the high school grades, as designated by the State Board of Education, shall be changed at any one adoption. Every change for the textbook adopted for any subject or grade shall be based on at least one reason to be assigned for the change by the State Board of Education in writing, and the vote of the Board making such change shall be recorded in the minutes of said Board, and shall be taken on a roll call, said roll call to be recorded in said minutes. The meetings of the State Board of Education, at which textbooks may be adopted, shall be public; and it shall be unlawful for any teacher drawing public school money to use any book not prescribed by the State Board of Education without the consent, in writing, of said Board. 6. To review on appeal an order revoking a county certificate. 7. To award scholarships created by the General Assembly in the institutions of learning in whole or in part supported by the State.

To grant State teachers' certificates and to revoke them for immoral or unprofessional conduct, profanity or evident unfitness for teaching.

§ 2. **Inconsistent Acts Repealed.**—That all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved the eleventh day of March, A. D. 1915.

Note. There is no indication in this Section that State Board of Education may not provide by contract with publishers of school text books to maintain at State Capitol a central wholesale depository from which its agencies and the County depositories may be supplied at discount of not less than ten per cent. *Duncan v. State Board*, 74 S. C. 560, affirmed in 78 S. C. 227. As to teachers' certificates, see *Atty. Gen. op.*, April 1, 1914. As to power of State Superintendent in making contracts for the adoption and sale of school books within the State, see *Johnson Pub. Co., v. State Board of Education*, 91 S. C. 55.

Civil Code 1912, § 1708. Amended 1914.

§ 1709. **State Board of Education to Award Certain Scholarships.**—The scholarships provided by law in the University of South Carolina, in the Clemson Agricultural College, in The Citadel, the Military College of South Carolina, and in the Winthrop Normal and Industrial College, shall be awarded by the State Board of Education upon the recommendation of the faculties of the respective institutions, or of such committee as may be appointed for that purpose by the boards of trustees of those institutions.

1911, XXVII, 113.

§ 1710. **Dates of Competitive Examinations.**—These recommendations shall be determined by competitive examinations. The dates of these examinations shall be as follows: For the University of South Carolina, and for the Clemson Agricultural College, the second Friday in July of each year. For The Citadel, the Military College of South Carolina, the second Friday in August of each year. For the Winthrop Normal and Industrial College, the first Friday in July of each year.

1911, XXVII, 113.

Note.—In case of flood, storm or other extraordinary circumstances preventing the holding of examinations on these dates, other dates may be set by presidents of the respective colleges. *Atty. Gen. opinion*, 1916.

§ 1711. **Conditions and Methods of Examinations.**—The conditions and methods of these examinations shall be as follows: No person who, during the current year, has won or holds a scholarship at one State institution shall be eligible to stand an examination for a scholarship in any other State institution. No applicant for a scholarship shall be eligible to stand an examination for a scholarship if such applicant has already attended the institution for which the scholarship is intended, or any other institution of higher learning known as college or university: **Provided**, That this condition shall not apply where there is no other applicant. No student who has forfeited a free scholarship, because of failure to maintain himself, shall be eligible to compete for reappointment at the same institution, or appointment in any other institution. No applicant shall be debarred from any of these examinations by reason of the fact that he or she has not obtained a permit to stand. The questions for these examinations shall be prepared under the direction of the presiding officers of the several institutions, and shall be forwarded to the respective County Superintendents of Education ten days before the dates appointed for the respective examinations. The said County Superintendents of Education shall hold the said examinations under such rules as may be prescribed by the respective institutions and approved by the State Board of Education, and the County Superintendents of Education shall forward the papers to the presiding officers of the several institutions. The papers shall

be examined under the direction of the presiding officers of the respective institutions, and the faculty of each institution, or such committee as the board of trustees thereof may appoint for that purpose, shall make recommendations as to the award of the scholarships to the State Board of Education. Each institution shall have the right to reject any applicant who, in respect of age, of examination papers, or in any respect, fails to meet its requirements for admission.

1911, XXVII, 113.

§ 1712. **Vacancies—How Filled.**—If a vacancy shall occur in a scholarship for which there is no eligible applicant from the county to which that scholarship belongs, the faculty of the institution in which that vacancy occurs, or the committee to which this duty has been entrusted by the board of trustees, may fill the vacancy by the appointment of any applicant from the State at large: **Provided**, That when such vacancy is filled by such appointment at large the scholarship shall again become vacant at the end of the current session if there is an eligible applicant from the County to which the scholarship regularly belongs.

1911, XXVII, 113.

§ 1713. **Requirement as to Scholarships.**—Those receiving scholarships in the University of South Carolina shall be required to take the regular teachers' normal course.

1911, XXVII, 113.

§ 1714. **Normal Scholars Deposit Notes.**—All holders of normal scholarships in the University of South Carolina shall be required at the time of the receipt of any scholarship funds by them to deposit with the treasurer of the University their notes for the amount of scholarship money received, promising to repay such money to the State Treasurer at or before the expiration of eight years after date of such receipt, which notes and promises shall be cancelled on presentation to the dean of the department of education of satisfactory evidence of the promissors' having taught school in South Carolina for two years after leaving the institution.

1911, XXVII, 113.

§ 1714a. **Award of Scholarships in Winthrop Regulated.**—After the approval of this Act, in counties to which less than four free scholarships in Winthrop College are apportioned, at least one such scholarship shall be open exclusively to applicants from rural communities, and in counties having more than four such scholarships at least two shall be open exclusively to applicants from rural communities: **Provided**, That nothing herein contained shall prevent applicants from rural communities from contesting for any such scholarships: **Provided**, The said applicants from rural communities make the required entrance examination average; if they do not, then the award of the scholarship shall revert to such other applicant or applicants who make the required average.

1912, XXVII, 685.

§ 1714b. **Beneficiary Scholarships to Clemson to Be Awarded—How.**—The beneficiary scholarships in Clemson Agricultural and Mechanical College as now apportioned among the several counties shall be awarded as hereinafter provided, to wit: In counties having less than four such scholarships, one shall be open exclusively to boys from rural communities, and in counties having four or more such scholarships, at least two thereof shall be open exclusively to boys from rural communities: **Provided**, That nothing herein

shall exclude boys residing in rural communities from also contesting for any of such scholarships.

1912, XXVII, 685.

§ 1714c. **Beneficiary Scholarships for Clemson.**—There are hereby established and created fifty-one beneficiary agricultural scholarships in the Clemson Agricultural College of South Carolina, said scholarships to be of the value of \$100.00 per annum, and free tuition, and to be awarded so that there shall be one scholarship to each county, and seven scholarships from the State at large.

1912, XXVII, 686.

§ 1714d. **Scholarships to Be Awarded—How.**—The said scholarships shall be awarded as a prize for meritorious agricultural achievement under the following conditions: On or before July 1st, the County Executive Committee or other governing Board of the most representative and well organized agricultural association or society or organization of farmers in the county as determined from time to time by the Board of Trustees of Clemson Agricultural College, shall recommend to the President of the said Clemson Agricultural College, in order of merit, three or more young men who have done creditable work of an agricultural nature, giving an explicit statement of the work done by each. The young men thus recommended shall be notified by the President of the College and shall stand examination at the county seat at the same time and under the same conditions as other scholarship applicants; except that no certificate of financial inability shall be required. In the event of there being no such agricultural association or society, or organization of farmers in any particular county, the Director of the Agricultural Department of the said Clemson Agricultural College shall solicit opinions from three or more representative farmers in the said county, and from these recommendations prepare a list which shall be submitted to the President of the College in lieu of the recommendation of the said Executive Committee or other governing Board of such agricultural association, society, or organization of farmers.

1912, XXVII, 686.

§ 1714e. **Scholarships at Large.**—Recommendations for the seven scholarships at large shall be made in every way as for the county scholarships, except that the Executive Committee or other governing Board of the most representative and well recognized association or society or organization of farmers in the State at large as determined from time to time by the Board of Trustees of Clemson Agricultural College shall act instead of the County Executive Committee or other governing Board hereinbefore mentioned in Section 1714d.

1912, XXVII, 686.

§ 1714f. **Age Limit.**—Any student as above recommended for meritorious agricultural service, shall, as a prerequisite to admission to the Clemson Agricultural College, be of such age as is fixed by the Board of Trustees for admission of other students, and shall have passed the entrance examinations as required of other beneficiary scholarship students.

1912, XXVII, 686.

§ 1714g. **Board of Education to Appoint.**—The Faculty of the said Clemson Agricultural College, or committee designated by the Board of Trustees for that purpose, shall recommend to the State Board of Education for appointed to the scholarship, one of the young men on the list of those recom-

manded who has successfully passed the examination, and is otherwise qualified.

912, XXVII, 686.

1714h. How Scholarships to Be Paid for—Term of Scholarship.—The said scholarships shall be paid from the income of the said Clemson Agricultural College as now provided by law, and each shall continue for a term not exceeding one year; or for such length of time as the beneficiary shall be able to maintain himself as a student of the college, and the said sum of \$100.00 per annum shall be placed to the credit of each beneficiary, and applied to the payment of his board and other necessary expenses.

912, XXVII, 686.

§ 1715. Enrollment Defined.—No child shall be counted in the enrollment more than once, nor in more than one school district in any one school year, and the school officer charged with the duty of enrollment willfully violating this provision shall be guilty of a misdemeanor. The teacher or principal of every school shall keep and furnish annually to the Trustees of the school district a list of all pupils that have attended the school during the preceding scholastic year, showing the names of the pupils, their respective places of residence and the number of days each pupil has attended, which list shall be certified to the County Board of Education by said Trustees on or before the 1st day of August in every year.

Civ. '02, § 1185; 1896. XXII, 150.

§ 1716. Enrollment in Night Schools to Be Counted in Apportionment.—Whenever any children of school age, as provided by law, shall attend a public night school for twenty nights in any scholastic year, they shall be deemed enrolled and their names shall be used by the County Boards of Education in making apportionments just as if they had attended day school ten days, as provided by law: **Provided**, That the said night schools shall be taught by teachers qualified by law to teach in the public schools of the State: **And Provided, also**, That the course of study shall be the course approved by the State Board of Education for use in the public schools of the State.

The same children shall not be counted twice in making up the enrollment of a school district.

1905, XXIV, 960.

§ 1717. County Superintendent of Education — Election — Term — Bond—To Qualify Immediately—Failure in Thirty Days Creates Vacancy—Act Not to Apply to Bamberg, Saluda and Berkeley—Not to Affect Superintendents Now in Office.—There shall be elected by the qualified electors of the county, a County Superintendent of Education for each county, who shall hold his office for a term of four years and until his successor is elected and qualified. He shall, before being commissioned and entering upon the duties of his office, give bond to the State, for the use of the county in which he is elected, for educational purposes, in the penal sum of one thousand dollars, with good and sufficient sureties, to be approved by the County Board of Commissioners, conditioned for the faithful and impartial discharge of the duties of his office; and shall take and subscribe the oath of office prescribed in Section 26, Article III of the Constitution of this State, which he shall file in the office of the Secretary of State. When commissioned, he shall immediately enter upon the discharge of his duties. His failure to qualify within thirty days after notice of his election shall create a vacancy: **Provided**, That in any county where the term of office of the County Superintendent of Education now expires in January such term is hereby extended to July first following such expiration: **And Provided, further**, That the term of office of

the County Superintendent of Education shall run from July first throughout four consecutive scholastic years in each county: **Provided**, The provisions of this Act shall not apply to the counties of Bamberg and Saluda: **Provided** The provisions of this act shall not apply to Berkeley county, but the term of office for the County Superintendent of Education for Berkeley county shall remain two years: **Provided**, That this Act shall not be construed to extend to four years the term of office of any Superintendent already elected for two years.

§.2. **Inconsistent Acts Repealed.**—All Acts and parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Approved the eleventh day of March, A. D. 1915.

Note. County Superintendent of Education. Removal from office for misconduct, see Atty. Gen. op. Jan. 25, 1915. Vacancy in office of County Superintendent, see Atty. Gen. op. Feb. 19, 1915.

§ 1718. **Vacancies.**—The State Board of Education shall fill all vacancies in the office of County Superintendent of Education for the unexpired term.

Note. See Atty. Gen. op. Dec. 22, 1915.

§ 1719. **Duty to Visit Schools, etc.**—It shall be the duty of each County Superintendent of Education to visit the schools in his County at least once in each year, and oftener if practicable, and to note the course and method of instruction and the branches taught, and to give such recommendation in the art of teaching and the method thereof in each school as shall be necessary, so that uniformity in the course of studies and method of instruction employed shall be secured as far as practicable in the schools of the several grades, respectively. He shall acquaint himself as far as practicable with the character and condition of each school, noting any deficiencies that may exist, either in the government of the school or the classification of its pupils or the method of instruction employed in the several branches, and shall make such suggestions in private to the teachers as to him shall appear necessary to the good order of the school and the progress of the pupils. He shall note the character and condition of the school houses, the sufficiency or insufficiency of the furniture, and shall make such suggestions to the several Boards of Trustees as in his opinion shall seem conducive to the comfort and progress of the several schools. It shall be the duty of each County Superintendent of Education to aid the teachers in all proper efforts to improve themselves in their profession. For this purpose he shall encourage the formation of association of teachers for common improvement and conduct teachers' institutes. He shall attend the meetings of such associations and give such advice and instruction in regard to their conduct and management as in his judgment will contribute to their greater efficiency.

Civ. '02 § 1188; 1896, XXII, 150.

§ 1720. **County Superintendent to Attend Annual Settlement of County Treasurer—Apportionment of School Funds.**—The County Superintendent of Education shall attend the annual settlement of the County Treasurer with the Comptroller-General. Within ten days after the County Treasurer makes his monthly report to the County Superintendent of Education, showing the amount of money collected by him since his last monthly report, it shall be the duty of the County Superintendent of Education to apportion the money arising from a tax on property as shown by the Treasurer's report among the school districts of his County, and to certify such apportionment to the County Treasurer, together with the poll tax belonging to each district as shown by said report; and it shall be the duty of the County Treasurer to enter upon his book to the credit of each school district the amount due each

district according to such certificate of apportionment, and the County Treasurer shall pay out the money belonging to the respective districts, upon the school warrants of such districts, duly signed and countersigned by the school authorities, for that scholastic year in the order of their presentation. **Provided,** That there be no outstanding claims of the previous scholastic year, and the Comptroller-General shall receive the warrants thus paid as proper vouchers in the hands of the County Treasurer.

Civ. '02 § 1189; 1896, XXII, 150, 1898 XXII 761.

Note. See Crim. Code for penalty for violation of this section.

§ 1721. Reports of County Superintendent—What to Contain.—The annual report of the County Superintendent of Education shall contain the complete statistics of all schools within his County supported in whole or in part from the public funds, as may be required of him by the State Superintendent of Education.

Civ. '02 § 1190, 1896, XXII, 150.

§ 1722. Annual Report, etc., of County Superintendent.—The County Superintendent of Education shall make an annual report of all claims filed, audited and allowed and ordered paid by him during each fiscal year to the presiding Judge at the third term of the Court of General Sessions for his County, which shall be held after the first day of January in each year, to be submitted by said Judge to the Grand Jury for their examination. After examination, the Grand Jury shall report thereon to the presiding Judge any matter growing out of or pertaining to said annual report which to them may seem worthy of the attention of the Court. The said report shall thereupon be filed by the Clerk of said Court, and kept as papers of said Court, for inspection by any citizen desirous of examining the same.

Civ. '02 § 1191, 1896, XXII, 158, 1897 XXII, 509.

§ 1723. County to Furnish Certain Things.—The County Board of Commissioners of each County are authorized and required to furnish the County Board of Education of their County with a comfortable and convenient office and suitable office furniture, and to supply said office with fuel, lights, stationery, postage and such other incidentals as are necessary to the proper transaction of the the legitimate business of his office.

Civ. '02 § 1192, 1896 XXII, 158.

§ 1724. Report to County Treasurer All Claims Approved.—It shall be the duty of the County Superintendent of Education, on or before the fifteenth day of July in each year, to report to the County Treasurer, by school districts, all school claims approved by him for the school year last preceding, and the County Treasurer shall thereupon close the school accounts for that year, carrying over any balance to the credit of each school district of the then current fiscal year.

Civ. '02, § 1193; 1896, XXII, 158.

§ 1725. Register to Be Kept.—The County Superintendent of Education shall keep a register of all claims approved by him and of such other matters as the State Superintendent of Education shall require of him, and in the form prescribed by the State Superintendent.

Civ. '02 § 1194, 1896, XXII, 158.

§ 1726. What to Furnish the Trustees.—The County Superintendent of Education shall furnish the School Trustees of his County with copies of the reports made to him by the County Auditor and County Treasurer as to the

persons listed and paying poll tax, and shall aid the Trustees in making all proper corrections.

Civ. '02, § 1195; 1896, XXII, 158.

§ 1727. **Seal of County Superintendent.**—The County Superintendents of Education shall keep in their office a die, in a circular form, upon the centre of which shall be engraved, in capital letters, the word "seal," and on the circumference the proper words indicating the office, which shall be regarded as the seal of the office, and which the County Superintendent of Education shall be required to impress upon all papers issued from his office, and affix his name to such paper. And it shall be the duty of the County Board of Commissioners in each County to furnish the County Superintendent of Education of their respective Counties with such seal.

Civ. '02, § 1196; 1896, XXII, 158.

Note. It is not necessary that claims approved by him be also under his official seal. *State v. Morton*, 51 S. C. 223.

§ 1728. **Salaries of County Superintendents of Education Fixed.**—In Abbeville, Marlboro, Chester, Lexington, Union and York Counties they shall receive annually, in addition to the salaries provided, one hundred dollars, and in Laurens County, fifty dollars, for traveling expenses; in every other County of the State they shall receive annually in addition to their salaries such sum as may be necessary to pay actual expenses incurred by them in attending meetings called for the purpose of advancing the educational interests, and for the purpose of visiting schools in other Counties in order to become familiar with their management and mode of teaching: **Provided**, That no such account shall be approved in favor of any County Superintendent of Education until such Superintendent of Education shall have furnished the County Board of Education with an itemized statement, under oath, of the expenses incurred: **And provided, further**, That in no case shall the expenses exceed one hundred dollars to be paid on the warrant of the County Board of Education. His claim for service and expenses shall be presented in the form of an account against the County Board of Education, and shall be verified by affidavit to the effect that said account is just and true; that the service therein named was honestly and faithfully rendered, and that the sum therein claimed is rightfully due and remains unpaid. When said account shall have been duly audited and approved by the County Board of Education, it shall be filed with the County Treasurer, who shall pay the same ratably out of the funds apportioned to the several school districts in proportion to the average number of children attending the free public schools in each school district.

Civ. '02, § 1198; 1883, XXIII, 535; 1891, XX, 1114; 1391, 1268; 1893, XXI, 492; 1899, XXIII, 1057; 1905, XXIV, 836.

Note.—The Act of 1899, Sec. 1197, held not to repeal Sec. 1057, of the Rev. Stats. 1893, contained in this Section. *Houser v. Orangeburg County*, 59 S. C. 265. As to employment of assistants for County Superintendent of Education, see *Atty. Gen. op.* June 4, 1904, and May 30, 1916.

§ 1729. **County Board of Education—Of Whom Composed, Etc.**—There shall be a County Board of Education in each County, composed of three members, one of whom shall be the County Superintendent of Education, and the other two shall be appointed by the State Board of Education, at its regular meeting in April, 1897, and every two years thereafter, who shall hold their office for a term of two years from the time of their appointment and

until their successors shall be appointed and qualified, unless sooner removed by the State Board of Education.

Civ. '02, § 1199; 1897, XXII, 516.

Note. Two are a quorum and can act. See Atty. Gen. op. 1906.

§ 1730. **Duties of County Board of Education.**—The County Board of Education shall examine all candidates for the position of teacher, and give to each person found qualified a certificate setting forth the branches of learning he or she may be capable of teaching, and the percentages attained in each branch, said certificate to be valid for a term of two years, unless sooner revoked, and it may be renewed with or without examination, at the discretion of the board, all of which shall be done under such regulations as the State Board of Education may prescribe. No teacher shall be employed in any of the free public schools without a certificate from the County Board of Education or the State Board of Education: **Provided**, That no examination as to the qualification shall be made in the case of any applicant who produces a full diploma from any chartered college or university of this State, or Merriam Normal School of Charleston, and furnish satisfactory evidence of good moral character: **Provided, further**, That the State Board of Education shall examine into the curriculum, standing, faculty and equipment of each institution, and see that it is doing real college work, before certificates may be issued on its diplomas. The two members of the board appointed by the State Board of Education shall receive for the services rendered by them compensation at the rate of three dollars per diem for not exceeding seven days, except in the counties of Greenville and Orangeburg, where the number of days shall not exceed twenty, and in the counties of Barwell, Dorchester, York and Hampton, where the number of days shall be ten, if so much be necessary, in each year, and mileage of five cents for each mile of necessary travel, the same to be paid by the County Board of Commissioners out of the ordinary county funds.

Civ. '02, § 1200; 1897, XXII, 516; 1903, XXIV, 1084; 1906, XXV, 37; 1908, XXV, 1151; 1908, XXVI, 73; 1910, XXVI, 740; 1911, XXVII, 116.

Note.—As to teacher's certificates, see Atty. Gen. op. April, 1, 1914. *Ex parte*, Greenville College, 75 S. C. 93. Teachers without certificate cannot draw pay. Atty. Gen. op. 1906.

§ 1731. **What Shall be Taught.**—It shall be the duty of the County Board of Education and the Boards of Trustees hereinafter provided for to see that in every school under their care there shall be taught, as far as practicable, orthography, reading, writing, arithmetic, geography, English grammar, the elements of agriculture, history of the United States and this State, the principles of the Constitution of the United States and this State, morals and good behavior, algebra, physiology and hygiene, and especially as to the effects of alcoholic liquors and narcotics upon the human system, English literature, and such other branches as the State Board may from time to time direct.

Civ. '02, § 1201; 1896, XXII, 161.

§ 1732. **Physiology and Hygiene to Be Taught in Public Schools—Nature of Alcoholic Drinks and Narcotics.**—The nature of alcoholic drinks and narcotics and special instruction as to their effect upon the human system, in connection with the several divisions of the subject of Physiology and Hygiene, shall be included in the branches of study taught in common or public schools in the State of South Carolina, and shall be studied and taught as thoroughly and in the same manner as other like required branches are in said schools, by the use of text-books in the hands of pupils where other

branches are thus studied in said schools, and orally in the case of pupils unable to read, and shall be taught by all teachers and studied by all pupils in all said schools supported wholly or in part by public money.

1908, XXV, 1054.

§ 1733. Text-Books—Relating to Alcoholic Drinks and Narcotics.—The text-books used for the instruction required to be given by the preceding Section in primary and intermediate grades, shall give at least one-fourth of their space to the consideration of the nature and effects of alcoholic drinks and narcotics, and the books used in the highest grade of graded schools shall contain at least twenty pages of matter relating to this matter.

1908, XXV, 1054.

§ 1734. Penalty to Enforce Provisions.—It shall be the duty of the proper officers in control of any school described in the foregoing Section to enforce the provisions of the last two Sections; and any such officer, school director, committee, superintendent or teacher who shall refuse or neglect to comply with the requirements of the last two Sections, or shall neglect or fail to make proper provisions for the instruction required and in the manner specified by Section 1732, for all pupils in each and every school under his jurisdiction, shall be removed from office and the vacancy filled as in other cases.

1908, XXV, 1054.

§ 1735. Three Mill Tax.—The County Board of Education of the several Counties of this State, or such officer or officers as may be vested with the same or similar powers or duties shall levy an annual tax of three mills on the dollar upon all the taxable property in their respective Counties, which tax shall be collected at the same time and by the same officers as the other taxes for the same year, and shall be held in the County treasury of the respective Counties, and on the first day of July of each year, or as soon as practicable thereafter, the said fund shall be apportioned by the said County Boards respectively among the school districts of their respective Counties in proportion to the number of pupils enrolled in the public schools of such school districts, and the said County Boards shall ascertain the amount of poll taxes collected in and for each school district of their respective Counties, and shall notify the County Treasurer and the trustees of each school district of the amount of poll taxes, as well as of the amount of the aforesaid fund apportioned by them to each school district.

How School Funds are Distributed and Expended.—The school funds of each district shall be distributed and expended by the Board of Trustees for the best interests of the school district, according to the judgment of the Board of Trustees, on their warrant approved by the County Superintendent of Education. For the purpose of said apportionment pupils shall not be deemed enrolled until after an attendance of at least ten days during the preceding scholastic year.

Civ. '02, § 1202; 1896, XXII, 161.

Note. Mandamus will not issue to compel approval of warrant where the funds in the treasury are insufficient to pay it. *Williams v. Hires*, 51 S. C. 338. *Bryson v. Daniels*, 52 S. C. 201. The power of the County Superintendent is also discretionary and mandamus, therefore is not the proper remedy; the remedy is given in the next Section. *State v. Hires*, see Const. 1895, Art. XI, Sec. 6. As to expenditure of school funds, see *Atty. Gen. op.* May 27, 1913.

§ 1736. Advisory Board to County Superintendent—Powers in Case of

Appeal.—The County Board of Education shall constitute an advisory body with whom the County Superintendent of Education shall have the right to consult when he is in doubt as to his official duty, and also a tribunal for determining any matter of local controversy in reference to the construction or administration of the school laws, with the power to summon witnesses and take testimony if necessary, and when they have made a decision said decision shall be binding upon the parties to the controversy: **Provided**, That either of the parties shall have the right to appeal to the State Board of Education, and said appeal shall be made through the County Board of Education, in writing, and shall distinctly set forth the question in dispute, the decision of the County Board and the testimony as agreed upon by the parties to the controversy, or, if they fail to agree, upon the testimony as reported by the County Board.

Civ. '02, § 1203; 1896, XXII, 161.

Note. It is clear that the action of a Board of Trustees is subject to supervision and orders of the County Board of Education. *State v. Daniel*, 52 S. C. 201. An appeal lies from the County to State Board. *Williams v. Hires*, 51 S. C. 388. And when taken acts as a supersedeas. *Atty. Gen. op.* 1905 p. 41. A County Board of Education cannot enter into a contract with the Board of an adjoining county for the joint conduct of a school, which will bind the successors of the respective districts. *Rouse v. Benton*, 100 S. C. 150. *Williams v. Hires*, 51 S. C. 388, action by school teacher for damages for breach of contract to teach school is not "matter of local controversy in reference to construction or administration of school law." *Hughes v. School District 66* S. C. 259. Mandamus to require County Board of Education to issue teacher's certificate to graduate of Greenville College for Women on its diploma is not proper remedy, but appeal to State Board of Education. *Ex parte, Greenville College*, 75 S. C. 93.

§ 1737. Meetings and Duties of Board of Education.—The County Board of Education shall meet for the purpose of examining applicants for teachers' certificates, and the transaction of other business, at least twice a year, at such times as the State Board of Education shall appoint. The County Superintendent shall be Chairman and Clerk of the Board, and shall keep a fair record of their proceedings, and register of the name, age, sex, color, residence and date of certificate of each person to whom a certificate is issued, and in case the certificate be cancelled shall make a proper entry of the same. The Board shall have power to revoke any certificate granted by them, for immoral or improper conduct, or evident unfitness for teaching. The Board shall hold as many additional meetings during the year as the interest of the free public schools of the County may require, subject to regulations prescribed by the State Board of Education.

C. v. '02, § 1204; 1896, XXII, 161.

§ 1738. Counties to be divided into School Districts—By Whom, Size of, Etc.—The County Boards of Education shall divide their Counties into convenient school districts, as compact in form as practicable, having regard to natural boundaries, and not to exceed forty-nine nor be less than nine square miles in area, and shall alter the lines thereof, and create additional school districts from time to time as the interests of the schools may, in their judgment, demand: **Provided**, That no new school district shall be erected by said County Board of Education, except upon the petition of at least one-third of the qualified electors embraced within the limits of such proposed school district: **Provided, further**, That no school district shall be consolidated except upon a petition of at least one-third of the qualified voters of the school district proposed to be consolidated: **Provided, further**, Whenever territory embraced in two or

more Counties is proposed to be formed into one school district, the same may be formed by the joint action of the Board of Education of the respective Counties as herein provided for the formation of school districts in a County: **Provided**, That in cities of ten thousand inhabitants and over, this limitation of area shall not apply: **Provided, further**, That when any school district laid out under this Section shall embrace cities or towns already organized into special school districts, in which graded school buildings have been erected by the issue of bonds, or by special taxation, or by donation, all the territory included in said school district shall bear its just proportion of any tax that may be levied to liquidate such bonds or support the public schools therein. The present division of the Counties into school districts shall remain until changed by the County Boards of Education. The County Boards of Education are authorized and empowered to make contracts for the purpose of dividing their Counties into proper school districts and to provide for the payment of the expenses thereof out of the school funds of the County. Every school district now organized, or to be hereafter organized in pursuance of this Section, is and shall be a body politic and corporate, by the name and style of School District No.----- (such number as may be designated by the County Board of Education), of-----County (the name of the County in which the district is situated), the State of South Carolina; and in that name may sue and be sued, and be capable of contracting and being contracted with to the extent of their school fund, and holding such real and personal estate as it may come into possession of, by will or otherwise, or as is authorized by law to be purchased, all of which shall be used exclusively for school purposes.

Civ. '02, § 1205; 1896, XXII, 161; 1900, XXIII, 360.

Note. As to authority of trustees, see *State v. Bacon*, 31, S. C. 120. School district not necessary party to suit on County Treasurer's bond for misappropriated school funds. *Aiken County v. Murray*, 35 S. C. 508. Circuit Court has jurisdiction of action by teacher against school district for damages for breach of contract to teach school and complaint need not state that he held certificate at time of contract. *Hughes v. School District*, 66 S. C. 259. School districts are bodies corporate and may sue and be sued. *Hughes v. School District*, 66 S. C. 259. *State v. Bacon*, 31 S. C. 765. *Aiken County v. Murray*, 35 S. C. 508. County Board has power to alter lines of school districts, Atty. Gen. op. 1905, p. 40. When County Board may act without petition to do so, Atty. Gen. op. 1904, p. 28, 30. Petition for consolidation should be signed by one-third of the voters in each district to be consolidated. Atty. Gen. op. 1904, p. 29. But the lines of one district may be altered to include another district without petition. Atty. Gen. op. 1904, p. 30. Consolidation of districts in different counties is to be based upon separate petition from each county. Atty. Gen. op. 1904, p. 32. Adding new territory to a district makes it subject to taxation therein. Atty. Gen. op. 1904, p. 33. The alteration of district lines does not affect the levy of taxes already made. Atty. Gen. op. p. 1076. The expense of survey, etc., are to be paid out of the school funds, Atty. Gen. op. 1904, p. 28. As to dissolution of joint school districts, see Atty. Gen. op. May 8, 1913. As to school houses and custody of school property, see Atty. Gen. op. Jan. 8, 1913. As to extension of special tax where school districts embracing incorporated cities or towns, are re-formed, see Atty. Gen. op. Sept. 9, 1916.

§ 1739. **Dissolution of School Districts in Adjoining Counties.**—Any school district formed of parts of two or more counties under the provisions of this Section, may be dissolved in the same manner, as that by which the same may have been formed, as above provided.

1910, XXVI, 694.

Note. As to dissolution of joint school districts, see Atty. Gen. op. May 8, 1913.

§ 1740. Board of Trustees.—Each school district shall be under the management and control of the Board of Trustees hereinafter provided for, subject to the supervision of the County Board of Education.

Civ. '02, § 1206; 1896, XXII, 162.

Note. Words "management and control" do not import any power beyond that demanded from their ordinary meaning. *Young v. Trustees*, 64 S. C. 131.

§ 1741. School Districts Made Tax Districts.—The school districts of the several Counties of the State are hereby made and declared to be the divisions of the Counties for taxation for all school purposes.

Civ. '02, § 1207; 1896, XXII, 162.

§ 1742. How School Districts May Levy Special School Tax—How Collected and Paid.—The voters or electors of any school district, who return real or personal property for taxation, are authorized to levy and collect an annual tax to supplement any special or other constitutional or other tax for like purposes in the following manner: Upon the written petition or request of at least one-third of the resident electors and a like proportion of the resident freeholders of the age of twenty-one years, being filed with the County Board of Education, asking for the same and stating the rate of the tax levy proposed, which shall not exceed eight mills, the said County Board of Education shall order the Board of Trustees of said school district to hold an election at some place within the district, after giving notice of the time and place thereof for at least two weeks in some newspaper published within the County, and by posting notice thereof in at least three public places within such school district, for such length of time, unless there be no newspaper published within the County, in which event the posting of the notices as above shall suffice: at which said election only such electors as return real or personal property for taxation, and who exhibit their tax receipts and registration certificates as required in general elections, shall be allowed to vote. At the said election the Board of Trustees shall act as managers, and the election shall be conducted as is provided by law for the conduct of general elections. At said election each elector favoring the proposed levy shall cast a ballot containing the word "Yes," printed or written thereon, and each elector opposed to said levy shall cast a ballot containing the word "No," printed or written thereon. Within ten days after such election, if the majority of those voting shall vote for such levy, the Board of Trustees shall furnish the County Auditor with a statement of the amount so levied and the Auditor shall enter the same in the tax duplicates, and he shall annually, each year thereafter, enter said amount in the tax duplicates until the same is increased, decreased or repealed by said taxpayers, at an election called for the purpose, and he is notified that the same has been increased, decreased or repealed; and if increased or decreased, he shall annually enter it as before; which election shall be called and notice given in the same way and manner as is herein provided for the calling of meetings to make the levy and the giving of the notice that it has been made, and the County Treasurer shall collect the same as other county and State taxes: **Provided,** That any tax which may be levied, increased, decreased or repealed after October 1st in any fiscal year, shall not take effect until the next succeeding fiscal year. Such levy shall be a lien on the property in such school district, which shall be subject thereto in case of default of payment. Said tax so collected shall be paid out by the County Treasurer upon warrants drawn by the Board of Trustees, countersigned by the County Superintendent

of Education: **Provided**, That any surplus of such levy remaining in the hands of the County Treasurer, at the expiration of any fiscal year shall be paid out as other school funds of the district. Each taxpayer, when he pays any tax for school purposes voted under the provision of this Section, shall have the right to designate to which school in said school district he wishes the money paid by him to go; and the Treasurer shall keep a note of such designation, and the money be applied as thus designated. When no designation is made by the taxpayer at the time of such payment, the money shall be expended as other school funds in such district: **Provided**, That nothing herein contained shall be construed to change the manner now provided by the law for the collection and paying out of special taxes in any school district now established by any special Act of the General Assembly and organized thereunder.

Civ. '02, § 1208; 1896, XXII, 162; 1900, XXIII, 364; 1903, XXIV, 64; 1906, XXV, 111; 1907, XXV, 631; 1910, XXVI, 742.

Note: Proceedings to levy tax; taxpayer participating estopped to deny regularity, etc. *Martin v. School District of Laurens*, 57 S. C. 125, Provision that "only such electors as return real or personal property for taxation", etc., shall be allowed to vote, does not apply to election under Sec. 1743. *McLaurin v. Tatum*, 85 S. C. 444. Where the district lines divide tract of land, owner can only vote in the district in which he resides, see *Atty. Gen. op. 1904*, p. 52; 1906, p. 102. The voter must both own property in the district and have paid taxes, see *Atty. Gen. op. 1906*, p. 99, March 7, 1900. If the election is contested, the County Board of Education hears the contest and determines the result, subject to review by State Board, *Atty. Gen. op. 1904*, p. 53. This is a local election, distinguished from general or special election, and the provisions of the Code requiring registration books closed for thirty days prior thereto do not apply to it. See *Atty. Gen. op. 1903*, p. 52. If illegally conducted, the levy may be enjoined, *Atty. Gen. op. 1903*, p. 51. The petition must be signed by one-third both of resident voters and resident freeholders, *Atty. Gen. op. July 10, 1902*. The electors must be registered, but not the freeholders, which term includes women owning property in the district, *Atty. Gen. op. 1906*, p. 104. The County Auditor should be given written notice of the levy. *Dent v. Brice*, 16 S. C. 12. This notice must be given in time for the Auditor to make the proper entries on duplicates before October first, *Atty. Gen. op. 1906*, p. 105. So as to the time of election, *Atty. Gen. op. May 10, 1902*. The taxpayer can only direct application of tax to a school within the district wherein his property taxed is situated. *Atty. Gen. op. 1904*, p. 29. When once voted, the tax is a lien upon all property within the district until repealed. *Atty. Gen. op. 1904*, p. 30; or the land is taken out of the district by an alteration of lines, *Atty. Gen. op. 1904*, p. 31. As to construction, Sec. 1742, see *Atty. Gen. op. March 21, 1916*. As to qualification of electors, see *Atty. Gen. op. April 14, and May 2, 1913*.

1907, XXV, 523.

§ 1743. **School Districts May Issue Bonds—Elections.**—The trustees of any public school district in the State of South Carolina are hereby authorized and empowered to issue and sell coupon bonds of the said school district, payable to bearer, in such denominations and amounts as they may deem necessary, not to exceed four per cent. of the assessed valuation of the property of such school district for taxation, and bearing a rate of interest not exceeding six per cent. per annum, payable annually or semi-annually, and at such times as they may deem best: **Provided**, That the question of issuing the bonds authorized in this Section shall be first submitted to the qualified voters of such school district at an election to be held upon the written peti-

tion or request of at least one-third of the resident electors and a like proportion of the resident freeholders of the age of twenty-one years, to determine whether said bonds shall be issued or not, as herein provided: **Provided, further,** That before any election is held hereunder it shall be the duty of the trustees of the school district to have a survey of said school district made by some competent surveyor and a plat thereof made and filed in the office of the Clerk of Court: **Provided, further,** That the maximum percentage of assessed valuation as fixed above shall not apply to Rosemary School District in the County of Georgetown, but that in said school district the maximum percentage of assessed valuation of property shall be eight per cent.

1907, XXV, 523; 1909, XXVI, 89.

Note. Term "qualified voter" means same as "qualified elector" in Const. and general election Statutes. *McLaurin v. Tatum*, 85 S. C. 444. As to the levy of special tax, see Atty. Gen. op. July 18, 1913.

§ 1744. **How Election Shall Be Held.**—For the purpose of determining the issue of bonds authorized in Section 1743, such Trustees of school district shall order an election to be held at such place in such school district as may be designated by such Trustees of such school district on the question of whether such bonds shall be issued or not, in which election only qualified voters residing in such school district shall be allowed to vote, and such Trustees shall give notice of such election for ten days in a newspaper published in such district, or by posting such notice in three public places in such school district; shall designate the time and place and appoint the managers of such election, and receive the returns of the managers and declare the results.

1907, XXV, 523.

Note. As to validity of bonds issued under this Section, see *Dove v. Kirkland*, 92 S. C. 322.

§ 1745. **Ballots.**—The ballot cast must have written or printed on it the words "For Bonds," or "Against Bonds."

1907, XXV, 523.

§ 1746. **How Bonds Shall Be Sold—Special Tax Levy.**—If a majority of the votes cast at such election shall be for the issuing of bonds, such Trustees shall issue such bonds, which shall run not longer than twenty years from date of issue thereof, which shall be sold by such Trustees at not less than par, and the proceeds of which shall be used by such Trustees for the purpose of erecting buildings, and for equipment for maintaining public schools in such School district, or for paying indebtedness of such School District; and such bonds and coupons of same shall constitute a lien upon the property of such school district; it shall be the duty of the County officers, charged with the assessment and collection of taxes, to levy and collect annually from all the property, real and personal, within the limits of such school district, a sum sufficient to pay the interest on such bonds, and also a sum sufficient to provide a sinking fund for the payment of such bonds when due, and the coupons thereof shall be received for school taxes upon property within such school district.

1907, XXV, 523.

Note. As to discretion conferred upon trustees with reference to issuance of bonds, see *Burris v. Brock*, 95 S. C., 109.

§ 1747. **How Bonds Shall Be Signed.**—All bonds issued under and in pur-

suance of the provisions herein shall be signed by the Trustees of such school district: **Provided**, That the signatures of such Trustees shall be lithographed or engraved upon the coupons attached to such bonds, and such lithographed or engraved signatures shall be sufficient signing thereof.

1907, XXV, 523.

§ 1748. **Proceeds—How Disposed of.**—The proceeds of such bonds as are contemplated hereinabove shall be deposited with the County Treasurer of the County in which such school district is located, and shall be receipted for by such County Treasurer, and shall be paid out by him only upon the warrant of such Board of Trustees, as provided by law for the handling, expending and accounting for all other public funds: **Provided**, That nothing in the above Section shall be construed as affecting any bonds already issued or voted in any school district of the State or bonds authorized by special Acts of the Legislature.

1907, XXV, 523.

§ 1749. **How Money Shall Be Deposited.**—The Treasurers of the Counties in which said school districts are situated are directed and requested to deposit all moneys in their hands belonging to the sinking fund which may accumulate under the provisions herein in some savings institution or bank approved by the Board of Trustees of said school district, at the best rate of interest that can be obtained until the said bonds mature, and that the said Treasurers shall, at the direction of the Board of Trustees, change the place of deposit at any time: **Provided**, That the sinking fund belonging to Hartsville School District No. 32, in Darlington County, or which may accumulate under the provisions of this Act, shall be under the control and management of the Board of Trustees of said school district, and shall be applied to the bonds issued by them, or be invested by them to meet the payment of same when due: **Provided, further**, That Norway School District No. 71, in Orangeburg County, may issue school bonds not to exceed eight per cent. of the total taxable value of the property in such school district.

1907, XXV, 523; 1912, XXVII, 631.

Note. As to care of sinking fund for retirement of school bonds, see Atty. Gen. op. June 11, 1915.

§ 1750. **Special School Districts in Adjoining Counties.**—Whenever it shall happen that by reason of the location of special school districts, portions of two adjacent Counties should for convenience be included in one school district, the County Boards of Education of such Counties are hereby authorized and directed in joint conference to make such regulations as will enable such sections to be established into a separate school district. The provisions of this Section shall apply in all respects to the School districts of Marion County and Dillon County which have been cut by the lines separating said Counties.

Civ. '02, § 1209; 1896, XXII, 164; 1910, XXVI, 640.

§ 1751. **School Bonds Exempt from Taxation.**—All bonds hereafter issued or sold, or to be hereafter issued or sold, by the trustees of any school district or school districts pursuant to the vote of the majority of the qualified voters of such school district, or school districts, voting at an election heretofore or hereafter held for the erection of buildings, for equipment, for maintaining public schools in such district or districts, or for paying indebtedness of such district or districts, shall be exempt from all taxation for State, County, municipal or school purposes.

1908, XXV, 1051.

§ 1752. **Appointment of School Trustees — Terms — Duties — Graded Schools—Districts of Five Thousand Inhabitants.**—Each County Board of Education, on the first Tuesday of July, 1906, and on the first Tuesday in July every two years thereafter, shall appoint for each school district in their County three School Trustees, from the qualified electors and taxpayers residing in the district, who shall hold their office for two years, and until their successors are appointed and qualified, unless sooner removed by the County Board of Education. The County Board of Education shall have power to fill, from time to time, all vacancies in the Board of Trustees. The School Trustees shall meet as a Board as soon and as often as practicable, and after having been appointed and qualified, at such place as may be most convenient in the district. At their first meeting they shall organize by electing one of their number Chairman of the Board, who shall preside at the official meetings of the Board, and another Clerk of the Board, who shall record their proceedings in a book provided for that purpose. Each member of the Board of Trustees shall be duly notified of all meetings of the Board by the Clerk of the Board: **Provided,** That the foregoing provisions of this Section shall not apply to special and graded school districts created by special Acts; but that the Trustees and School Commissioners of all special and graded school districts shall remain the same in number, and shall be elected or appointed in the same manner, and shall hold the office for the same time as is provided for in the respective special Acts; except that in the special school districts where the Trustees, or their successors, are appointed by the State Superintendent of Education under the provisions of the special Acts, the Trustees shall hold office until the first Tuesday in July, 1906, on which day, and on the same day every two years thereafter, the Trustees shall be elected by the qualified electors of such school districts: **Provided,** That special school districts having a population of not less than five thousand inhabitants, and in which the Boards are not fixed by special or specific legislation may elect on the second Tuesday in January, 1904, on the second Tuesday in January of any alternate year thereafter, nine Trustees, to constitute a Board in their respective districts: **Provided, further,** That three of the said Trustees, to be elected at said election, shall serve for a term of two years, three for a term of four years and three for a term of six years; the terms of each Trustee to be determined by lot, in the presence of the County Board of Education; and on the second Tuesday of January every two years thereafter, three Trustees shall be elected to serve for a term of six years. The election of all Trustees for all such school districts shall be by ballot, and shall be conducted under the supervision of three qualified electors residing within the district, who shall be appointed by the County Board of Education, at least ten days prior to the holding of the election. The managers shall report the result of the election to the County Board of Education within ten days thereafter, which Board shall commission the Trustees so elected. The Board of Trustees of each special or graded school district shall elect from their number a Chairman, who shall preside at their meetings, and a Secretary or Secretary and Treasurer, who shall record the proceedings of the Board, and who shall keep a full and accurate account of all moneys received and expended, showing the source and disposition of each item, and who shall make a complete itemized report of the receipts and disbursements of each scholastic year to the County Superintendent of Education on or before the 15th day of July of each year. The books and vouchers of the Secretary and Treasurer shall be open at all times to inspection by the public: **Provided, further,** That upon the petition of one-third of the qualified electors of School District No. 13, in Abbeville County, filed with the County Superintendent of Education, on or before the first day of June in any year, when School Trustees are to be appointed, the County Board of

Education shall order an election to elect the Trustees for School District No. 13 in the manner herein provided for in the election of Trustees of special school districts: **Provided, further,** That upon the petition of one-third of the qualified electors of any school district in Chesterfield and Oconee Counties, except special and graded school districts, created by special Acts, filed with the Superintendent of Education of said County, on or before the first day of June in any year when School Trustees are to be appointed, the County Board of Education shall order an election to elect the Trustees for such school districts in the manner herein provided for the election of Trustees of special school districts.

1903, XXVI, 64; 1904, XXIV, 528; 1906, XXV, 31.

Note. Qualification of Trustee: He must have resided in County one year, and be a resident qualified elector and taxpayer in the school district. Atty. Gen. op. 1904, p. 40. He need not be a freeholder, Atty. Gen. op. 1904, p. 42.

There are to be three trustees only, except where by a special provision of law provision is made for a larger number, see Atty. Gen. op. 1903, p. 1065. The terms of trustees expire on the first Tuesday in July in alternate years, see Atty. Gen. op. 1903, p. 1066, 68. This section does not affect the election of trustees in special districts created by special Act, except as expressly provided, Atty. Gen. op 1903, p. 47-51.

School trustees cannot hold any other office; for instance, Mayor, Alderman, City Clerk, etc. Atty Gen. op. 1907, p. 106, 108, 105. If he accepts another office, he may still act as trustee until his office is declared vacant in a judicial proceeding, see Atty. Gen. op. 1905, p. 47. Two members being a majority of the Board, can transact business, see Atty. Gen. op. 1906, p. 105. If the absent member has been notified of the time and place of meeting, see Atty. Gen. op. 1905, p. 47.

School trustees may be removed by the County Board without preferring charges against them. Atty. Gen. op. 1905, p. 56.

School trustees cannot hold office of Postmaster, nor Probate Judge, Atty. Gen. op. Oct. 10, 24, 1912.

§ 1753. **Duty of Board of Trustees.**—The Board of Trustees in each school district shall take the management and control of the local educational interests of the same, and shall visit each school district at least once in every school term, and shall be subject to the supervision and orders of the County Board of Education.

Civ. '02, § 1211; 1896, XXII, 165.

Note. Bryson v. Daniel, 52 S. C. 201. Young v. Trustees, 64 S. C. 131.

§ 1754. **Regular Session of Board of Trustees.**—The Board of Trustees shall hold a regular session in their school districts at least two weeks before the commencement of any or every school term for the transaction of any and all business necessary to the prosperity of the schools, with power to adjourn from time to time and to hold special meetings at any time or place when called upon by the Chairman or any two members of the Board.

Civ. '02 § 1212; 1896, XXII, 165.

§ 1755. **Power to Sell School Property.**—The School Trustees of the several school districts are authorized and empowered to sell school property, real or personal, in their school districts whenever they deem it expedient to do so, and to apply the proceeds of sale or sales to the school fund of the

district wherein such sale is made: **Provided**, That the consent of the County Board of Education be first obtained by the Trustees desiring to make such sale. That it shall be the duty of the said Board of Trustees, within thirty days after said sale, to enclose a report of the same to the County Board of Education, setting forth the terms and amount of said sale.

Note. As to school houses and custody of school property under **Sec.** 755-61-38, see Atty. Gen. op. Jan. 8, 1915.

Civ. '02, § 1213; 1896, XXII, 165.

§ 1756. **Transfer of Pupils—When and How Made.**—When it shall so happen that persons are so situated as to be better accommodated at the school of an adjoining school district, whether special or otherwise, the Board of Trustees of the school district in which such persons reside may transfer such persons for education to the school district in which such school is located; and the Trustees of the school district where the school is located shall receive such persons into the school as though they reside within the district: **Provided**, That when such persons are transferred from one school district to an adjoining school district levying a special tax for school purposes, the Board of Trustees of the district in which the school is located may, in their discretion, charge an incidental fee not to exceed the additional amount that such person would pay if his or her property were located in the district: **Provided**, That children shall not be transferred from a school district in one county to a school district in an adjoining county without the consent of the Board of Education of the respective counties in which the transfer is made: **Provided, further**, That if any taxpayer pays taxes in two or more counties he shall have the right to send his children to the school of any one of said counties: **Provided**, No transfer shall be allowed from any school district in this State to another school district without the consent of a majority of the trustees of the district to which the transfer is sought to be made.;

Civ. '02, § 1214; 1896, XXII, 165; 1912, XXVII, 619.

Note. As to the transfer of pupils from one school to another, see Atty. Gen. op. Jan. 31, 1913, May 2, 1913, April 29, 1915. For direction as to enrollment, see Ante, sec. 1715. The transfer is only authorized between adjoining districts. Atty. Gen. op. 1903, 1069. Scholars from one district are not entitled to free tuition in another district unless transferred under this Section, see Atty. Gen. op. 1906, p. 103. They cannot be received as free pupils without such transfer, see Atty. Gen. op. 1904, p. 37. The order making the transfer may be reviewed by the County Board of Education on appeal. Atty. Gen. op. 1905, p. 50, 54. It is too late to appeal after both district boards have acquiesced in the transfer, Atty. Gen. op. 1904, p. 36.

§ 1757. **Reports of Teachers—How and to Whom Made.**—Each school teacher shall make out and file with the Clerk of the Board of Trustees, at the expiration of each school month, a full and complete report of the whole number of pupils admitted to the school during each month, distinguishing between male and female, the average attendance, the branches taught, the number of pupils engaged in studying each of said branches, and such statistics as he or she may be required to make by the County Board of Education: **Provided**, That whenever a teacher is unavoidably prevented from filing said report at the expiration of any school month, the Board of School Trustees may have authority to receive the report within a reasonable time thereafter, if, in their opinion, the reasons for the delay are good and sufficient. On the filing of the teacher's report and its approval by the Board of Trustees, their clerk shall draw an order in duplicate on the County Treasurer for the amount due such teacher, which shall be signed by the Board, which

order, if accompanied by a copy of said monthly report and approved by the County Superintendent of Education, shall be countersigned by him and the duplicate filed in his office.

Civ. '02, § 1215; 1896, XXII, 165.

Note. Pupils cannot be included in enrollment unless they have attended school at least ten days during the session, see Atty. Gen. op. 1905, p. 63. Separate pay warrants must be issued to each teacher, Atty. Gen. op. 1904, p. 44. And salaries are to be paid only for the term the public school runs, Atty. Gen. op. 1903, p. 1076.

§ 1758. **Claims against Fund—How and by Whom Signed.**—All claims, of every description whatsoever, which are chargeable against the fund raised for the support of the free public schools of the State, except such as are otherwise provided for by law, must be signed by at least a majority of the Board of Trustees of the school district against which the claims are chargeable; and the correctness and legality of the same shall be sworn to and subscribed by the person presenting such claim before it shall be approved by the person or persons authorized by law to give such approval. School Trustees and County Superintendents of Education shall, free of charge, administer oaths to persons presenting the claims contemplated by this Section.

Civ. '02, § 1216; 1896, XXII, 165.

Note. Approval of claim is not compellable by mandamus, *Williams v. Hires*, 51 S. C. 388. The endorsement of approval need not be under official seal, *State v. Morton*, 51 S. C. 323. A school district is a part of the County's territory, divided off by the County Board of Education, for taxation for school purposes, *Gallishaw v. Jackson*, 99 S. C. 342.

§ 1759. **All School Warrants to Be Approved by County Superintendent of Education.**—Any and all school warrants issued by any Board of School Trustees against any public school fund shall not be paid by the County Treasurer or other officer having the custody of such fund until the warrant has been approved by the County Superintendent of Education of the County in which said warrant is drawn.

1909, XXVI, 132.

Note.—Mandamus will not issue to compel the County Superintendent to approve a warrant where it does not appear that the County Treasurer has sufficient funds to pay it. *Rouse v. Benton*, 100 S. C. 150.

§ 1760. **Trustees Not to Receive Pay as Teachers.**—It shall be unlawful for a school Trustee to receive pay as a teacher of a free public school.

Civ. '02, § 1217; 1896, XXII, 165.

§ 1761. **Powers and Duties of School Trustees.**—The Board of Trustees shall also have authority, and it shall be their duty:

1. **To Provide School Houses.**—To provide suitable school houses in their districts, and to make the same comfortable, paying due regard to any school house already built or site procured, as well as to all other circumstances proper to be considered so as to best promote the educational interests of their district.

2. **To Employ and Discharge Teachers.**—To employ teachers from those having certificates from their County Board of Examiners or from the State Board of Education, and fix their salaries, and to discharge the same when

good and sufficient reasons for so doing present themselves, subject to the supervision of the County Board of Education.

Qualification of Teacher.—No general or special School Trustee shall hereafter employ any teacher who has not a certificate to teach in the free public schools of the State. This provision, however, not to affect the employment of any teacher now teaching in any of the schools of the special school districts: **Provided, further,** That the trustees of any such school shall always have the right and power to impose any additional examinations and qualifications they may deem proper before or after employing any teachers: **Provided, also,** That all funds of the free public schools of the State other than those arising from the special levy of special school districts shall be paid out of the County Treasury upon warrants duly vouched by the School Trustees of the respective schools or school districts or otherwise as provided by the laws governing any special school district.

3 To Suspend or Dismiss Pupils.—To suspend or dismiss pupils when the best interest of the schools make it necessary.

4 To Call Meetings for Consultation.—To call meetings of the qualified electors of the district for consultation in regard to the school interests thereof; at which meetings the Chairman or other member of the Board shall preside, if present.

5 To Control School Property.—To take care of, manage and control the school property of the district.

6 To Visit the Schools.—To visit the free public schools within their district from time to time, and to take care that they are conducted according to law and with the utmost efficiency.

7. Ferriage of Trustees.—They shall be allowed to cross all bridges or ferries free of charge when they are traveling on official business.

Civ. '02, § 1218; 1896, XXII 165.

Note. Location of school house site by trustees is subject to review by the County Board of Education, *Sligh v. Bowers*, 62 S. C. 409. *Young v Trustees*, 64 S. C. 131. See also *Atty. Gen. op. 1904*, p. 26. Trustees cannot charge pupils incidental fees, *Younger v. Trustees*, 64 S. C. 131. The teacher elected must be one having a certificate, *Atty. Gen. op. 1904*, p. 43, and cannot be elected for a longer term than that of the trustees electing, *Atty. Gen. op. 1901*, p. 43, also opinion 1916. The trustees cannot employ a Superintendent to visit and supervise the work of the schools in their district, *Atty. Gen. op. 1904*, p. 44. The power granted trustees under this Section is subject to the supervision and orders of the County Board of Education, *Bryson v. Daniel*, 52 S. C. 201. As to authority of trustees to suspend or dismiss pupils, when the best interest of the school makes it necessary and their duty to provide separate schools for children of different races, see *Tucker v. Blease*, 97 S. C. 303. Trustees are charged by law with the duty of erecting school houses so as to promote the educational interests of their districts and cannot by contract divest themselves of the right to so exercise their judgment, *Ex Parte, Surratt*, 103 S. C. 525; *Surratt v. Cash*, 103 S. C. 531.

Repairs to school buildings can be most advantageously made when the school is not in session and are usually made at such time to avoid interference with school work, *Walker v. Sawyer*, 104 S. C. 342. As to power of Board of trustees to make contracts effective beyond their own terms of office, see *Rouse v. Benton*, 100 S. C. 150. As to payment of teachers' salaries under subdivision 2, see *Attorney Gen. op. Nov. 19, 1914*. As to election of teachers related to trustees, see *Atty. Gen. op. Aug. 13, 1915*. As to power

of trustees to contract with teachers for services beyond the term of trustee so contracting, see Atty Gen. op. July 5, 1916. Power of trustees must be exercised subject to supervision of County Board of Education, See Atty. Gen. op. Aug. 22, 1916. Number of hours which a school teacher would work per day is within the discretion of the trustees, see Atty. Gen. op. Jan. 31 1913. A school trustee may be indicted, after he has gone out of office, for misdemeanors and violations of law committed by him while holding office of school trustee, State v. Elliott, 94 S. C. 35.

§ 1761a. School Buildings to Be Insured—Insurable Value Defined.—It shall be the duty of the School Trustees, School Commissioners or other school official or officials, having the management and control thereof whether held and operated under the general public school laws or under laws applicable only to special school districts to insure and keep insured every insurable school building of brick, or reinforced concrete construction, whatever may be its insurable value and on the contents thereof, and to insure and keep insured every insurable school building not of brick or concrete construction the insurable value of which is not less than three hundred (\$300.00) dollars, the insurance premiums therefor to be paid from proper school funds in the usual and proper manner of disbursing same. The insurable value as used in this section shall be defined as three-fourths ($\frac{3}{4}$) of the value of the building wherever the rule of reliable old line insurance companies applies to policies if issued on other than State, county or municipal, or governmental property, the three-fourths ($\frac{3}{4}$) valuation clause, and shall be defined the full value of the building wherever such clause is not so applied.

§ 1761b. In What Companies Insurance to Be Carried—All insurance carried on every such school building which is not of brick or reinforced concrete construction, and on the contents thereof, shall be carried in reliable old line insurance company or companies.

§ 1761c. Policies to Be Proportioned Between Old Line Companies and Insurance Department of Sinking Fund—Premiums and Losses Proportioned—Proviso.—After the date of the approval of this Act all new insurance and all renewal of insurance upon the expiration of policies issued previous to said date upon every such school building of brick and reinforced concrete construction and on the contents thereof, whether such building is held and operated under the general school laws, or laws applicable to special school districts only, shall be by the School Trustees or School Commissioners, or other school official or officials, having control and management of said school building placed or carried thereon as follows: Fifty-five per cent. (55 per cent) of all of said insurance carried thereon, shall be carried in reliable old line fire insurance company or companies, and forty-five per cent. (45 per cent.) of all of said insurance carried thereon shall be simultaneously and concurrently carried in the Department of State Insurance of Public Property by the Sinking Fund Commission which shall be by said school officials sought and obtained from the Sinking Fund Commission, immediately upon placing said old line concurrent insurance; said fifty-five per cent. (55 per cent,) of the insurance so concurrently carried in reliable old line insurance companies and the said forty-five per cent. (45 per cent.) so carried by the Sinking Fund Commission on said buildings and the contents thereof, shall be concurrently carried, and the policies shall be issued concurrently and coterminally and the premium and losses paid upon each of said concurrent policies shall be proportionate to the amount of insurance carried in the said concurrent policies so that the premium paid to the Sinking Fund Commission for carrying forty-five per cent. (45 per cent.) of the whole amount of insurance so concurrently carried shall be forty-five-fifty-fifths (45-55) of the aggregate amount of premium paid to all of the old line insurance companies

to carrying fifty-five per cent. (55 per cent.) of all of said insurance so concurrently carried on said building and the contents thereof: **Provided**, That until after March 1, 1918, the amount paid as premium to the Sinking Fund Commission shall be the premium so prorated as above required to the Sinking Fund Commission, less five per cent. (5 per cent.) of said Sinking Fund Commission's premium (that is, 4275—5500 of the aggregate amount of premium paid to said old line companies) and after said date the full amount of premium so prorated shall be paid to the Sinking Fund Commission.

§ 1761d. **How Premiums Paid—Statement to Be Supplied by Old Line Companies—Duplicate and Premium to Be Forwarded to State Treasurer—Duplicate to Be Sent Sinking Fund Commission.**—That said School Trustees, School Commissioners or school official or officials whose duty it is to insure said buildings, with old line insurance companies and with the Sinking Fund Commission, shall pay or cause to be paid to the said old line insurance companies and to the Sinking Fund Commission respectively the premium as above required, by warrant or order drawn by the said School Trustees, School Commissioners, or school officials as in the case of other disbursements for said schools upon the proper disbursing official who shall pay the same: **Provided**, That no warrant or warrants to pay the premium on said old line company policies shall be drawn or delivered until the respective old line insurance agent or agents shall furnish to the school official drawing said warrant or order a statement certified to in duplicate by the said agent or agents of the old line insurance company or companies issuing said concurrent policies, said statement containing an exact copy in full of all the written portions of each and every old line insurance company policy or policies and an exact copy of all of the endorsements written thereon and schedules and forms attached thereto; and also stating the entire amount of concurrent insurance carried in all of said old line policies upon the building and contents thereof and at what aggregate premium issues, and the amount of concurrent insurance calculated at the same premium rate as charged in the said old line insurance policies should be paid as herein required to the Sinking Fund Commission, and also the total amount of concurrent insurance permitted to be carried upon said buildings and contents thereof in all policies including those written by old line insurance companies and the Sinking Fund Commission. Said School Trustees or Commissioners or school official or officials whose duty it is to place said insurance and draw said warrant to pay premium, shall forward one duplicate statement to the State Treasurer at Columbia, S. C., along with said premium due to the Sinking Fund Commission payable to said State Treasurer in Columbia, S. C., and shall simultaneously mail the other said duplicate statement to the secretary of the Sinking Fund Commission at Columbia, S. C., so as to enable the Sinking Fund Commission to properly issue the Sinking Fund Commission policy.

§ 1761e. **Disposition of Premiums—How Expended by Commission.**—That said premiums when received by the State Treasurer as treasurer of the Sinking Fund Commission shall be paid into the General Insurance Sinking Fund of the Department for State Insurance of Public Property provided for in Section 131 of Volume I. of the Code of Laws of 1912, from which the Sinking Fund Commission shall pay all fire losses for which they are liable and the expenses necessary for the proper conduct of said State Insurance of Public Property by the Sinking Fund Commission.

§ 1761f. **Payment of Losses Distributed Pro Rata—To Be Sent to County Treasurer.**—That in the event of loss or damage by fire the amount paid for such loss or damage by the Commissioners of the Sinking Fund shall be forty-five per cent. (45 per cent.) of the aggregate amount for which all of the concurrent policies including the Sinking Fund Commission policy is

liable, the Commissioners of the Sinking Fund settling **pro rata** upon the same basis upon which the said old line insurance company or companies settle their proportion of the loss whether the same be ascertained and fixed by mutual appraisement or arbitration or by adjudication in the Courts. The loss or damage apportioned to be paid by the Sinking Fund Commission as herein provided shall be by said Commission paid over to the County Treasurer of the county wherein the damaged or destroyed school property is located, to be by said County Treasurer paid out as required by law upon the proper warrant or order of the proper official to pay for the repair, restoration or rebuilding of the school property damaged or destroyed by fire.

§ 1761g. Changes to Be Made as Sinking Fund Assets Increase—Percentage of Increase—Insurance by Sinking Fund Not to Exceed 50 Per Cent. of Assets—Statements to Be Made by Sinking Fund—Duty When Increase Ordered.—That as the amount of assets of the said General Insurance Sinking Fund for State Insurance of Public Property shall increase the following changes shall be made in the proportionate amount of concurrent insurance respectively carried and in the liability respectively incurred by said reliable old line insurance company or companies and by the Sinking Fund Commission; commencing with the said assets in the hands of the Sinking Fund Commission, as estimated by said Commission, on December 31, 1915, whenever and as often as said Insurance Sinking Fund assets shall increase twenty-five per cent. (25 per cent.) the amount of insurance concurrently carried by the Sinking Fund Commission on the said building and the contents thereof, shall be increased five per cent. (5 per cent.) the percentage of insurance thereon concurrently carried by said old line insurance companies being proportionately decreased: **Provided**, That the amount of insurance so carried concurrently by said Sinking Fund Commission upon any one building shall not exceed fifty per cent. (50 per cent.) of the said Insurance Sinking Fund assets in the hands of the Sinking Fund Commission, the said excess over 50 per cent. of said assets which the Sinking Fund Commission may thus not carry shall be added to the percentage of concurrent insurance carried by said old line insurance company or companies on said building. It shall be the duty of the Commissioners of the Sinking Fund to prepare statements showing the amount of these insurance assets in their hands on the 30th day of June and the 31st day of December of each year (or more often if they deem it necessary) after deducting therefrom all amounts paid by them for losses incurred and for expenses necessary to the proper conduct of the business of State Insurance of Public Property; and whenever it becomes necessary to require the said five per cent. increase in the amount of concurrent insurance to be obtained from the Sinking Fund Commission said Commission shall give notice thereof to each County Superintendent of Education, whose duty it shall be to give notice of said increase to all of the said School Trustees, School Commissioners and other school official or officials in the county.

§ 1761h. Statement to Be Forwarded by County Superintendent of Education—Duty of School Officials to Supply Certain Information.—That the County Superintendent of Education of each county shall between the 15th of May and the 15th of June of each year forward to the secretary of the Sinking Fund Commission at Columbia, S. C., a certified statement showing the number of public school buildings whether held or operated under the general public school laws, or under the laws applicable to special school districts in the county, the approximate value of each, and whether of brick or reinforced concrete structure or whether of other construction, how much insurance is carried on each, and on the contents thereof and the date of expiration of existing insurance policies, and it shall be the duty of said

school officials charged with the management and control of same to furnish such information to the said County Superintendent of Education each year a time for him to prepare and transmit said statement as above required to the secretary of the Sinking Fund Commission.

§ 1 61i. County Officials to Send Commission Certain Information.—That it shall be the duty of the County Superintendent of Education and of said School Trustees, School Commissioners, and other school officials and of the agents of said old line insurance companies carrying insurance so concurrent with that carried by the Sinking Fund Commission as herein provided for, to promptly send in writing by mail to the secretary of the Sinking Fund Commission all such information as he may request of them in regard to the insurance herein provided for as in their power to furnish.

§ 1 61j. Penalty for Violation of This Act.—That any said public school official or officials upon whom the duty devolves failing or refusing to carry out the provisions of this Act relating to the placing with said old line insurance company or companies and the obtaining from the Sinking Fund Commission proportionate concurrent insurance upon any building shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars or imprisonment not less than ten nor more than thirty days.

§ 1 61k. Notice of Alteration in Policy by Old Line Companies to Be Sent Commission Immediately.—That it shall be the duty of every School Trustee or School Commissioner or school official or officials receiving from any old line insurance company any notice concerning the cancellation of or substitution for any of said old line insurance company policies running concurrent with the Sinking Fund Commission policy as hereinabove provided any notice concerning any increase of premium thereon, or increase of the value of any school property carried therein at once to mail under immediate delivery postage stamp a correct copy of such notice to the secretary of the Sinking Fund Commission and promptly and at all times to furnish him any information and render him any aid in their power to carry out the provisions of this Act.

§ 17611. Commission to Be Notified of Refusal or Failure of Old Line Companies to Insure School Building—Commission May Insure for Full Amount and Reinsure in Old Line Company.—That whenever the insurance to be carried concurrently and proportionately by the said old line insurance companies and the Sinking Fund Commission, as provided in this Act, on any school buildings of brick or reinforced concrete construction and the contents thereof, which are in an insurable condition, cannot be so placed concurrently and proportionately by reason of the old line insurance company or companies refusing or failing to accept and issue policy or policies for the amount of such concurrent insurance apportioned to them under this Act, then the said school official or officials whose duty it is to obtain such insurance shall notify the Sinking Fund Commission in writing of the said failure or refusal of the said old line company or companies to accept and issue insurance policy or policies for such insurance apportioned and offered to them and at the same time to send to the Sinking Fund Commission an application in writing directed to the secretary of the Commission, at Columbia, S. C., requesting the Sinking Fund Commission to issue a policy or policies carrying the full amount of insurance to be carried on the building and contents thereof, and the Sinking Fund Commission, upon payment as herein provided of all premiums due therefor, may issue a policy or policies carrying of said insurance and reinsure in one or more old line insurance companies

licensed to do business in this State, the percentage thereof which under the Act would have been apportioned to the said old line insurance companies.

Acts. 1916.

Civ. '02, § 1218; 1896, XXII, 165.

§ 1762. Fund for Public School Buildings.—The County Boards of Education of the various Counties of this State are authorized to annually set aside an amount equal to five per cent. of the entire public school funds of their respective Counties, which said amounts shall be used by the said County Boards of Education for the purpose of encouraging and aiding in the construction of adequate public school buildings in their respective Counties.

1905, XXIV, 905; 1910, XXVI, 628.

§ 1763. Additions to Funds.—When the friends, patrons or trustees of any public school in any school district in any County in this State shall raise by private subscription, special tax, regular tax, sale of old buildings, issuing bonds, or otherwise funds for building a school house in such district, the County Board of Education of such County shall turn over to the trustees of such school, from funds set aside for such purpose hereunder fifty dollars (\$50) for each one hundred dollars (\$100) so raised by such friends, patrons or trustees for constructing such school building: **Provided**, No one school shall receive more than three hundred dollars (\$300) under the provision herein: **Provided**, That in the case of the consolidation of two or more schools an additional bonus of fifty dollars (\$50) may be granted: **Provided**, further, That no more than one school in any one district, in any one year shall receive such aid.

1905, XXIV, 905; 1910, XXVI, 628.

§ 1764. Consolidated Districts to Have Preference.—County Boards of Education shall give the preference to School Districts which have combined and consolidated two or more school buildings.

1905, XXIV, 905.

§ 1765. Must Comply With Plans of the State Board of Education.—Any School District availing itself of the provisions herein shall comply with the plans and specifications approved by the State Board of Education.

1905, XXIV, 905.

§ 1766. Approval of County Board Necessary.—No School shall receive aid under the provisions herein without the approval of the County Board of Education.

1905, XXIV, 905.

§ 1767. How Funds Paid Out.—The funds provided for herein above shall be paid out by the County Treasurer only upon the warrant of the County Board of Education, countersigned by the County Superintendent of Education, and any funds not used by the end of the year shall revert back to the general school fund of the respective Counties.

1905, XXIV, 905.

§ 1768. Tax Returns.—The County Auditor shall require each taxpayer to return the number and name of the school district in which he resides when he makes his tax return, and the Auditor shall state the name in a separate column in the tax duplicates.

* Civ. '02, § 1219; 1896, XXII, 165.

§ 1769. Poll Tax, etc., to Be Reported.—The County Auditor, when

has completed the tax duplicates, shall report to the County Superintendent of Education, by school districts, the names listed for poll tax, and the amount of taxable property where there is a special levy.

Civ. '02 § 1220; 1896, XXII 165.

§ 1770. **Poll Tax Retained in the County.**—The several County Treasurers shall retain the poll tax collected in their respective Counties; and it is hereby made the duty of the said Treasurer in collecting the poll tax to keep an account of the exact amount of said tax collected in each school district in his County, and the poll tax collected therein shall be expended for school purposes in the school district from which it was collected; and any violation of this Section by the County Treasurer shall constitute, and is hereby declared, a misdemeanor, and on conviction thereof the said County Treasurer shall pay a fine of not more than five hundred dollars, to be used for school purposes in the County suffering from such violation, or imprisonment, in the discretion of the Court.

Civ. '02, § 1221; 1896; XXII 165.

§ 1771. **County Treasurer to Report Who Have Paid Poll Tax.**—Each County Treasurer, when he has finished the collection of taxes for his County, shall report to the County Superintendent of Education the names of the persons in the respective school districts who have paid their poll tax.

Civ. '02, § 1222; 1896, XXII 165.

§ 1772. **Treasurer to Make Monthly Reports to County Superintendent of Education.**—It shall be the duty of each County Treasurer to report monthly, on the fifteenth day of each month, to the County Superintendent of Education of his County the amount of collections and disbursements made by him for the month on account of school tax and all other school funds; and it shall be a misdemeanor on the part of any County Treasurer to neglect, fail or refuse to make such report, and on conviction thereof he shall pay a fine of not more than five hundred dollars, the same to be used for school purposes in his County.

Civ. '02 § 1223; 1896, XXII 165.

§ 1773. **Moneys—How Disbursed.**—All moneys disbursed by any County Treasurer on account of school funds, taxes or other school funds shall be paid on the order of the Board of School Trustees, countersigned by the County Superintendent of Education, or as otherwise directed by law.

Note. Distinction between countersigning, and drawing a warrant on school funds, ex parte, Board of Commissioners Florence Graded School, In Re McDuffie, School Commissioner, 43 S. C. 11.

Civ. '02 § 1224; 1896, XXII, 165.

§ 1774. **County Treasurer to Make a Report to State Superintendent.**—Each County Treasurer shall make out and forward to the State Superintendent of Education annually, on the first day of November, a certified statement showing (by school districts) the amount of poll tax and the amount of all other school taxes collected by him for the fiscal year ending on the 31st day of December next preceding; and should any County Treasurer fail or neglect or refuse to make and forward the statement as herein required, the State Superintendent of Education shall make a written complaint to the Circuit Solicitor for the County in which the said Treasurer resides, who shall prosecute the said County Treasurer for the same, and on conviction thereof he shall be subject to a fine not more than five hundred dollars, the same to be used for free public school purposes in his County.

Civ. '02, § 1225; 1896, XXII, 165.

§ 1775. Unexpended Balances to Be Carried Forward.—The County Treasurer shall carry forward all sums in his hands collected for any previous year or years for school purposes, and unexpended, to the next fiscal year, and credit the same to the school district respectively for which it was apportioned, and he shall report the same to the County Superintendent of Education.

Civ. '02, § 1226; 1896, XXII, 165.

§ 1776. Unlawful for Certain Officers to Discount Teachers' Pay Certificates.—It shall be unlawful for any County Treasurer, County Auditor, member of County Board of Education, or School Trustee to buy, discount or share, directly or indirectly, or be in any way interested in any teacher's pay certificate or other order on school fund, except such as are payable to him for his own services, or for any school Trustee to make any contract, or be pecuniarily interested, directly, in any contract with any school district of which he is Trustee.

Civ. '02, § 1227; 1900, XXIII, 366.

Note. See Crim. Code for penalty for violation of this Section.

§ 1777. Trustees to Regulate the School Terms—Contracts of Trustees.—The County Board of Education shall regulate the opening and closing of the school terms so as best to promote and subserve the educational interests of the different sections of their Counties: **Provided**, That all contracts which Boards of Trustees may make in excess of the funds apportioned to their districts shall be void. And no teacher shall be employed by a Board of Trustees of any school district who is related to a member of the Board by consanguinity or affinity within the second degree, without the written approval of the Board of Education of the County, nor unless a majority of the parents or guardians of the children attending the school for which such teacher is employed requests such employment in writing.

Civ. '02, § 1228; 1900, XXIII, 366.

Note. Contracts in excess of funds are void, being beyond the power of the trustees, *State v. Bowman*, 66 S. C. 153.

A petition should be signed by the parent as desiring the employment of a relative of a trustee as teacher and the approval of the County Board of Education should be endorsed thereon. *Atty. Gen. op. 1905, p. 65.*

The term "second degree" includes persons related as uncle and nephew or niece, first cousins and those nearer. *Atty. Gen. op. 1904, p. 42.*

After the petition, nomination or request in writing is submitted, it is for the trustees to elect or not as they see proper. *Atty. Gen. op. 1903, p. 1075.*

§ 1778. Age of Attendance.—It shall not be lawful for any person who is less than six or more than twenty-one years of age to attend any of the free public schools of this State.

Civ. '02, § 1229; 1896, XXII, 170.

Note. Since the passage of the Act of 1913, permitting trustees to establish free kindergartens, this Section has been modified to the extent of allowing children under six years of age to attend kindergartens established under the Act. *Atty. General.*

§ 1778a. Kindergarten Schools Established.—Any County Board of Education throughout the State, upon recommendation of district trustees, whether known by that name or another, whether created by general or

special Act, shall have power to establish and provide for kindergartens for the education of the children of not less than four years of age within their respective jurisdictions, but no child under the age of six years shall be counted in the average attendance of any public school district when public school funds are to be apportioned to the several school districts.

§ 1778b. Said kindergartens, when so established, shall be a part of the free common school system of this State and all funds now available, or which may hereafter become available, for the maintenance of said system, and all other funds which may come into the hands of said Boards of Education for educational purposes shall be available, in due proportion, for the establishment and maintenance of said kindergartens.

§ 1778c. **Equipment of Teachers.**—No teacher or instructor shall be employed to teach in the kindergartens of this State who has not taken at least a two years' course in kindergarten training and received a certificate or diploma from a recognized kindergarten normal training school approved by the State Board of Education.

§ 1778d. **Counties Excepted.**—All laws and parts of laws in conflict with this Act be, and the same are hereby, repealed: Provided, however, That the terms of this Act shall not apply to the counties of Sumter, York, Greenwood, Bamberg, Abbeville, Saluda, Lee, Aiken, Jasper, Chesterfield and Williamsburg.

Acts 1913.

§ 1779. **State and County Boards and Trustees Exempted from Militia Duty.**—The members of the State Board of Education appointed by the Governor, members of the County Boards of Education appointed by the State Board of Education and members of the Board of Trustees shall be exempt from militia duty.

Civ. '02, § 1230; 1896, XXII, 170; 1901, XXIII, 638.

Note. School trustees and teachers employed in public schools are exempted from liability to work on the public roads, 24 Stats. 874.

See Crim. Code for penalty for members of County Boards of Education and school trustees attempting to act after expiration of their term, or removal from office; and for teachers acting as agent for school books.

§ 1780. **Mixed Schools Unlawful.**—It shall be unlawful for pupils of one race to attend the schools provided by Boards of Trustees for persons of another race.

Civ. '02, § 1231; 1896, XXII, 170.

Note.—Flood vs. News and Courier Company, 71 S. C. 112.

§ 1781. **Scholastic Year.**—The scholastic year shall begin on the first day of July of each year and end on the thirtieth day of June following.

Civ. '02, § 1232; 1896, XXII, 170.

§ 1782. **Public Schools to Be Kept Open Three Months.**—The free public schools of the State shall be kept open and the exercises thereof continued, in each school district in the State, for a period of at least three months in each and every year.

Civ. '02, § 1233; 1899, XXIII, 112.

§ 1783. **Appropriation to Increase School Terms.**—Not less than the sum of sixty thousand dollars be appropriated annually for the purpose of increas-

ing the average length of the free school term in this State in accordance with and by authority expressed in Section 6, Article XI, of the Constitution of 1895.

1910, XXVI, 791.

§ 1784. **Same.**—No more than one hundred dollars shall be appropriated to any one school in any one scholastic year, but no school now running for a period of one hundred days or more, or hereafter to run a period of one hundred days or more, out of funds accruing to said schools from the regular school funds shall receive aid from this appropriation. And no school shall receive aid under authority of this Section unless the district in which said school is located does now or hereafter, shall first levy, in accordance with law, at least two mills special school tax.

1910, XXVI, 791.

§ 1785. **Same.**—Schools running less than one hundred days, as provided herein, may receive aid from this fund in amounts equal to the amounts raised by special taxation, not to exceed one hundred dollars for any one school.

1910, XXVI, 791.

§ 1786. **Same.**—Funds appropriated under the terms of this Section shall not become available in any school district except upon petition of the Board of Trustees of the school district asking aid, approved and countersigned by the County Superintendent of Education for the county in which the district is located.

1910, XXVI, 791.

§ 1787. **Same.**—The State Superintendent of Education may refuse aid under the provisions of this section if it is made to appear to him that the expenditure would be unwise and detrimental to the interest of free school education in said district.

1910, XXVI, 791.

§ 1788. **Same.**—The State Superintendent of Education, with the State Board of Education, shall provide rules and regulations for the distribution of this fund, and shall advise such regulations to the various County Superintendents of Education, who, in turn, shall advise the various district trustees.

1910, XXVI, 791.

§ 1789. **Same.**—Applications must be filed in order of their receipt, and paid or refused in the same order.

1910, XXVI, 791.

§ 1790. **Annual Capitation Tax on Dogs.**—There shall be imposed and assessed on all dogs in this State a capitation tax of fifty cents annually on each dog, except in the county of Horry, where said capitation tax shall be one dollar, the proceeds of which shall be expended for school purposes in the several school districts in which it is collected.

1909, XXVI, 88.

§ 1792. **Acts Creating Special Graded School Districts Not Repealed—Annual Reports—Special Tax and Tuition.**—Nothing contained in this Article shall be construed to repeal the Acts of the General Assembly creating special and graded school districts, and the provisions of said Acts shall apply to said school districts: **Provided,** That the Trustees of said school districts and Commissioners of the city schools of Charleston shall make annual reports to

the State Superintendent of Education in such form and at such time as he shall prescribe: **Provided, further,** Whenever under the provisions of law any school district or municipal corporation is authorized to levy a special tax for the support of public schools therein, any person not a resident of said school district or municipal corporation shall be entitled to a credit upon fees for the tuition of his or her children by the amount of such special tax paid by such person.

Civ. '02, § 1238; 1899, XXII, 514.

§ 1793. **Text-Books Provided at Cost—Funds—Depositories, etc.**—The County Boards of Education of the several Counties of this State are hereby authorized and required to set aside from the public school funds of their respective Counties an amount, not exceeding five hundred dollars, for the purpose of providing the pupils attending the free public schools of their Counties with school text-books at actual cost or exchange prices. The amount so set aside from the school fund shall be paid to the County Superintendent of Education by the County Treasurer out of the unappropriated general school funds in his hands, on the warrant of the said County Board of Education, and shall be and remain a permanent fund in the hands of the County Superintendent of Education, to be used in purchasing and keeping on hand school text-books for sale to pupils attending the free public schools of his County for cash, at actual cost or exchange prices, and to be used for no other purpose and in no other manner; and the places where said school text-books are kept and sold shall be deemed depositories, under control of the State, as provided in the seventh article, or provision in the seventh article, or provision in the contract made in 1893 with the publishers of school text-books. That the County Superintendent of Education in every County in the State be, and is hereby, required to keep his office open each day of the week prior to the time appointed for school to open in his County, and for one week immediately thereafter, and for at least one day in each week during the remainder of the school term, for the convenience of those wishing to purchase books: **Provided,** That in the Counties of Charleston, Chesterfield, Edgefield, Kershaw, Lancaster, Laurens, Greenwood, Lexington, Richland, the County Boards of Education are hereby authorized and empowered, but not required, to carry out the provisions of this Section: **Provided, however,** That nothing herein shall prevent the keeping of said depository in some other place than the office of the Superintendent of Education, if in his judgment it is the best to do so.

Civ. '02, § 1239; 1897, XXII, 428; 1898, XXII, 762; 1902, XXIII, 1020; 1903, XXIV, 6; 1905, XXIV, 837; 1907, XXV, 481; 1908, XXV, 1123.

§ 1794. **School Trustees May Purchase Books for Certain Pupils.**—Whenever it shall be made to appear to the satisfaction of the Trustees of any school district that any patron of such school is unable by reason of poverty to purchase the necessary books for the use of his or her child or children, then in such case the Trustees of such school district may, in their discretion, purchase such necessary books for such pupils, and furnish the same to pupils under such regulations as the Trustees may prescribe: **Provided,** The sum so expended for the purchase of said books shall not exceed the sum of 5 per cent. of all the school fund of said district in any one year: **Provided, further,** That the books so purchased shall be the property of such public school district and must be returned to the Board of Trustees at the end of each term.

1902, XXIII, 1020.

§ 1795. **School Book Depositories.**—The County Superintendents of Education in the several Counties of this State are hereby authorized and required

to select and secure a reliable merchant, postmaster or other reliable person in each Township in each County, with whom there shall be deposited a sufficient number of school books for sale for schools in the Township, a not exceeding ten per cent, above first cost; and that accurate account thereof shall be kept by the said County Superintendent with each depository.

1905, XXIV, 877.

§ 1796. **Fund for Free Library.**—Whenever the patrons and friends of a free public school shall raise, by private subscription, and tender to the County Treasurer, with the approval and endorsement of the school Trustees of such school district, for the establishment of a library to be connected with the said school, the sum of ten dollars, the County Board of Education shall appropriate from the money belonging to the school district asking for the library, the sum of ten dollars for this purpose (together with ten dollars from the general County school fund) for a suitable bookcase which shall be approved by the County Board of Education.

1904, XXIV, 391; 1905, XXIV, 877; 1908, XXV, 1024.

§ 1797. **How Money to be Paid.**—As soon as the County Board of Education of any County shall have made an appropriation for a library in the manner prescribed, the County Superintendent shall inform the Secretary of the State Board of Education of the fact, whereupon the said State Board of Education shall remit the County Superintendent the sum of ten dollars for the purchase of books for said library. Upon the receipt of this money the County Superintendent shall deposit the same with the County Treasurer and shall issue to the person or persons appointed to select the books, a warrant on the County Treasurer for the amount secured by private subscription, by appropriation from the County Board of Education, and by the State Board of Education.

1904, XXIV, 391; 1905, XXIV, 877.

§ 1798. **Selection of Books.**—The local Board of Trustees is hereby appointed to select the books and shall select such books as they may deem best suited for such purpose, and file with the County Superintendent of Education vouchers for the whole amount received: **Provided,** That no vouchers shall be valid except for books, book-cases, and transportation charges. **Provided, further,** That such purchases shall be from a list furnished by the State Board of Education, which the said State Board shall adopt "books for libraries" under the law and rules governing the adoption of text-books and shall make rules for the governing of said libraries.

1904, XXIV, 391; 1905, XXIV, 877.

§ 1799. **Preservation of Books.**—The Trustees of every library shall carry out such rules and regulations for the proper use and preservation of the books as may be enjoined by the State Board of Education, and shall make provisions for having all books, when not in circulation, kept under lock and key.

1904, XXIV, 391; 1905, XXIV, 877.

§ 1800. **Exchange of Libraries.**—The Trustees of two or more libraries may by agreement exchange libraries: **Provided,** That no exchange shall be made oftener than once in six months, and no part of the expense of exchanging libraries shall be borne by the public.

1904, XXIV, 391; 1905, XXIV, 877

§ 1801. **Appropriation.**—That the sum of five thousand dollars be an

nually appropriated to be expended by the State Board of Education, under the provisions of Section 1796.

1904, XXIV, 391; 1905, XXIV, 877

§ 1802. Number of Schools Entitled to Benefit.—Not more than twenty-five schools in any County shall be entitled to the benefits of Section 1796. The schools receiving this benefit shall be decided by the County Boards of Education: **Provided**, That the State Board of Education, after having set aside enough of this appropriation to meet the needs and demands of the schools, may use the balance to pay transportation, drayage and other necessary expenses in the circulation of any traveling libraries which may be donated or loaned to the State, and also for any traveling cabinets of museum specimens which may be furnished under similar terms: **Provided, further**. That any additional balance may be used for prizes for rural school improvement, under such terms and rules as the State Board of Education may arrange with the State School Improvement Association.

1904, XXIV, 391; 1905, XXIV, 877; 1908, XXV, 1024.

§ 1803. Enlargement of Libraries.—Whenever the patrons or friends of any free public school in which a library has been established under the provisions of the laws of this State, shall raise, by private subscription, and tender the Treasurer of the County School Fund, the sum of five dollars for the enlargement of the library, the County Board of Education shall appropriate from the money belonging to that school district the sum of five dollars, and the State Board of Education shall remit to the County Superintendent of Education the sum of five dollars. The money thus collected and appropriated shall be used for the enlargement of libraries already established, under the same rules and restrictions as govern the establishment of new libraries: **Provided**, No appropriation shall be made for the purpose of enlarging any established library where the same will prevent or interfere with the establishing of a new library.

1905, XXIV, 879.

§ 1804. Unlawful to Use Condemned Books.—In all schools and colleges within this State which are supported in whole or in part from the free school funds, it shall be unlawful to use any text-book which has been condemned or disapproved by the State Board of Education.

Civ. '02, § 1240; 1898, XXII, 763.

§ 1805. Old School Claims Paid.—All persons holding school claims against any County of this State which are unpaid are hereby permitted and allowed to prove and establish the same before the County Superintendent of Education, the County Treasurer and County Auditor of said County.

If said claims are declared valid and binding obligations by said County Superintendent of Education, Auditor and Treasurer against the school district for which they are issued, the County Treasurer of said County is hereby authorized and directed to pay any of said claims declared valid out of the first money coming in his hands as Treasurer belonging to the school district against which said claim or claims are established.

Civ. '02, § 1241; 1894, XXI 786; 1896, XXII, 122.

§ 1806. Officers Authorized to Borrow Money to Pay School Claims—Amount, Interest and Disbursement.—The County Treasurers, and the County Supervisors of the several Counties in this State be, and they are hereby, authorized and required upon the application of the County Boards of Education of the respective Counties to borrow, from time to time during any fiscal year, such sums of money as may be necessary to pay the school claims of

such Counties, not to exceed seventy-five per cent. of the amount reported by the County Auditors for schools for said fiscal year, at a rate of interest not exceeding the rate of seven per centum per annum, and to pledge the taxes to be collected for that purpose for the payment of the money so borrowed and the interest thereon: **Provided**, That all money borrowed shall be held and paid out by the County Treasurer as school funds and without extra commission.

1902, XXIII, 1019.

§ 1807. **Reserve Fund to Place Schools on Cash Basis.**—In any County in this State where the schools have not funds sufficient to pay all claims in cash, the County Board of Education may, at its discretion, direct the County Superintendent of Education to set aside from the school funds of the County, or any of the school districts, an amount annually of not exceeding ten per cent. of such funds, for so many years as may be necessary to create a sufficient fund to put the schools of such County of any of the school districts on a cash basis.

1902, XXIII, 1019.

§ 1808. **Reserve Fund—How Used and Maintained.**—Whenever said reserve fund reaches an amount sufficient to put said County or school district, as the case may be, on a cash basis, then said fund may be used for said purpose: **Provided**, That in each year during the time necessary to create such reserve fund, the County Superintendent of Education shall use the fund accumulated as a loan, without interest, to pay claims held by teachers to whom the pay certificates were originally issued, the funds so used to be replaced annually from taxes collected for school purposes.

1902, XXIII, 1020.

§ 1809. **Students of Public Schools to Observe Arbor Day.**—The free public schools of this State shall observe the third Friday in November of each year as Arbor Day, and on that day the school officers and teachers shall conduct such exercises and engage in the planting of such shrubs, plants and trees as will impress on the minds of the pupils the proper value and appreciation to be placed on flowers, ornamental shrubbery and shade trees.

Civ. '02, § 1242; 1898, XXII, 760.

§ 1810. **South Carolina Day to Be Observed.**—The public schools of this State shall observe Calhoun's birthday, the 18th of March, of each year, as "South Carolina Day," and on that day the school officers and teachers shall conduct such exercises as will conduce to a more general knowledge and appreciation of the history, resources and possibilities of this State: **Provided**, That if said day shall fall on Saturday or Sunday, that the Friday nearest to March 18th shall be selected: **Provided, further**, That if any school shall not be in session the said date, that the celebration may be held before the close of the term.

That the State Superintendent of Education shall suggest such topics or programmes as he may deem appropriate for the celebration of South Carolina Day.

1906, XXV, 22.

§ 1811. **Officers and Trustees of Certain Institutions to Report to State Superintendent.**—The Trustees, officers or persons in charge of all literary, scientific or professional institution of learning incorporated, supported or aided by the State, of all schools or private educational institutions, shall, on or before the fifteenth day of July in each year, make a report in writing to the State Superintendent of Education, of such statistics as the Superinten-

lent shall prescribe relating to the number of pupils and instructors, courses of study, cost of tuition and the general condition of the institution or school under their charge.

Blank Forms of Inquiry.—The Superintendent shall prepare blank forms of inquiry for such statistics, and shall send the same to every such institution or school on or before the 10th day of May in each year; and so much of said information as he may deem proper to be incorporated in his annual report.
Civ. '02, § 1243; 1896, XXII, 172.

§ 1812a.—Districts May Establish High School—Any common school district or any aggregation of adjoining districts within the State may establish a high school in the manner and with the privileges herein given.

§ 1812b. Trustees May Establish High School—Proviso.—The trustees of any common school district or of any aggregation of adjoining districts may establish a high school: **Provided**, That such high school meet all the requirements of this Act and the regulations of the State Board of Education.

§ 1812c. Board of Trustees.—If a single common school district establish a high school, the board of trustees of that district shall be the high school board of trustees; and if any two or more districts establish a high school, the board of trustees of the district in which the high school is located, together with the chairman or chairmen of the other district or districts shall constitute the high school board of trustees.

§ 1812d. High Schools in Being May Claim Benefit of Act.—Any public high school already established may claim the privileges of this Act: **Provided**, That it conforms to the requirements of this Act and the regulations of the State Board of Education: **Provided, further**, That nothing in this Act shall be construed to repeal any of the privileges granted them in the special Acts of the General Assembly.

§1812e. Powers of State Board of Education.—The State Board of Education shall have full authority to prescribe all such regulations as may not be inconsistent with this Act, to provide for the inspection and classification of the high schools under this Act, to make regulations for the appointment and disbursement of the State appropriation under this Act, and to pay out of the State appropriation the traveling expenses of a high school inspector.

§ 1812f. Conditions of Appropriation.—No high school shall receive an appropriation under this Act, unless it has as many as two teachers in the high school department, and an enrollment of at least twenty-five high school pupils: **Provided**, That not more than \$500 annually may be given to a high school with two teachers, nor more than \$600 to a high school with three teachers, nor more than \$700 to a high school with four teachers or more: **Provided**, however, That additional appropriations may be made for the attendance of high school pupils from outside the high school territory and for meritorious work in agriculture, manual training and domestic science.

§ 1812g. Special Tax Prerequisite.—No part of the appropriation under this Act shall be given to any high school, unless the district or districts comprising the high school district are levying or shall levy a special tax of not less than four mills, levied and collected as a general school tax, a high school tax, or both.

§ 1812h. Teacher Training Courses—Provisos.—The State Board of Education is hereby authorized to establish and maintain not more than five teacher-training courses of one year in length in as many approved high schools, for the purpose of giving training to elementary teachers: **Provided**,

That not more than one such course be established in any one county, and not more than one thousand (\$1,000.00) dollars be expended in any one school for such course: **Provided, further,** That no such training course shall be maintained with an enrollment of fewer than ten persons, none of whom shall be less than seventeen years of age, and no tuition fees shall be charged of any teacher from any county.

§ 1812i. **Appropriation—Proviso**—The sum of thirty-five thousand dollars (\$35,000.00) to cover the six months from July, 1916, to December 31, 1916, as provided in the General Appropriation Bill for 1916, and the sum of eighty thousand dollars for each year thereafter, be, and the same is hereby appropriated to carry out the provisions of this Act, and the Comptroller General is hereby authorized to draw warrants upon the State Treasurer for such amounts, upon the order of the State Board of Education, duly signed by the State Superintendent of Education, as secretary: **Provided,** That every high school receiving aid under this Act shall enroll free of charge any high school pupil in the county where the school is located, or of any adjoining county.

§ 1812j. **Certain Sections of Code Repealed.**—Sections 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, and 1835 of the Code of nineteen hundred and twelve and all other Acts or parts of Acts in conflict with this Act, are hereby repealed.

Acts, 1916.

§ 1813a. **Appropriation for Teaching of Agriculture.**—To promote the teaching of agriculture in the public schools, there is hereby annually appropriated out of the State Treasury five thousand dollars (\$5,000.00), to be expended as hereinafter provided by the State Superintendent of Education, in consolidated schools doing practical class room and field work in agriculture.

1813b. **How Districts May Receive Benefits of Act—Teacher—Duties.**—Whenever the Boards of Trustees of three or more school districts shall raise from regular funds, local taxes, private subscriptions, or otherwise, and shall deposit with the County Treasurer not less than \$750.00 to be expended by the County Board of Education upon their warrant, duly approved by the County Superintendent, for the teaching of agriculture in their respective districts, such group of districts shall be entitled to \$750.00 from the State. All funds raised by the respective Boards of Trustees, or supplied by the State, shall be used to pay the salary of a trained teacher of agriculture, who shall do classroom instruction, field work on the school farm, school garden or school orchard, or in any other line of agricultural teaching needed in the territory composing the districts. Such trained agricultural teacher may serve as Superintendent or Principal of the group of co-operating schools, shall reside during the twelve months of the year in the territory he serves, shall possess all the scholarship requirements regularly demanded of other teachers, shall hold a valid certificate duly registered in the County Superintendent's office and shall be subject to the same supervision as other teachers in State aided schools. He shall make all reports required of public school teachers, and, in addition thereto, shall furnish such other special reports as may be required in his special field.

§ 1813c. **Term of Teacher's Service.**—Any such teacher of agriculture shall be employed jointly by the co-operating Boards of Trustees, the County Board of Education and the State Superintendent of Education. But any contract for the employment of such teacher shall require at least three years consecutive service and each such contract of employment shall be signed by

the legal representatives of the district, the County Superintendent's office, and the State Superintendent's office.

§ 1813d. **Requirements for Schools Under This Act.**—Any public school co-operating in this work shall have an enrollment of at least seventy-five pupils with a regular attendance of at least forty pupils, three teachers of the usual public school subjects, a term of seven months, a local tax of eight mill, a comfortable and sanitary building of at least three rooms, a school site of not less than two acres, the minimum equipment prescribed by the State Board of Education and shall use the text books and course of study regularly required of other public schools. The special lessons or course in Agriculture may be adapted to the community needs as recognized by the Agricultural teacher, and such teacher shall have full right and absolute freedom in the introduction and presentation of any additional lessons, bulletins, instructions, or other matter that may be furnished by the United States Department of Agriculture, the State Department of Agriculture, Clemson College or any other agricultural college or experiment station. All such modifications of the course of study shall be reported in writing to the County Superintendent of Education and to the State Superintendent of Education, and shall not be continued in any school over the disapproval of the State Board of Education.

§ 1813e. **Enrollment of Pupils.**—Any school receiving State aid for agricultural teaching shall enroll free of charge any pupil, fourteen years of age or upward, desiring to pursue such a course and possessing sufficient knowledge of the elementary public school subjects to enable him, in the opinion of the agricultural teacher, to do this work with advantage. Schools receiving aid for agricultural work shall not be ineligible to share in the State appropriations for term extension, rural graded schools or high schools.

§ 1813f. **Certain Aid May Be Sought.** In the furtherance of this work, District, County and State school officers may invite the co-operation, advice and inspection of Clemson College, the Farm Demonstration forces, the State Department of Agriculture, or the United States Department of Agriculture, and the basis for this co-operation shall be determined by all the agencies interested.

§ 1813g. **Text Book.**—The State Board of Education is hereby authorized to adopt a textbook on agriculture to be taught in all other schools not provided for in this Act.

§ 9. **Immediately Effective.**—That this Act shall take effect immediately upon the signature of the Governor.

Acts, 1916.

§ 1814a. **School Attendance Required.**—From and after the first day of July, one thousand nine hundred and fifteen, every parent, guardian or other person, temporarily or permanently, residing in the State of South Carolina having charge or control of a child or children between the ages of eight and fourteen years, shall cause such child or children to attend the local public school in the district in which he resides, continuously for the entire school term of each year, except as hereinafter provided. This period of compulsory attendance shall commence at the beginning of the school term nearest to the eighth birthday of such child, and shall cover the compulsory period of six consecutive school years thereafter. This period of compulsory attendance for each public school shall commence at the beginning of the school term of said school unless otherwise ordered by the County Board of Education in writing; in case of towns or cities of two thousand or more inhabitants, ac-

ording to the preceding Federal census, by the Board of Trustees of the public schools of said towns or cities with the approval in writing of the County Superintendent of Education. Continuous attendance upon some other public school or upon some private church school taught by competent teachers may be accepted in lieu of attendance upon the local public schools: **Provided**, That said period of continuous attendance upon such other school shall be for at least as long as the public school term each year: **Provided, further**, That any private school or church school receiving for instruction pupils between the ages of eight and fourteen years shall be required to keep such records of attendance of such children and to render such reports of same as are hereinafter required of public schools; and attendance upon such schools refusing or neglecting to keep such records or to render such reports shall not be accepted in lieu of attendance upon the local public schools of the said town, city or district where the child shall be entitled to attend: **Provided, further**, That the compulsory school term in all agricultural districts shall be four months or the full term if the school runs less than four months, said term to be fixed by the Board of Trustees of such district; and any child or children not engaged in work at home in such agricultural districts, must attend a full term. This four months' compulsory provision shall also apply to all children residing in agricultural districts and attending schools in any town located in such districts.

§ 1814b. **Special Cases Provided For.**—This Act shall not apply in any case in which the child's physical or mental condition, as attested by any legally qualified physician before the Board of Trustees having jurisdiction of the matter under this Act, renders his attendance impracticable or inexpedient, or in any case in which the child resides two and one-half miles or more by the nearest traveled route from the schoolhouse, or in any case in which, because of extreme poverty, the services of such child are necessary for his own support or the support of his parents, as attested by the affidavit of such parents and of such witnesses as the trustees of the district may require; or in any case in which said parent, guardian or other person having charge or control of the child shall show before the trustees of the district by affidavit of himself and of such witnesses as they may require, that the child is without necessary books and clothing for attending school, and that he is unable to provide the necessary books and clothing: **Provided**, That when books and clothes shall have been supplied by any means whatsoever the child shall no longer be exempt from this provision: **Provided, further**, That if the child lives two and one-half miles or more from the schoolhouse, and means of transportation is furnished, the said child, if otherwise eligible, shall be required to attend the said school under the provisions hereof, and it shall be the duty of the trustees of the school to provide, out of the public school funds, books for the use of such indigent pupil free of charge. The power of the Board of Trustees to suspend or expel any pupil shall not be curtailed by this Act, and children so suspended or expelled shall not be subject to the provisions of this Act during such period of suspension or expulsion: **And provided, further**, That the Board of Trustees of any school district may excuse temporarily any child from attendance, good and sufficient reasons being made to appear therefor; and in case any child is excused temporarily under the provisions of this Act, the said Board of Trustees shall reduce to writing the reasons for their action and the time the said child is excused.

§ 1814d. **Certain Absences Not Unlawful—Duties of Parents, Guardians, Superintendents, Teachers, Etc., in Regard to Absences.**—Every parent, guardian or other person in the State of South Carolina having charge or control of a child or children between the ages of eight and fourteen years shall cause such child to attend school as aforesaid: **Provided**, That occasional ab-

ance from attendance by said child, amounting to not more than four unexcused absences in four consecutive weeks, shall not be unlawful: **Provided, further,** That the superintendent, principal or teacher in charge of any school may excuse any child for temporary absence because of unusual storm or bad weather, sickness or death in the child's family, unforeseen or unavoidable accidents, and such excuse and reason therefor shall be recorded by said superintendent, principal or teacher in charge of the school reported to the trustees as hereinafter provided: **Provided, further,** That in case of protracted illness of any child whose attendance is required under this Act or in case of quarantine of the home in which the child resides, upon report of the health officer, or upon satisfactory evidence to this effect, the trustees shall excuse from attendance such child until he is fully restored to health or until the expiration of the time required by law that he shall stay out of school after quarantine has been raised.

§ 1814e. **Children Between the Ages of Fourteen and Sixteen Years.**—Every parent, guardian or other person in the State of South Carolina having charge or control of a child between the ages of fourteen and sixteen years who is not actually, regularly and lawfully engaged in some useful employment or service, or who cannot read at sight and write legibly simple sentences in the English language, shall cause such child to attend regularly some public school as aforesaid.

§ 1814f. **A Penalty for the Violation of This Act Provided—Notice by Trustees.**—Any parent, guardian or other person violating the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction, shall be liable to a fine of not less than two dollars for the first offense and not less than five dollars for any subsequent offense, nor more than twenty-five dollars in any case, and upon failure or refusal to pay said fine said parent, guardian or other person shall be imprisoned not to exceed thirty days in the county jail: **Provided,** That the fine for any first offense may, by order of Court, upon the payment of costs, be suspended and not collected until the same party is convicted of a second offense: **Provided, further,** That after the expiration of three days from the service of the notice by the trustees each and every day a parent, guardian or other person shall wilfully and unlawfully keep such child or children from school, or allow him to remain out of school, shall constitute a separate offense and shall subject said person to the penalties hereinafter prescribed.

§ 1814g. **Duties of the Board of Trustees—Census—County Board—Notice to Parent, Etc.—Record—Prosecution—May Enter Place of Business—Age of Child—Report—Census Clerk—Compensation.**—The following duties are hereby devolved upon the Board of Trustees of each school district: They shall take the census of children between the ages of six and twenty-one years, and shall keep the attendance records of their district. It shall be their duty to take an annual school census during the calendar months of July and August, and to furnish each superintendent, principal or teacher in charge of a school with an accurate report of said census of the district three days before the opening of the school and also to furnish at the same time a copy of the said school census of each district to the County Superintendent of Education: **Provided,** That in case the school census is not taken as herein directed, it shall be the duty of the County Board of Education so to do, and to meet the expense out of the funds of the district. The Board of Trustees shall serve written or printed, or partly written and partly printed, notices on every parent, guardian or other person violating the provisions of this Act; and prompt compliance on the part of the said parent, guardian or other person are hereby required. Prosecutions under this Act

shall be brought in the name of the State of South Carolina before any Magistrate or Recorder of any municipal Court within the limits of whose territorial jurisdiction the person prosecuted resides. The Board of Trustees shall have the right to visit and enter any office or factory or business house employing children for the purpose of ascertaining the names and ages of the children employed to facilitate the enforcement of this Act. When doubt exists as to the age of a child they may require of the employer a properly attested birth certificate or affidavit stating said child's age; they shall keep an accurate account of all notices served, of cases prosecuted, and of all other services performed, and shall make an annual report of same on or before July fifteenth of each year to the County Superintendent of Education: **Provided, further,** That the Board of Trustees of each school district is hereby vested with authority to employ a clerk or clerks, whose compensation shall not exceed three cents per capita for obtaining a census for each school district for each school term.

§ 1814h. Duties of Superintendents, Principals and Teachers—Record of Attendance—Reports—County Superintendent—When to Deduct from Teachers' Salary—Appeal.—It shall be the duty of all superintendents, principals and teachers to co-operate with the Board of Trustees in the enforcement of the law. To this end it shall be the duty of the superintendent, principal or teacher in charge of any school in which pupils between the ages of eight and fourteen years are instructed to keep an accurate record of the attendance of such pupils; to render during the period of compulsory attendance of each school term monthly reports of same to the Board of Trustees and the County Superintendent of Education, showing all absences, excused and unexcused, and in case of each excused absence, stating the reason therefor. Upon the willful or negligent failure of any superintendent, principal or teacher in charge of any school to comply with the provisions of this section, the County Superintendent of Education shall deduct from his other salary for the current month the sum of five dollars before approving the voucher therefor, and in case of a second offense on the part of any superintendent, principal or teacher the County Superintendent of Education is hereby forbidden to approve the salary warrant of said board, who may appeal from such action to the County Board of Education, and the decision of the said County Board of Education shall be final.

§ 1814i. Duties of the County Board of Education—Publication of Act—Notice of Opening of Schools.—It shall be the duty of the County Board of Education of each County to cause this Act to be published in full in some newspaper published in the county, if there is one, and if there is none, in circular form, and given the widest possible circulation at least four weeks prior to the opening of the schools for the school year, beginning July first, one thousand nine hundred and fifteen, and annually thereafter, if in their discretion it seems necessary. The Board of Trustees of any district, city or town shall give two weeks' public notice of the date of opening of any school under their jurisdiction by publishing said notice in a county newspaper or by posting said notice on the schoolhouse door.

§ 1814j. Adoption of Compulsory School Attendance Provided For—Notice of Length of Term—Filing—Clerk of Court—County Board of Registration—County Superintendent of Education—Duties—Election. When Ordered, Managers and Conduct Thereof.—The notice of any Board of Trustees giving the date of opening of any school or schools shall also state the proposed length of the term as nearly as practicable, and a copy signed by at least a majority of the Board of Trustees shall be filed at the date of issuance in the office of the County Superintendent of Edu-

In any district, aggregation of adjoining districts, this Act shall not take effect and become operative until, and unless, a petition signed by a majority of the qualified electors of such district, aggregation of districts, requesting the compulsory school attendance under this Act, be authorized in such territory shall have been submitted to the Clerk of Court. The said Clerk of Court shall examine such petition with special reference to the legibility of the names contained thereon, and after examination shall refer such petition to the County Board of Registration. Along with the petition, the Clerk of Court shall send his written statement showing that he has counted the names thereon and has found them to be so many (giving the number). Immediately upon receipt of the petition and the statement of the Clerk of Court, the County Board of Registration shall check such petition against the registration books of the county or of such number thereof as may be affected, and the said County Board of Registration shall certify its findings in writing to the County Superintendent of Education. Upon receipt of such certificate showing that such petition bears the signatures of a majority of the qualified voters of the territory affected, the County Board of Education shall forthwith declare the provisions of this Act of full force and effect in such territory. If such petition for any district or aggregation of districts is filed with the Clerk of Court, checked by the County Board of Registration, and certified to the County Superintendent of Education after the opening of any school or schools, the County Board of Education may fix the date for the beginning of the compulsory school attendance for that year; or the said County Board of Education may order such compulsory school attendance to begin at the opening of the next succeeding scholastic year. That where no such petition is filed, signed by a majority of the electors as herein provided, upon the filing of a petition signed by one-fourth of the qualified electors of such district or aggregation of districts, an election shall be ordered by the County Board of Education, submitting to the qualified electors of such district or aggregation of districts, the question of compulsory school attendance or no compulsory school attendance for said district or aggregation of districts: **Provided, further,** That the County Board of Education, in all school districts containing a town of a population of 1,500 or more inhabitants, upon the petition of a majority of the Board of Trustees, shall order such election. The said election shall be held at the schoolhouse, or schoolhouses, for white children, in the said district or aggregation of districts. The managers shall be appointed by the Board of Trustees of each district, and the said election shall be conducted in accordance with the rules governing general elections. The County Board of Education shall supply printed ballots, as follows: "Compulsory school attendance accepted," "Compulsory school attendance rejected," and if the majority vote in the said election "Compulsory school attendance accepted," then the provisions of this Act shall apply to the said district or aggregation of districts. The said election shall be held on the second Tuesday in June, one thousand nine hundred and fifteen, following the filing of the said petition or on the second Tuesday in June of any subsequent year. Any district omitting, failing or refusing to accept compulsory school attendance as herein provided, either by petition or by election, may adopt the provisions of this Act in any subsequent year, either by petition or by election as hereinabove provided.

§ 1814k. Provisions for Rules and Regulations as to Time, Place and Hours of Attendance — Approval — Revocation — County Superintendent — Appeal. — The Board of Education of each county, and in case of towns and cities of two thousand inhabitants, the Board of Trustees therein shall have power at any meeting to make such rules and regulations not in conflict with the provisions hereof as they may deem best with reference to the time,

place and hours for school attendance so as to secure the attendance of all children between the ages of eight and fourteen years upon the schools of the county as herein provided and such rules and regulations, when approved by the County Superintendent of Education, and posted at the courthouse door and at the door of each public schoolhouse in the territory affected thereby, shall have the force of law until, and unless, they have been revoked or appealed by the State Board of Education. The operation of such rules and regulations may be suspended by the State Superintendent of Education during the pendency of such appeal.

§ 1814l. No Tuition, Contingent, Matriculation, Incidental or Other Fee Allowed.—No tuition, contingent, matriculation, incidental or other fee of any kind shall be charged or collected for the attendance of any pupil upon any school in the common or public school department residing in this State adopting the provisions of this Act.

§ 1814m. Removal of Trustees from Office.—The County Board of Education shall have full power and authority to remove from office of any trustee, or Board of Trustees, neglecting, refusing or omitting to carry out the provisions of this Act, and to fill the vacancy thereby created on said Board in accordance with existing law.

§ 1814n. Effective July 1, 1915.—Inconsistent Acts Repealed.—This Act shall be in full force and effect from and after the first day of July, one thousand nine hundred and fifteen. All Acts and parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Acts, 1915.

§ 1815a. Supplementary Reading for Public Schools.—Whenever the Trustees of any public school district shall set aside from the funds of the district a sum of not less than five (\$5.00) dollars nor more than twenty-five (\$25.00) dollars for the purchase of supplementary reading material for the use of the school, or schools, of said district, the County Board of Education is authorized to appropriate from the general County Board fund a like sum for the same purpose. The County Superintendent shall then inform the State Superintendent of Education of his action and the State Superintendent shall be authorized to remit to the County Superintendent for the same purpose a like sum from the library appropriation or from any other unappropriated funds under his control. The County Superintendent shall deposit the funds thus appropriated and received with the County Treasurer and shall issue a warrant in payment for the supplementary reading material which may be purchased under this Act: **Provided**, That no district may participate in the benefit of this Act more than once during any scholastic year.

§ 1815b. Purchase of Books.—The purchase of supplementary reading material shall be made from a list approved and furnished by the State Board of Education. The Board of Trustees or teachers making the purchase shall send a list of the books bought to the County Superintendent and the State Superintendent.

§ 1815c. Books Loaned to Pupils.—The books purchased under this Act shall be kept in the school library and loaned to the pupils, in the discretion of the teacher, under such rules as may be adopted by the State Board of Education.

Acts, 1914.

§ 1816a. Annual Appropriation to Be Made for Rural Schools.—Not less than fifteen thousand dollars shall be appropriated annually for the purpose

of assisting rural school districts in the establishment, maintenance, and improvement of rural graded schools under the conditions and provisions of the following sections of this Act: **Provided**, That the amount hereby appropriated shall be expended from the sum appropriated under the terms of Term Extension Act of 1910, Act No. 431, page 791.

1911, XXVII, 924.

§ 1816b. **Certain Requirements for School to Be Entitled to Share in \$200 Appropriation.**—When any rural district in South Carolina shall levy and collect a special school tax of not less than four (4) mills, and when a school in such district employs two certified teachers for a school term of not less than six months, and when such school has an enrollment of not fewer than fifty pupils and an average daily attendance for the session of not fewer than thirty pupils, and when such school is taught in a comfortable and sanitary building provided with the minimum equipment prescribed by the State Board of Education, and when it uses a course of study and classification approved by the State Board of Education, it shall be entitled to receive State aid under this Act to the amount of \$200 per year.

1911, XXVII, 924.

§ 1816c. **Requirements for \$300 Appropriation.**—When any rural school district in South Carolina shall levy and collect a special school tax of not less than four (4) mills, and when such school employs three or more certified teachers for a school term of not less than seven months, and when such school has an annual enrollment of not fewer than seventy-five pupils and an average daily attendance for the session of not fewer than forty pupils, and when such school is taught in a comfortable and sanitary building provided with the minimum equipment prescribed by the State Board of Education, and when it uses a course of study and classification approved by the State Board of Education, it shall be entitled to receive State aid under this Act to the amount of \$300 per year.

1912, XXXII, 924.

§ 1816d. **Districts Prohibited.**—No district which receives State aid under the provisions of the High School Act or of the Term Extension Act shall receive aid under the provisions of this Act.

1912, XXVII, 924.

§ 1816e.—**May Convey Children to School.**—It shall be lawful for the School Trustees of a district to use the State aid obtained under the provisions of this Act to furnish public conveyance of children to the school when in the opinion of the trustees and the County Superintendent such action is wise and expedient.

1912, XXVII, 924.

§ 1816f. **State Superintendent of Education May Refuse Aid.**—The State Superintendent of Education may refuse aid under the provisions of this Act if it is made to appear to him that the expenditure would be unwise and detrimental to the interest of free school education in said district.

1912, XXVII, 924.

§ 1816g. **Rules and Regulations for Distribution of Funds.**—The State Superintendent of Education, with the State Board of Education, shall provide rules and regulations for the distribution of this fund, and shall publish

such regulations to the various County Superintendents of Education, who in turn, shall publish them to the various district trustees.

1912, XXVII, 924.

§ 1816h. Applications.—Applications must be filed in order of their receipt, and paid or refused in the same order.

1912, XXVII, 924.

Health

§ 1598. Inspection of Schools, etc.—Water Supply, etc.—Schools Closed during Epidemic.—It shall be the duty of the Board of Health as a body, or by committee, with the Health Officer, to make quarterly visits and inspections to all schools, seminaries or colleges (while in session) which are supported in part or entirely by public taxation, and examine and report on the sanitary condition of the same, the abatement and removal of garbage, refuse matter and nuisances which may prove prejudicial to the health of the pupils. They shall inquire into the purity of the water supply, the condition and efficient working of the drains, waste pipes, soil pipes and cesspools, the ventilation, lighting of the dormitories, lecture and study rooms of the buildings and the appliances in use for fire escapes. In case of the epidemic prevalence of contagions or infections, and in order to prevent the spread of the same, the Board of Health, by and with the consent of the City or Town Council, may order the schools, seminaries or colleges, in such town or city, partially or entirely supported by public taxation, closed until such times as they may deem it safe to reopen them. The Board of Health shall have the right to declare any epidemic or cause of ill health so injurious as to make it necessary to close any or all of the private schools in the limits of such city or town. Whatever sanitary conditions or evils shall be found by the Board of Health to exist in or around the public colleges, schools, etc., shall be reported by the Secretary of the Board of Health to the Trustees of the same, who shall take immediate steps to remedy the sanitary defects according to the rules and regulations prescribed by the Board of Health.

Civ. '02, § 1104; R. S. 964; 1883, XVIII, 793; 1894, XXI, 818.

§ 1607. Powers of School Authorities to Prevent Spread of Contagious or Infectious Diseases.—Any Board of Education, School Trustees, or any other body having control of any of the schools, may, on account of the prevalence of any contagious or infectious diseases, or to prevent the spread of any such disease, prohibit the attendance of any teacher or scholar upon any school under their control, and may specify the time such teacher or scholar shall remain absent, or they shall require a satisfactory certificate from one or more reputable practicing physicians that such attendance is no longer attended with risk to others attending school, and may also prohibit the entrance into or attendance at any school of all unvaccinated persons who have not had the smallpox. The said Board of Control or Trustees may also require vaccination of any or all teachers, scholars and attendants if a case of smallpox have occurred in the city or town.

Civ. '02, § 1110; R. S. 965; 1883, XVIII, 292, § 6.

Special Provisions as to Schools in Criminal Code

§ 575. **A Misdemeanor for Certain Officers to Discount Teachers' Pay Certificates.**—It shall be unlawful for any County Treasurer, County Auditor, member of County Board of Education, or School Trustee, to buy, discount or share, directly or indirectly, or be in any way interested, in any teachers' pay certificate, or other order on school fund, except such as are payable to him for his own services, or for any School Trustee to make any contract, or be pecuniarily interested, directly or indirectly, in any contract with any school district of which he is Trustee. If any of the officers aforesaid shall violate the provisions of this section, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine of not less than one hundred dollars nor more than five hundred dollars, to be used for school purposes in his county, and shall be imprisoned not less than three months nor more than twelve months, or either or both, and shall forfeit the amount of such claim or of his interest in such claim.

Crim. Code '02, § 418; R. S. 333; G. S. 2561; 1900, XXIII, 366; 1896, XXII, 150.

§ 576. **School Officers Prohibited from Being Agent for School Books.**—It shall be unlawful for any teacher of a school supported in whole or in part from the public school funds of this State, or any Trustee of any such school or any other school officer, to become an active or silent agent of any school book publisher, or be in any wise pecuniarily interested in the introduction of any school book or books into any school in this State. Any person violating any of the provisions hereof shall, upon conviction thereof, be deemed guilty of a misdemeanor, and be subject to a fine of not less than one hundred dollars or imprisonment in the county jail for a period of not less than thirty days, or both, at the discretion of the Circuit Judge.

Crim. Code '02, § 419; 1896, XXII, 170.

§ 577. **County Superintendents of Education to Apportion School Funds Monthly among School Districts.**—Within ten days after the County Treasurer makes his monthly report to the County Superintendent of Education, showing the amount of money collected by him since his last monthly report, it shall be the duty of the County Superintendent of Education to apportion the money arising from a tax on property as shown by the Treasurer's report among the school districts of his county and to certify such apportionment to the County Treasurer, together with the poll tax belonging to each district as shown by said report; and it shall be the duty of the County Treasurer to enter upon his book to the credit of each school district the amount due each district according to such certificate of apportionment, and the County Treasurer shall pay out the money belonging to the respective districts, upon the school warrants of such districts, duly signed and countersigned by the school authorities, for that scholastic year in the order of their presentation, provided that there be no outstanding claims of the previous scholastic year; and the Comptroller General shall receive the warrants thus paid as proper vouchers in the hands of the County Treasurer.

The failure or refusal of a County Superintendent of Education or a County Treasurer to comply with the foregoing provisions, or any of them, shall constitute a misdemeanor, and upon conviction thereof he shall be subject to a fine of not more than one hundred dollars, or imprisonment in the county jail for not more than thirty days.

Crim. Code '02, § 420; 1898, XXII, 761.

§ 578. **Treasurer Not to Demand Commission on School Funds.**—Any County Treasurer who shall demand or receive any commissions for paying out the school funds paid out by him from the person charged with receiving them, or shall charge any person commission on the same, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than fifty dollars for each such offense or be imprisoned for a period not less than three months.

Crim. Code 1902, § 421; G. S. 2563; R. S. 334; 1876, XVI, 165.

§ 580. **Treasurer to Keep Amount of Poll Tax—Penalty.**—The several County Treasurers shall retain all the poll tax collected in their respective counties; and it is hereby made the duty of the said County Treasurer, in collecting the poll tax, to keep an account of the exact amount of said tax collected in each school district in his county; and the city of Charleston, for the purpose of this section, shall be deemed a school district, and the County Treasurer shall pay over to the City Board of School Commissioners the amount of poll tax collected in said city; and the poll tax collected therein shall be expended for school purposes in the school district from which it was collected; and any violation of this section by the County Treasurer shall constitute, and is hereby declared, a misdemeanor, and on conviction thereof the said County Treasurer shall pay a fine of not less than five hundred dollars nor more than five thousand dollars, to be used for school purposes in the county suffering from such violation, or imprisonment, in the discretion of the Court.

Crim. Code '02, § 423; G. S. 1021; R. S. 336; 1878, XVI, 581.

§ 581. **Treasurer to Report to School Commissioner.**—He shall, on the fifteenth day of each month, report to the School Commissioner of his county the amount of collections and disbursements made by him for the month on account of poll tax and all other school funds; and it shall be a misdemeanor on the part of any County Treasurer to neglect, fail or refuse to make such report, and on conviction thereof he shall pay a fine of not less than five hundred dollars, the same to be used for school purposes in the county.

Crim. Code '02, § 424; G. S. 1022; R. S. 337; 1878, XVI, 584.

§ 582. **Penalty for Neglecting to Report School Funds to Superintendent of Education.**—He shall make out and forward annually to the Superintendent of Education, on the first day of November, a certified statement showing, by school districts, the amount of poll and other school taxes collected by him for the fiscal year ending on the 31st day of October next preceding; and on failing, neglecting or refusing to make and forward such statement the State Superintendent of Education shall make a written complaint to the Circuit Solicitor for the county in which the said County Treasurer resides, who shall prosecute the said County Treasurer for the same; and on conviction thereof he shall be subject to a fine of five hundred dollars, the same to be used for free public school purposes in his County.

Crim. Code '02, § 425; G. S. 1023; R. S. 338; 1878, XVI, 584.

§ 583. **Auditor to Report Polls, etc.—Penalty.**—It shall be the duty of each Auditor to state, in a separate column, the school district in which the taxpayer resides. At the expiration of the time prescribed by law to receive returns he shall make out and forward to the Board of Trustees of each school district within his county a correct list of the polls returned from their respective districts. When the School Trustees have reported to him the names of all persons who have failed or neglected to make returns, it shall be his duty to enter upon his books the names of all persons thus reported to him, and he shall enter the names of said persons upon the tax duplicate

furnished the County Treasurer. And any Auditor failing to comply with either or all of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction before a Court of competent jurisdiction shall be fined in a sum of not more than one hundred dollars or be imprisoned for a term not exceeding thirty days.

Crim. Code '02, § 426; R. S. 339; 1890, XX, 718; 1891, XX, 1049; 1892, XXI, 18.

§ 585. Exercising Office of Examiner or Trustee after Removal.—If a member of any County Board of Examiners in any county of this State, or a Trustee of any school district, shall attempt to act or discharge the duties of either of said offices after he has been removed, or after his successor shall have qualified, he shall be deemed guilty of a misdemeanor, and after conviction be punished by a fine of not less than one hundred and one dollars or imprisonment for not less than thirty days, or both, at the discretion of the Court.

Crim. Code '02, § 428; G. S. 1024; R. S. 341; 1878, XVI, 584.

§ 586. Failure of School Commissioner or County Treasurer to Keep "General Cash Account."—The failure of any County School Commissioner or any County Treasurer of this State to keep a book of entry, in which shall be kept an account known as "general cash account," as required by law, shall be deemed a misdemeanor, and on conviction thereof he shall be subject to a fine of not less than two hundred dollars or imprisonment in the county jail for a period not less than six months.

Crim. Code '02, § 429; G. S. 342; 1892, XXI 81.

§ 586a. Teachers, Principals and Superintendents Required to File Reports.—Any teacher, principal or superintendent employed in the schools of this State, supported in whole or in part at public expense, shall file within two weeks after the close of the session of such school a full and accurate report, as now required by law. Any person neglecting, refusing or omitting to file such report when requested by the County Superintendent of Education shall be liable to the cancellation of his or her certificate to teach, and to a fine of not more than twenty-five dollars, to be imposed at the discretion of the County Board of Education.

§ 586b. Report to County Superintendent of Education.—Any and all private schools shall report to the County Superintendent of Education upon request therefor of the county wherein such school is located, the number of pupils receiving instruction, the number in regular attendance, the number of teachers employed, and such other facts as will show the grade and amount of educational work actually done in such private school. The management of such other private school neglecting, refusing or omitting to file such report within two weeks after the close of the regular session shall be subject to a fine of not more than twenty-five dollars.

§ 586c. County Superintendents to File Reports With State Superintendent of Education.—It shall be the duty of each County Superintendent of Education to file with the State Superintendent of Education within two months after the close of the scholastic year a full and accurate report of all the schools under his supervision. Any County Superintendent failing to make such report shall be guilty of a misdemeanor, and, upon conviction thereof in a Court of competent jurisdiction, shall be fined in the discretion of the Court in a sum not exceeding fifty dollars.

§ 586d. Cancellation of Certificates.—The cancellation of any certificate hereunder shall be reported to the State Board of Education, and may be re-

viewed on appeal taken within ten days after the decision of the County Board.

§ 586e. County Board Fund.—Any and all moneys collected hereunder shall be paid into the County Treasury, to be disbursed as a part of the County Board Fund, now authorized by law.

Acts, 1913.

Regulations of State Board of Education

Rule 1.—The Governor shall be Chairman, and the State Superintendent of Education Secretary of the Board.

Rule 2.—The Board shall meet at the call of the Chairman, or at the request of a majority of its members.

Rule 3.—The Secretary shall keep a record of the actions of the Board in a book provided for that purpose, which record shall be the only official record of its proceedings.

Rule 4.—The order of business shall be as follows: Calling to order, reading of minutes of the previous meeting, unfinished business, reports of Committees, report of the Chairman, report of the Secretary, and new business.

Rule 5.—All resolutions shall be reduced to writing by the mover, and likewise all amendments.

Rule 6.—A motion must receive a second before it can be entitled to consideration by the Board.

Rule 7.—The Chairman and the Secretary are authorized to fill all vacancies that may occur in the County Boards of Education, and to report their action to the Board at its meeting for its consideration.

Rule 8.—All vacancies in the office of County Superintendent of Education shall be filled by ballot, and a two-thirds vote of the members present shall be necessary to fill the vacancy.

Rule 9.—The Chairman and the Secretary are empowered to grant State certificates upon the presentation of diplomas from reputable colleges and universities in other states of as high rank as leading colleges of this State, such presentation to be accompanied by the scholastic record and teaching experience of the applicant, and all certificates shall be subject to confirmation by the State Board at its next meeting.

Rule 10.—After February, beginning in May, 1903, there shall be two county examinations for teachers' certificates each year, to be held in the spring and in the fall, and hereafter no teacher shall be employed in the public schools of this State who has not registered a certificate in the office of the County Superintendent of Education and submitted proof thereof to the board of trustees employing him.

Rule 11.—Every applicant for a county certificate shall stand a satisfactory written examination before the County Board of Education, on uniform questions prepared and furnished by the State Board, the examination to be held in all the counties on the same day, or he or she shall present to the County Board at least an A. B. or B. S. diploma from some reputable chartered college or university of this State, whose curriculum, standing, faculty and equipment have been examined and approved by the State Board of Education. A county certificate cannot be issued on a diploma or certificate secured in another state.

Rule 12.—Uniform examination questions shall be prepared and furnished by the State Board of Education for county examinations.

Rule 13.—There shall be three grades of Teachers' County Certificates—first grade, second grade and third grade.

Rule 14.—To obtain a First Grade Teachers' County Certificate, the applicant shall stand a written examination on questions prepared and furnished the County Board of Education by the State Board, and shall make a general average of not less than 80 per cent. and not less than 50 per cent. on any one branch.

To obtain a Second Grade Teachers' County Certificate the applicant shall stand a written examination on questions prepared and furnished the County Board of Education by the State Board, and shall make a general average of not less than 70 per cent. and not less than 45 per cent. on any one branch.

To obtain a Third Grade Teachers' County Certificate, the applicant shall stand a written examination on questions prepared and furnished the County Board of Education by the State Board, and shall make a general average of not less than 60 per cent. and not less than 40 per cent. on any one branch.

The County Board may, in each instance, impose oral tests in reading and language. In estimating for a second or a third grade certificate algebra need not be included; if it would be to the applicant's advantage it may be included.

Rule 15.—No person shall be permitted to take the examination who is not at least eighteen years of age, and before taking an examination each applicant shall satisfactorily pass such oral tests in reading and language as the Board may impose.

Rule 16.—A First Grade County Certificate may be renewed by the County Board from which it was issued. If, however, a Teachers' Institute or Summer School is held in the County, a First Grade Certificate shall not be renewed unless the holder attends the Institute or Summer School, or shows to the State Board of Education some satisfactory reason for not doing so. A First Grade County Certificate shall not be renewed unless the holder has done some teaching during the two years for which the certificate was issued.

A Second Grade County Certificate may be renewed where the holder attends a Teachers' Institute or Summer School, or shows to the State Board of Education a satisfactory reason for not doing so.

A Third Grade County Certificate shall not be renewed.

Rule 17.—The County Board shall issue to each applicant making the required per cent. a certificate, signed by each member of the Board, and under the seal of the office of the County Superintendent of Education of the county, and showing on its face the per cent. made on each branch and the general average. The certificate shall run for two years from its date, and the holder shall be deemed competent to teach in the public schools of the county.

Rule 18.—No certificate of qualification shall be granted by any County Board in any circumstances to any person who is under eighteen years of age.

Rule 19.—The County Board of Education of one county may recognize a certificate issued by the County Board of Education of another County, but in such case the County Superintendent of Education shall register the name of the holder, the county from which the certificate was issued, the date and number of the certificate, and when so registered the certificate shall have the

same force as if issued in that county. This certificate can be renewed or extended only by the County Board originally issuing it.

Rule 20.—Each County Board shall keep a register, in which shall be recorded the name, age, sex, color and post office of each person to whom a certificate is granted, and also the date and grade of the certificate.

Rule 21.—A two-year State certificate may be issued to any teacher successfully completing at least nine approved courses in a summer school recognized by the State Board of Education.

Rule 22.—Any teacher holding a valid first grade county certificate possessing two years' successful classroom experience, and pursuing in a recognized summer school during three consecutive years not fewer than three approved courses may be granted a ten-year State license upon the presentation of full records and reports to the State Superintendent of Education.

Rule 23.—Any teacher who holds a valid first grade county certificate and who has rendered at least five years of successful service in South Carolina may be granted a State certificate to teach for five years upon the presentation of a written statement testifying to the effectiveness of such service, signed by the supervising principal or superintendent of school or schools in which such service has been rendered, by the County Board or Boards of Education, and by the Board or Boards of Trustees. At the end of five years this certificate may be extended by the State Board of Education for another period of five years, if satisfactory evidence as above indicated is again shown. At the end of the second period the State Board of Education may grant a life certificate to teach, if the evidence of continued successful professional experience is satisfactory.

Rule 24.—Any teacher with a valid first grade county certificate may be given a special five-year high school certificate upon presentation of satisfactory evidence of fitness and preparation to teach any designated high school subject or subjects. A special examination for the award of high school certificates shall be held annually by the State Board of Education at such time and place as may be announced.

Rule 25.—The State Board of Education may grant five-year professional certificates to teachers for the primary and elementary schools, if an examination given by the State Board reveals the ability on the part of the applicant to teach in these schools. The nature of these examinations will be announced as the occasion for such examinations may arise.

Rule 26.—The State Board of Education may grant certificates to applicants for positions as teachers of the kindergarten, of music, or of industrial subjects, if satisfactory evidence is revealed by examination or otherwise that the applicant is able to teach in any one of these departments.

Rule 27.—State certificates shall be renewed only upon the presentation in writing of satisfactory evidence of successful teaching during the life of the certificate, and of professional improvement.

Rule 28.—Every claim or warrant issued by a Board of Trustees shall be signed by at least two members of the Board, and should not be approved by the County Superintendent of Education until the Clerk of the Board of Trustees has entered it in a book kept for that purpose.

Any and all school warrants issued by any Board of School Trustees against any public school fund shall not be paid by the County Treasurer or other officer having the custody of such fund until the warrant has been

approved by the County Superintendent of Education of the County in which said warrant is drawn. (Section 1759 of the Code, 1912).

No pay warrant shall be issued by any Board of Trustees or approved by any County Superintendent of Education in favor of any teacher who, after July 1, 1901, uses in the public schools of this State any textbook to the exclusion of the textbook or textbooks herein adopted on the same subject, and who has not registered in the office of the County Superintendent of Education a certificate to teach.

Rule 29.—No teacher shall be employed by the Board of Trustees who is related by consanguinity or affinity within the second degree to a member of the Board of Trustees or to a principal of a school, without the written approval of the County Board of Education, nor shall they employ a teacher holding a certificate issued by a County Board of another county until the certificate has been duly registered in the office of the County Superintendent of Education of their own county.

Rule 30.—No public school supplies shall be purchased by school officers for use in the public schools of any county in the State except such as are authorized by the State Board to be sold. The vendors of all such supplies authorized to be sold by this Board shall enter into a written contract with this Board, in which the prices of the supplies shall be stated, and copies of the supplies shall be placed in the office of the State Superintendent of Education and the supplies sold to the schools shall at all times conform to the samples, and the prices shall not exceed the prices agreed on. The County Boards may allow or disallow such supplies, or any of them, to be sold in their counties. In case they permit the same to be sold, they shall give the vendor written permission to offer the same to the trustees of their counties, the prices of the supplies to be named in the written permission, leaving the purchase or not, of such supplies to the good judgment of the Boards of Trustees. In case the trustees purchase any of such supplies, they may give a warrant against the school fund of their district in payment thereof, but in no case shall the County Superintendent of Education countersign or endorse any such warrant until the supplies have been delivered; the County Superintendent shall hold all such warrants in his possession until the delivery of the supplies is made. All persons purchasing any such warrants before the same have been countersigned by the County Superintendent of Education, do so at their own risk.

Rule 31.—In all cases of appeal from decisions of County Boards notices of appeal must be served on the Secretary of the County Board of Education, on the Secretary of the State Board of Education, and also on the respondents within thirty days from the decision of the County Board, and all testimony, records and papers must be on file in the office of the State Superintendent of Education at least ten days before the meeting at which the appeal is to be heard. In all appeal cases, the Secretary of the State Board of Education shall assign an equal length of time for reviewing testimony and argument by appellants and respondents, and notice of such time assigned shall be accordingly given by the Secretary of the State Board.

Rule 32.—The County Boards of Education shall require all public school buildings to be constructed only upon land owned by the school district. No school building shall be aided by county or State funds under the School Improvement act unless constructed according to plans approved by the State Board of Education, and unless the building is found to be of first class material and workmanship upon inspection by the County Superintendent of Education.

Rule 33.—Regular school funds include: cash balance on hand **July** 1st, poll tax, constitutional three-mill tax, and dog tax.

Rule 34.—No district having sufficient regular school funds to **run** the schools of the district 100 days shall receive term extension aid under this Act.

Rule 35.—No aid shall be given any district until all the regular school funds have been expended, either by contract or by actual outlay.

Rule 36.—Under the term extension Act, no district shall receive more than \$100 from the State, nor more than the amount raised by special tax.

Rule 37.—No district shall receive aid from the State unless each teacher employed in the district holds a certificate which has been registered in the office of the County Superintendent of Education.

Rule 38.—Every application shall be signed by the chairman, or by the clerk of the Board of Trustees, and by the County Superintendent of Education, and shall be accompanied by a certificate from the County Auditor, showing the amount of special tax levied on the property of the district.

Rule 39.—The State Superintendent shall forward the amount appropriated to any district to the County Treasurer to be placed to the credit of the district.

Rule 40.—No term extension application shall be honored unless it reaches the office of the State Superintendent of Education on or before November 15th, and no rural graded school application shall be honored unless it reaches the office of the State Superintendent of Education on or before December 15th.

Rule 41.—The State Superintendent of Education may refuse any application which, in his judgment, would not increase the efficiency of the free public schools; **Provided**, That such refusal be subject to the review and approval of the State Board of Education.

Rule 42.—It is the judgment of the State Board of Education that the work of one-teacher schools should be limited to seven grades; the work of two-teacher schools, to eight grades; the work of three-teacher schools to nine grades; and the work of four-teacher schools, to ten grades. But this recommendation in no measure limits the freedom of the teacher or the preference of trustees and patrons.

Rule 43.—State aid under the term extension law, the rural graded school law, or the high school law may be withheld in any instance where the classification of the pupils shows only one child in a grade or an enrollment of more than fifty pupils to a teacher in any classroom.

High School Regulations.

THE HIGH SCHOOL LAW REQUIRES:

1. A local tax of not less than four mills for running expenses.
2. The full time of as many as two teachers above the seventh grade.
3. A minimum legal enrollment of 25 pupils above the seventh grade.
4. A maximum of \$500 to a two-teacher high school, \$600 to a three-teacher high school, and \$700 to a high school of four or more teachers.

Rule 44.—High schools receiving State appropriations must run not less than eight months, or 160 days.

Rule 45.—High school recitation periods in all major subjects must be not less than 40 minutes each. The State Board recommends 45-minute periods except in very small classes.

Rule 46.—A school employing five teachers or six teachers shall not use any part of the time of more than two teachers in its high school department.

Rule 47.—A school employing seven or eight teachers may use not more than one-half the time of a third high school teacher in the high school department, **Provided**, that the enrollment in the high school department and the elementary department are in such proportion as to justify this division. All such schools are to be rated as two-teacher high schools in receiving appropriations.

Rule 48.—The elementary grades of any school must be adequately provided with teaching force before three or more teachers will be permitted in a high school receiving State aid. No teacher in the elementary department of any school receiving State high school aid may have or teach more than 50 pupils a day.

Rule 49.—The supervising principal of a two-teacher high school must devote not fewer than six periods a day to teaching.

Rule 50.—The supervising principal of a three-teacher high school will not be counted as a full time teacher, unless he devotes as many as five periods a day to teaching.

Rule 51.—The supervising principal of a four-teacher high school will not be counted as a full time teacher, unless he devotes as many as four periods a day to teaching.

Rule 52.—No high school teacher, other than the supervising principal, will be counted a full time teacher, unless such teacher devotes as many as six periods a day to teaching.

Rule 53.—No high school will be accepted for State aid whose superintendent or supervising principal's salary is unreasonably out of proportion to the number of teachers he has to supervise or to the salaries of his assistants.

Rule 54.—In a two-teacher high school, the amount of State aid shall not exceed \$55 a month.

Rule 55.—To high schools of three or more teachers, the initial appropriation will be the lowest high school salary up to \$55 a month. Any additional

appropriations will be made in accordance with Section 6 of the High School Act of 1916, No. 501, page 875, Acts of 1916.

Rule 56.—After July 1, 1917, no high school will be given State aid when there are fewer than five pupils enrolled in any grade.

Rule 57.—No high school student in a State aided high school will be permitted to carry more than five major subjects at a time. Under this regulation English is counted one subject, Latin with grammar or prose composition is one subject, history with civics is one subject. Arithmetic, algebra and geometry are three separate subjects, and each division of history is a separate subject.

Rule 58.—Each high school teacher employed in a school receiving State high school aid must have a valid first grade certificate properly registered with the County Superintendent of Education of the county in which the school is located. College diplomas are not certificates.

Rule 59.—After July 1, 1917, every high school teacher employed in a State aided high school must give evidence of his or her fitness to teach the subjects he or she teaches in that school. This fitness is to be determined by the course or courses pursued by the teacher in his or her preparation to teach, or by examination prepared and directed by the State Board, or by inspection of the teacher's work to be reported to the State Board in writing by its representative in cases where the teacher has already taught these subjects five years or more.

Rule 60.—Every high school receiving State aid must use the textbooks adopted by the State Board of Education or submit in writing to the State Board what other books are used together with the reasons for their use. Schools organized and operated under legislative Acts conferring special powers and privileges with the right of independent textbook adoption are the only districts legally authorized to substitute texts in lieu of State adopted books. The powers and privileges of such special legislative districts are not abridged or affected by this regulation, but the record of their textbook uses will be helpful to the State Board. Districts governed by the general school law cannot make, legally, substitutions for State adopted books.

Rule 61.—State aid may be withdrawn from any high school after two months' notice to the local board for inefficient teaching, for the continuance of an inadequate course of study, or for lack of attendance.

Rule 62.—Every high school receiving State aid shall render with reasonable promptness such reports as are required by the State Board. All such reports are to be countersigned by the secretary of the local school board. Any school knowingly making an incorrect report in any matter affecting the standing of the school or its appropriation thereby subjects itself to being penalized by the State Board.

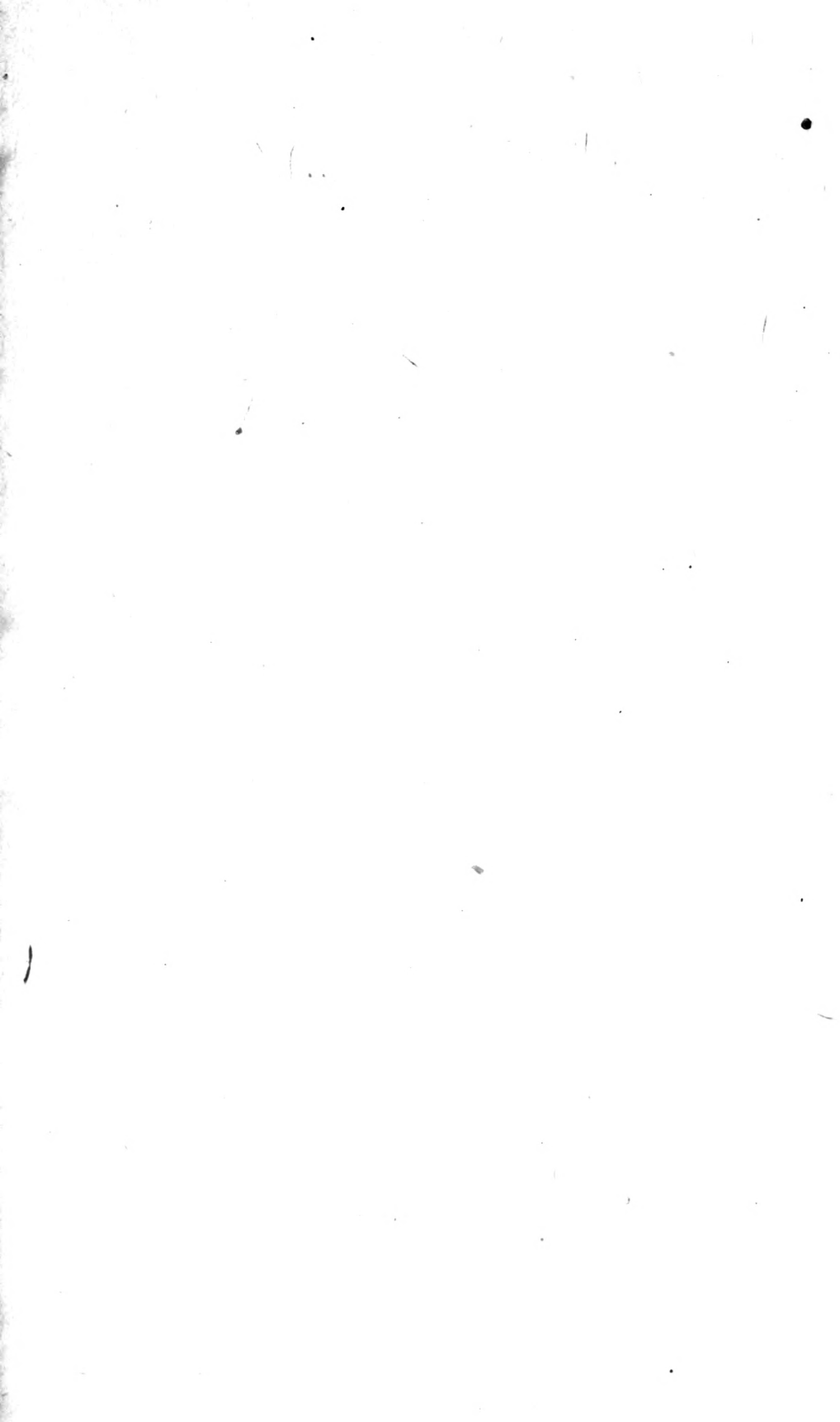
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LAWS RELATING TO EDUCATION

ENACTED AT THE 1917 SESSION

OF THE

GENERAL ASSEMBLY OF SOUTH CAROLINA

ISSUED BY

STATE DEPARTMENT OF EDUCATION

COLUMBIA

J. E. SWEARINGEN

STATE SUPERINTENDENT OF EDUCATION



THE R. L. BRYAN COMPANY
COLUMBIA, S. C.

1917

AN ACT to Provide for Consolidated and Graded Schools in Country Districts, and to appropriate One Hundred Eighty-seven Thousand Five Hundred (\$187,500.00) Dollars to Encourage the Same.

Section 1. Appropriation for Rural School Aid.—Be it enacted by the General Assembly of the State of South Carolina: Not less than one hundred eighty-seven thousand five hundred (\$187,500.00) dollars shall be appropriated annually for the purpose of assisting rural school districts in the establishment, maintenance, and improvement of rural graded schools under the conditions and provisions of the following sections of this Act.

§ 2. Conditions Precedent to Receiving Aid Hereunder—Two Hundred Dollar Class.—When any rural school district shall levy and collect a special school tax of not less than four (4) mills, and when a school in such district employs two certified teachers for a school term of not less than six months, or twenty-four weeks, and when such school has a legal enrollment of not fewer than fifty pupils by December 15th, and an average daily attendance for the session of not fewer than thirty pupils, and when such school is taught in a comfortable and sanitary building, provided with the minimum equipment prescribed by the State Board of Education, and when it uses a course of study and classification approved by the State Board of Education, it shall be entitled to receive State aid under this Act to the amount of \$200.00 per year.

§ 3. Same—Three Hundred Dollar Class.—When any rural school district shall levy and collect a special school tax of not less than four (4) mills, and when such school employs three or more certified teachers for a school term of not less than seven months, or twenty-eight weeks, and when such school has a legal enrollment of not fewer than seventy-five pupils by December 15th, and an average daily attendance for the session of not fewer than forty pupils, and when such school is taught in a comfortable and sanitary building, provided with the minimum equipment prescribed by the State Board of Education, and when it uses a course of study and classification approved by the State Board of Education, it shall be entitled to receive State aid under this Act the amount of \$300.00 per year.

§ 4. Same—Four Hundred Dollar Class.—When any rural school district shall levy and collect a special school tax of not less than four (4) mills, and when such school employs four certified teachers for a school term of not less than seven months, or twenty-eight weeks, and when such school has a legal enrollment of not fewer than one hundred pupils by December 15th, and an average daily attendance for the session of not fewer than sixty pupils, and when such school is taught in a comfortable building containing not fewer than four classrooms, provided with the minimum equipment prescribed by the State Board of Education, and when it uses a course of study and classification approved by the State Board of Education, it shall be entitled to receive State aid under this Act to amount of \$400.00 per year.

§ 5. Same—Five Hundred Dollar Class.—When any rural school district shall levy and collect a special school tax of not less than four (4) mills, and when such school employs five certified teachers for a school term of not less than seven months, or twenty-eight weeks, and when such school has a legal enrollment of not fewer than one hundred and twenty-five pupils by December 15th, and an average daily attendance for the session of not fewer than seventy-five pupils, and when such school is taught in a comfortable and sanitary building, containing not fewer than five classrooms, provided with the minimum equipment prescribed by the State Board of Education, and when it uses a course of study and classification approved by the State Board of Education, it shall be entitled to receive State aid under this Act to the amount of \$500.00 per year.

§ 6. Teacher in Rural Graded School Not to Instruct More Than Fifty Pupils—Certain Schools Not to Receive Aid.—No teacher in a rural graded school shall enroll or instruct more than fifty pupils; and no district receiving term extension aid or high school aid shall be entitled to receive rural graded school aid.

§ 7. Application—Program of Work to Accompany—Time of Filing—To Be Approved by County Superintendent.—The State Superintendent of Education shall prescribe and furnish to the County Superintendents all necessary forms and blanks for making application for State aid, and every such application, accompanied by a full, clear and legible program of each teacher's daily classroom work, shall be filed with the State Superintendent of Education not later than December 31st. Each application and each

accompanying program shall be examined and approved in writing by the County Superintendent before State aid is granted.

§ 8. Annual Report to Be Filed Before Application Can Be Approved.—The annual report of any rural graded school receiving State aid shall be filed with the State Superintendent of Education and a duplicate copy thereof with the County Superintendent in accordance with Act No. 128, page 191, Statutes 1913, before the application of such school for further aid is approved or paid.

§ 9. When Aid May Be Refused.—The State Superintendent of Education may refuse aid under the provisions of this Act if it is made to appear to him that the expenditure would be unwise and detrimental to the interest of free school education in said district.

§ 10. Rules and Regulations.—The State Superintendent of Education, with the State Board of Education, shall provide rules and regulations for the distribution of this fund, and shall publish such regulations to the various County Superintendents of Education, who, in turn, shall publish them to the various Trustees.

§ 11. Transportation of Children Permissible.—It shall be lawful for the School Trustees of a district to use the State aid obtained under the provisions of this Act to furnish public conveyance of children to the school, when, in the opinion of the Trustees and the County Superintendent, such action is wise and expedient.

§ 12. Disbursement by Voucher.—All disbursements under this Act shall be made on duly itemized vouchers, approved by the Comptroller General.

§ 13. Effective July 1.—This Act shall take effect on July 1st, following the approval by the Governor.

§ 14. Inconsistent Acts Repealed.—All Acts or parts of Acts inconsistent with the terms of this Act be, and are hereby, repealed.
Approved Feb. 27.

AN ACT to Provide for the Teaching of Agriculture in the Public Schools of the State, and to Place the Same Under the Supervision of the State.

Section 1. Appropriation for Teaching Agriculture in Public Schools.—Be it enacted by the General Assembly of the State of South Carolina. That to promote the teaching of agriculture in the public schools, there is hereby annually appropriated out of the

State treasury ten thousand (\$10,000.00) dollars to be expended as hereinafter provided by the State Superintendent of Education, in consolidated schools doing practical classroom and field work in agriculture.

§ 2. Prerequisites to Securing Teaching Qualifications of Teacher—Duties—State Aid.—Whenever the Board of Trustees of three or more school districts shall raise from regular funds, local taxes, private subscription or otherwise and shall deposit with the County Treasurer not less than seven hundred and fifty (\$750.00) dollars to be expended by the County Board of Education, upon their warrant duly approved by the County Superintendent, for the teaching of agriculture in their respective districts, such group of districts shall be entitled to seven hundred and fifty (\$750.00) dollars, and not more than twelve hundred and fifty (\$1,250.00) dollars, from the State or supplied by the State, to be used to pay the salary of a man who shall be a graduate in agriculture of a State agricultural college, or a college graduate versed in agriculture, who shall be employed for a term of at least three years, who shall devote full time to classroom instruction in agriculture, field work on the school farm, school garden or school orchard or in any other line of agricultural teaching or educational activity needed in the territory composing the districts. Such trained agricultural teacher shall be employed jointly by the County Superintendent of Education, the State Superintendent of Education and the State Supervisor of Agricultural Instruction, and may serve as superintendent or principal of the group of co-operating schools, shall reside during the twelve months of the year in the territory he serves, shall possess all of the scholarship requirements demanded of other teachers, shall hold a valid certificate duly registered in the County Superintendent's office, and shall be subject to the supervision of the State Supervisor of Agricultural Instruction, who shall be a specialist in agricultural education, to be elected by the State Board of Education. He may do teacher training work in Clemson Agricultural and Mechanical College, as may be agreed upon by the State Superintendent of Education and the president of the college. The teacher of agriculture in schools included under this Act shall make all reports required of public school teachers, and in addition thereto shall furnish such other special reports as may be required in his special field, by the chief of the extension forces of Clemson College, such report to be made in triplicate, one copy to be filed with the County Superintendent of Education, one copy with the State Superintendent of

Education and one copy with the State Supervisor of Agricultural Instruction: Provided, That if any one school district shall raise by taxation, private subscription or otherwise at least seven hundred and fifty (\$750.00) dollars, such school shall be entitled to receive two hundred and fifty (\$250.00) dollars State aid: Provided, further, That if any two school districts shall so raise seven hundred and fifty (\$750.00) dollars, such schools shall receive five hundred (\$500.00) dollars State aid under the provisions of this Act.

§ 3. Conditions Required of Schools—School Farm—Courses of Instruction.—Any public school co-operating in this work shall have an enrollment of at least fifty pupils with a regular attendance of at least thirty pupils, two or more teachers of the usual public school subjects, a term of six months, a local tax of not less than four mills, a comfortable and sanitary building of at least two rooms, a school farm of not less than two acres, in addition to school site, the minimum equipment prescribed by the State Board of Education, and shall use the textbooks and course of study regularly required of other public schools. The said school farm of two or more acres shall be secured by the trustees of the school district in which the school is located, and shall be cultivated under the supervision of the agricultural teacher who may require this cultivation to be done, so far as may be practicable, by the pupils being taught agriculture in such school, the proceeds from sales of crops grown on said farm may be used to defray the expenses of the said farm, the surplus, if any, may revert to the school district or be disposed of as may be directed by the trustees of the said school district. The special lessons or course in agriculture may be adapted to the community needs as recognized by the agricultural teacher, and such teacher shall have full right and absolute freedom in the introduction and presentation of any additional lessons, bulletins, instruction or other matter that may be furnished by the United States Department of Agriculture, the State Department of Agriculture, Clemson College or any other agricultural college or experiment station. All such modifications of the course of study shall be reported in writing to the County Superintendent of Education and to the State Superintendent of Education, and shall not be continued in any school over the disapproval of the State Board of Education.

§ 4. No Tuition to Be Charged—Schools Not Ineligible for Other Aid.—Any school receiving State aid for agricultural teaching shall enroll free of charge any pupil desiring to pursue such a course and possessing sufficient knowledge of the elementary public

school subjects to enable him, in the opinion of the agricultural teacher, to do this work with advantage. Schools receiving aid for agricultural work shall not be ineligible to share in the State appropriation for term extension, rural graded schools or high schools.

§ 5. Textbook to Be Adopted.—The State Board of Education, upon the recommendation of the State Supervisor of Agricultural Instruction, is hereby authorized to adopt a textbook on agriculture to be taught in all other schools not provided for in this Act.

§ 6. Inconsistent Acts Repealed.—All Acts or parts of Acts inconsistent with this Act are hereby repealed.

§ 7. Immediately Effective.—This Act shall take effect immediately upon the signature of the Governor.

Approved Feb. 27.

AN ACT to Provide an Equalizing Fund to Guarantee Adequate Facilities and Teaching Corps in Needy School Districts.

Section 1. Equalizing Fund—Prerequisites to Participation—What Schools Not to Participate.—Be it enacted by the General Assembly of the State of South Carolina: There is hereby annually appropriated out of the State Treasury not less than fifty thousand (\$50,000.00) dollars to be used as an equalizing fund for guaranteeing adequate facilities and an adequate teaching corps in needy school districts.

To participate in such equalizing fund, any school district must first levy a maximum tax of eight (8) mills for current expenses, must employ one certificated teacher to instruct not more than fifty, nor fewer than twenty-five pupils, for a term of not less than seven months. Any district refusing to levy such eight-mill tax for current expenses, or enrolling fewer than twenty-five pupils to each certificated teacher, or running longer than seven months shall not be entitled to share in this appropriation. State aid from this fund shall not be granted in any district where the principal of the school receives a salary of more than seventy-five (\$75.00) dollars per month, or where an assistant teacher holding a first grade county certificate receives more than fifty (\$50.00) dollars per month, or where an assistant teacher holding a second grade county certificate receives more than forty (\$40.00) dollars per month, or where an assistant teacher holding a third grade county certificate receives more than thirty (\$30.00) dollars per month.

§ 2. Time for Filing Application—Form.—All applications for State aid from the equalizing fund must be filed with the State Superintendent of Education not later than December 15th of each year, and the State Superintendent is hereby authorized to prepare blanks and forms for such applications.

§ 3. Applications to Be Refused in Certain Cases—Amount to Be Received by School—Proviso.—In the distribution of this fund, the State Superintendent shall refuse the application of any district where the regular or special local funds have not been fully exhausted either by expenditure or by contract, or where the allowance of State aid would, in his judgment, be unwise or detrimental. The disapproval of any application by the State Superintendent shall be subject to review by the State Board of Education.

Any district meeting the requirements hereof shall be entitled to receive from this appropriation a sufficient amount to cover any deficit for actual running expenses incurred during the current year: Provided, That the State Superintendent of Education may aid needy schools in his discretion up to July 1st, 1917.

§ 4. Limitation on Amount of Aid Receivable.—Provided, That no county shall be entitled to receive a greater sum than ten per cent. of total amount appropriated for needy schools under the provisions of this Act.

Approved Feb. 27.

AN ACT to Constitute the State Board of Education, the South Carolina State Board of Vocational Training, and to Authorize Said Board to Co-operate With the United States Government in This Field.

Section 1. Be it enacted by the General Assembly of the State of South Carolina, The State of South Carolina hereby accepts the provisions of an Act of Congress entitled: "To provide for the promotion of vocational education; to provide for co-operation with the States in the promotion of such education in agriculture, the trades, industries, and home economics; to provide for co-operation with the States in the preparation of teachers of vocational subjects; and to authorize the appropriation of money and to regulate its expenditure," and hereby designates and constitutes the State Board of Education as the South Carolina State Board of Vocational

Training to co-operate with the United States Government in putting such law into operation.

§ 2. The South Carolina State Board of Vocational Training is further authorized to co-operate with any local or State agency, now established or hereafter to be established, for the advancement of agricultural and industrial education.

§ 3. The Treasurer of the State of South Carolina is hereby created and appointed custodian of all funds coming to the State of South Carolina from the United States under this Act, and the State Treasurer shall be responsible on his bond for the correct and proper handling of such funds. All moneys appropriated by the State or paid into the State Treasury from the United States for the purpose of this Act shall be paid out upon the order of the State Board of Education, duly countersigned and approved by the Secretary of the State Board of Education, and itemized vouchers shall be filed with the Comptroller General as in the case of other funds.

Approved Feb. 27.

Section 11 of the Act passed in 1917 by the Legislature, making appropriations for the State Government:

SECTION 11.

Public Schools.

Item 1. Extension of Public Schools.....	\$ 60,000 00
Item 2. Public School Libraries.....	5,000 00
Item 3. Consolidated and Graded Schools.....	187,500 00
Item 4. Rural School Improvement Association.....	2,100 00
Item 5. Night Schools.....	2,500 00
Item 6. State Board of Education.....	2,000 00
Item 7. High Schools.....	75,000 00
Item 8. Equalization Fund for Needy Schools.....	50,000 00
Item 9. School Building Fund.....	50,000 00
Item 10. Teaching Agriculture in the Public Schools in this State.....	10,000 00
Total	\$444,100 00

The State Superintendent of Education is authorized to continue aid under Item 3 in any district when the school building is burned or destroyed during the scholastic year, past or current.

NOTES.

1. All rural graded schools should note carefully the requirements of a report for the scholastic year 1916-17 to be filed with the State Superintendent of Education before State aid can be continued during 1917-18.

2. Rural graded school applications must be filed before December 31st each year.

3. Three papers are annually required from every rural graded school:

(a) The application for State aid.

(b) A full, accurate, legible copy of each teacher's schedule of daily recitations.

(c) The annual report at the close of the session.

4. All papers sent to the State Department of Education should have been given careful examination and written approval by district and county school officers.

5. The trustees of any rural graded school with an enrollment of 100 now have a broader opportunity in the provision of the law for schools employing four teachers.

6. Any rural graded school with an enrollment of 125 also has a broader opportunity for the employment of five teachers.

7. Under no circumstances should any board of trustees form contracts in excess of the estimated income of their district. In every instance where the required term with the required teaching corps cannot be guaranteed, the application cannot be legally approved by the State Superintendent of Education.

8. Agriculture may be successfully taught under the 1917 Act in any rural graded school with two or more teachers, if the district supplies \$750 to pay the salary of a principal to be appointed by the County Superintendent, the State Superintendent, and the State Supervisor of Agricultural Instruction for a term of at least three years. The present Act makes no provision for the salary of the State Supervisor of Agricultural Instruction, but the State Department of Education hopes to be able to make some beginnings in some progressive communities.

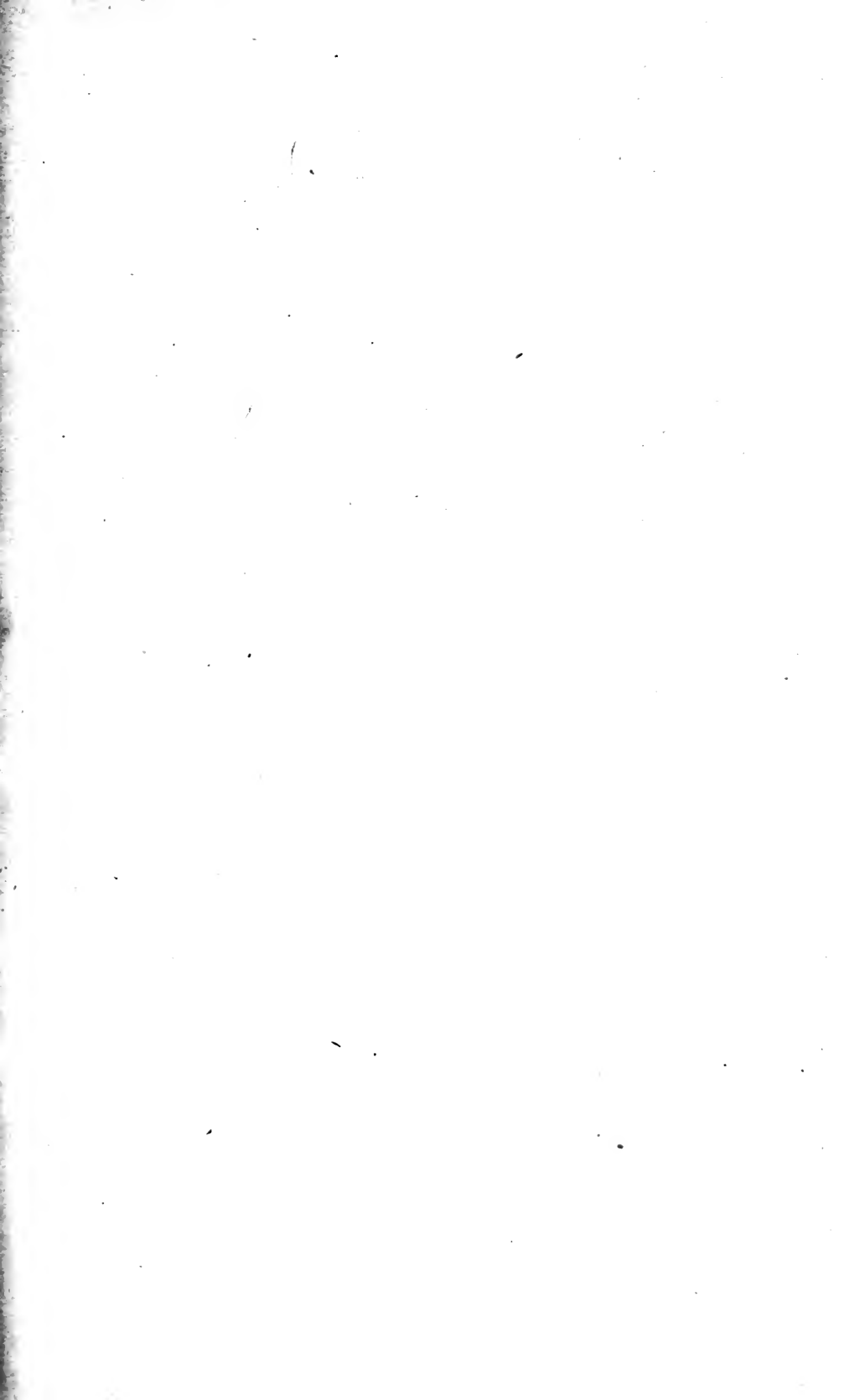
9. The equalizing fund is available only in districts levying an eight-mill tax for current expenses. A tax for bonds is for past

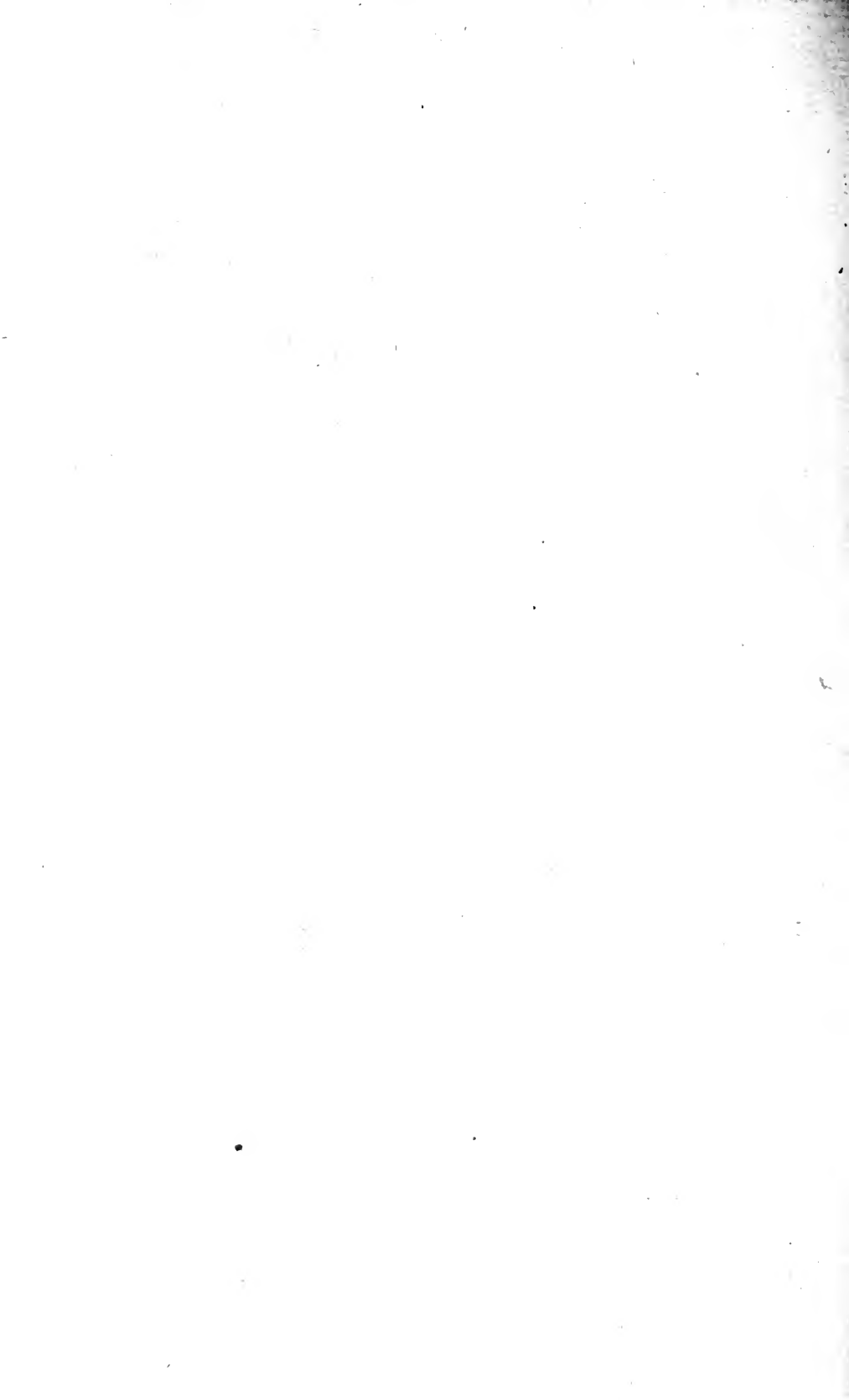
indebtedness, and cannot be counted as a part of this eight-mill levy.

10. A minimum term of seven months is guaranteed for every district having an eight-mill tax and paying modest salaries.

11. State aid from the equalizing fund cannot be secured until the benefits of the term extension law, the rural graded school law, or the high school law have been fully utilized.

12. The rapid development of vocational training is hoped for under the stimulus of Federal aid, State aid and local interest.





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