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THE

PUBLIC SCHOOL LAW

OF

NORTH CAROLINA

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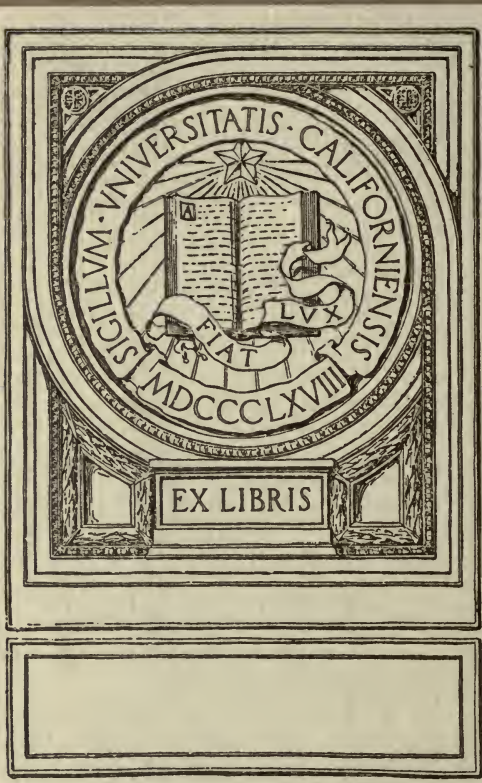
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CHAPTER 95, CONSOLIDATED STATUTES
OF NORTH CAROLINA

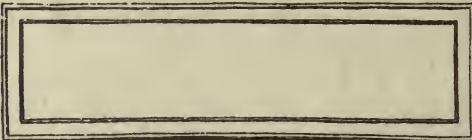
TOGETHER WITH

DECISIONS OF THE STATE SUPERINTENDENT
OF PUBLIC INSTRUCTION

RALEIGH
ISSUED FROM THE OFFICE OF
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
1919



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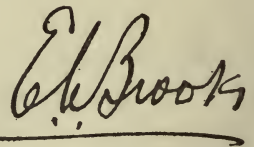
THE
GENERAL
ASSEMBLY

PREFATORY NOTE

This compilation of the Public School Laws of North Carolina is issued in this form in accordance with section 5392 of the Consolidated Statutes of North Carolina.

It is an exact copy of chapter 95 of the Consolidated Statutes which embodies all laws and amendments relating to public education that have been enacted up to date.

In addition to the public laws, one thousand copies of this pamphlet contain an index of Public-Local and Private School legislation which, with the exception of the enactments of the Legislature of 1919, was prepared by the State Educational Commission.



State Superintendent of Public Instruction.

RALEIGH, November, 1919.

M. N. V.

EDUCATION IN OUR CONSTITUTION

Article IX of the Constitution of North Carolina relates to education. It reads as follows:

SECTION 1. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

SEC. 2. The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of or to the prejudice of either race.

SEC. 3. Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least six months in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this section they shall be liable to indictment.

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State and not otherwise appropriated by this State or the United States, also all money, stocks, bonds and other property now belonging to any State fund for purposes of education, also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to the State and not otherwise appropriated by the State or by the terms of the grant, gift or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

SEC. 5. All moneys, stocks, bonds, and other property belonging to a county school fund, also the net proceeds from the sale of estrays, also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as an equivalent for exemption from military duty shall belong to and remain in the several counties and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties in this State: *Provided*, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

SEC. 6. The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof in any wise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws and regulations from time to time as may be necessary and expedient for the maintenance and management of said University.

SEC. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also that all the property which has heretofore accrued to the State or shall hereafter accrue from escheats, unclaimed dividends or distributive shares of the estates of deceased persons shall be appropriated to the use of the University.

SEC. 8. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction, and Attorney-General shall constitute a State Board of Education.

SEC. 9. The Governor shall be president and the Superintendent of Public Instruction shall be secretary of the Board of Education.

SEC. 10. The Board of Education shall succeed to all the powers and trusts of the president and directors of the literary fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said board may be altered, amended, or repealed by the General Assembly, and when so altered, amended or repealed they shall not be reënacted by the board.

SEC. 11. The first session of the Board of Education shall be held at the capital of the State within fifteen days after the organization of the State Government under this Constitution; the time of future meetings may be determined by the board.

SEC. 12. A majority of the board shall constitute a quorum for the transaction of business.

SEC. 13. The contingent expenses of the board shall be provided by the General Assembly.

SEC. 14. As soon as practicable after the adoption of this Constitution the General Assembly shall establish and maintain in connection with the University a department of agriculture, of mechanics, of mining and of normal instruction.

SEC. 15. The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years for a term of not less than sixteen months, unless educated by other means.

SEC. 27. The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.—*Bill of Rights, North Carolina Constitution.*

Article II, section 29:

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

EDUCATIONAL QUALIFICATION FOR SUFFRAGE

Article VI, section 4, of the Constitution of North Carolina, contains the following:

Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and before

he shall be entitled to vote he shall have paid, on or before the first day of May of the year in which he proposes to vote, his poll tax for the previous year, as prescribed by Article V, section 1, of the Constitution. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, he shall have registered in accordance with the terms of this section prior to December 1, 1908.

CHAPTER 95

EDUCATION

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ART. 51. COMMERCIAL SCHOOLS.

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SUBCHAPTER I. APPLICATION OF CHAPTER

ART. 1. CERTAIN SCHOOLS EXCEPTED AND REGULATED

5383. Application of chapter. The provisions of this chapter shall not, unless the article or section indicates otherwise, apply to any township, city, or town now levying a special tax for schools and operating under special laws or charters, or to schools operating under a district superintendent in accordance with the provisions of section 5431.

School districts in any city or town which, in accordance with said section 5431, have employed a district superintendent as provided in the section, are hereby continued, and all vacancies in the school committees of such districts shall be filled by the county board of education. If such districts comprise a township, there shall not be appointed township school committeemen for such township, and all apportionments shall be made directly to committees of the districts.

All schools receiving any part of the public school funds shall be under the general supervision of the state superintendent of public instruction, and they shall be required to make to the state superintendent and to the county superintendent such reports as these officers shall demand and as are made to them by other public schools.

Rev., 4029; 1901, c. 4, s. 73; 1903, c. 435, s. 25; 1907, c. 835, s. 1(a).

SUBCHAPTER II. ADMINISTRATIVE ORGANIZATION

ART. 2. THE STATE BOARD OF EDUCATION

5384. Incorporation and general corporate powers. The governor, lieutenant-governor, secretary of state, treasurer, auditor, superintendent of public instruction, and attorney-general shall constitute the state board of education, and by the name, the State Board of Education, are created a corporation, with the right to sue and be sued, to have a common seal, to take, hold, and dispose of property, to make contracts and by-laws; and it is vested with all other powers conferred on corporations under the chapter on corporations, so far as such powers are necessary or convenient to the attainment of the object of the board or to the performance of its duties.

Const., Art. IX, ss. 8, 9, 10; Rev., s. 4030; Code, s. 2503; 1881, c. 200; 1903, c. 567, s. 7.

5385. Succeeds to "President and directors of literary fund of North Carolina." The state board of education shall succeed to all the powers and trusts of the "President and directors of the literary fund of North Carolina," and shall have full power to legislate and make all needful rules and regulations for the government of the public schools and for the management of the state educational fund; but all such acts, rules, and regulations of the board may be altered, amended, or repealed by the general assembly, and when so altered, amended, or repealed shall not be reënacted by the board; and the board shall succeed to and have all the property, powers, rights, privileges, and advantages which in any wise belonged or appertained to the "President and directors of the literary fund in North Carolina," and may, in its own name, assert, use, apply, and enforce the same.

Const., Art. IX, s. 10; Rev., s. 4033; Code, s. 2506; 1881, c. 200, s. 4; R. C., c. 66; R. S., c. 66, 67.

NOTE.—As to "state literary fund," see s. 5480.

5386. Officers; quorum; meetings; expenses. Of the board, the governor shall be president, the superintendent of public instruction shall be secretary, and the treasurer of the state shall be treasurer. A majority of the board shall constitute a quorum for the transaction of business. The board shall hold its meetings in the executive office, and shall meet at such times as a majority of the members shall appoint; but the governor may call a meeting at any time. The contingent expenses of the board shall be provided for by the general assembly.

Const., Art. IX, ss. 9, 12, 13; Rev., s. 4031; Code, s. 2504; 1881, c. 200, s. 2.

5387. Record of proceedings. All the proceedings of the board shall be recorded in a well-bound and suitable book, which shall be kept in the office of the superintendent of public instruction.

Rev., s. 4032; Code, s. 2505; 1881, c. 200, s. 3.

5388. Reports to general assembly. The state board of education shall report to the general assembly the manner in which the state literary fund has been applied or invested, with such recommendations for the improvement of the same as to it shall seem expedient.

Rev., s. 4034; Code, s. 2507; R. C., c. 66, s. 4; 1825, c. 1268, s. 2; 1903, c. 567, s. 1.

5389. Investments. The state board of education is authorized to invest in North Carolina four per cent bonds or in other safe interest-bearing securities, the interest on which shall be used as may be directed from time to time by the general assembly for school purposes.

Rev., s. 4035; 1891, c. 369.

5390. State treasurer keeps accounts of, and reports to general assembly. The state treasurer shall keep a fair and regular account of all the receipts and disbursements of the state literary fund, and shall report the same to the general assembly at the same time when he makes his biennial account of the ordinary revenue.

Rev., s. 4034; Code, s. 2507; R. C., c. 66, s. 4; 1825, c. 1268, s. 2; 1903, c. 567, s. 1.

ART 3. STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

5391. Office at capitol; copies of papers therein. The superintendent of public instruction shall keep his office at the seat of government. Copies of his acts and decisions and of all papers kept in his office and authenticated by his signature and official seal shall be of the same force and validity as the original. He shall be furnished with such offices, heat, and stationery as shall be necessary for the efficient discharge of the duties of his office.

Rev., s. 4089; 1900, c. 525.

5392. Powers and duties. The state superintendent of public instruction is empowered and it shall be his duty:

- 1. Looks after schools, reports to governor.* To look after the school interests of the state, and to report biennially to the governor at least five days previous to each regular session of the general assembly. His report shall give information and statistics of the public schools, and recommend such changes in the school law as shall occur to him.

- 2. Directs schools, enforces and construes school law.* To direct the operations of the public schools and enforce the laws and regulations in relation thereto. The county board of education and all other school officers in the several counties shall obey the instructions of the state superintendent and accept his constructions of the school law.

3. *Receives evidence as to county superintendent's performance of duties.* To receive evidence as to unfitness or negligence of the county superintendent, and when necessary to report it to the county board of education for action.

4. *Sends circular letter to school officers.* To send to each school officer a circular letter enumerating his duties as prescribed in this chapter.

5. *Investigates other school systems.* To correspond with leading educators in other states, to investigate systems of public schools established in other states, and, as far as practicable, to render the results of educational efforts and experiences available for the information and aid of the legislature and the state board of education.

6. *Acquaints himself with local educational wants, delivers lectures, etc.* To acquaint himself with the peculiar educational wants of the several sections of the state, and to take all proper means to supply such wants, by counseling with county boards of education and county superintendents, by lectures before teachers' institutes, and by addresses before public assemblies on subjects relating to public schools and public school work.

7. *Travels in connection with loan fund, etc.* To go to any county when necessary for the due execution of the law creating a permanent loan fund for the erection of public schoolhouses. He shall include in his annual reports a full showing of everything done under the provisions of the law creating such permanent loan fund.

8. *Signs requisitions on auditor.* To sign all requisitions on the auditor for the payment of money out of the state treasury for school purposes.

9. *Has publications made, etc.* To have the school laws published in pamphlet form and distributed on or before the first day of May of each year; to have printed and distributed such educational bulletins as he shall deem necessary for the professional improvement of teachers and for the cultivation of public sentiment for public education; and to have printed all forms necessary and proper for the purposes of this chapter.

Rev., ss. 4089, 4090, 4091, 4092; 1900, c. 525; 1901, c. 4, ss. 8, 9; 1903, c. 435, s. 1; 1903, c. 751, ss. 11, 12; 1909, c. 525, s. 2.

ART. 4. STATE BOARD FOR VOCATIONAL EDUCATION

5393. *State board for vocational education created.* There is hereby created a state board for vocational education, to consist of four members, as follows: the state superintendent of public instruction and three other members, to be appointed by the governor, one to represent agriculture, one to represent home economics, and one to represent trades and industries. The terms of office of these members shall be, for one member two years, for one member four years, and for one member six years, who shall serve till their successors are appointed; and thereafter each member shall be appointed for a term of four years.

1919, cc. 119, s. 3; 131, s. 3.

5394. *Powers and duties of board.* The state board for vocational education shall have all necessary authority to cooperate with the federal board for vocational education in the administration of the Federal Vocational Educational Act, accepted by section 5502 of this chapter; to administer any legislation pursuant thereto enacted by the state of North Carolina, and to administer the funds provided by the federal government and the state of North Carolina under the provisions of section 5503, for the promotion of vocational education in agricultural subjects, trade and industrial subjects and home

economics subjects. It shall have full authority to formulate plans for the promotion of vocational education in such subjects as an essential and integral part of the public school system of education in the state of North Carolina, and to provide for the preparation of teachers in such subjects. It shall have full authority to fix the compensation of such officials and assistants as may be necessary to administer the federal act and this article for the state of North Carolina, and to pay such compensations and other necessary expenses of administration from funds appropriated under section 5503. It shall have authority to make studies and investigations relating to vocational education in such subjects; to publish the result of such investigations, and to issue other publications as seem necessary by the board; to promote and aid in the establishment by local communities of schools, departments, or classes giving instruction in such subjects; to cooperate with local communities in the maintenance of such schools, departments, or classes; to prescribe qualifications for the teachers, directors, and supervisors of such subjects, and to have full authority to provide for the certification of such teachers, directors, and supervisors; to cooperate in the maintenance of classes supported and controlled by the public for the preparation of teachers, directors and supervisors of such subjects, or to maintain such classes under its own direction and control; to establish and determine by general regulations the qualifications to be possessed by persons engaged in the training of vocational teachers.

1919, cc. 119, s. 5; 131, s. 5.

5395. State superintendent to enforce article. The state superintendent of public instruction shall serve as executive officer of the state board for vocational education, and shall designate, by and with the advice and consent of the board, such assistants as may be necessary to properly carry out the provisions of this article. The state superintendent shall also carry into effect such rules and regulations as the board may adopt, and shall prepare such reports concerning the condition of vocational education in the state as the board may require.

1919, cc. 119, s. 4; 131, s. 4.

5396. Cooperation of county authorities with state board; funds. The county board of education, board of county commissioners, or the board of trustees of any county or city system may cooperate with the state board for vocational education in the establishment of vocational schools or classes giving instruction in agricultural subjects, or trade or industrial subjects, or in home economics subjects, and may use moneys raised by public taxation in the same manner as moneys are used for other public school purposes: *Provided*, that nothing in this article shall be construed to repeal any appropriations heretofore made by any of said boards for said purposes.

1919, cc. 119, s. 6; 131, s. 6.

5397. Report to governor. The state board for vocational education shall make a report annually to the governor, setting forth the conditions of vocational education in the state, a list of the schools to which federal and state aid have been given, and a detailed statement of the expenditures of federal funds and the state funds provided for in section 5503.

1919, cc. 119, s. 8; 131, s. 8.

ART. 5. COLLEGE COMMISSION REGULATING DEGREES

5398. Right to confer degrees restricted. No educational institution hereafter created or established by any person, firm or corporation in this state shall have power or authority to confer degrees upon any person except as herein provided.

1919, c. 264, s. 1.

5399. College commission created; investigations. A college commission is hereby created consisting of the state superintendent of public instruction, *ex officio* chairman, and four others to be appointed by the governor, to hold office for a term of five years or until their successors are appointed. The persons so appointed shall meet upon the call of the governor and adopt rules of procedure for the commission. Institutions described in the preceding section shall not have power to confer degrees until the merits of the application from an educational standpoint have been passed upon by the commission.

1919, c. 264, s. 2.

5400. Commission empowered to grant license to confer degrees. The commission herein created is authorized to issue its license to confer degrees in such form as it may prescribe to any educational institution hereafter established by any person, firm, or corporation in this state; but no educational institution hereafter established in the state shall be empowered to confer degrees unless it has income sufficient to maintain adequate faculty and equipment sufficient to provide adequate means of instruction in the arts and sciences; and unless its baccalaureate degree is conferred only upon students who have completed a four-year college course, preceded by the usual four-year high school course, or their equivalent.

1919, c. 264, s. 3.

5401. Inspection of institution; revocation of license. All institutions chartered under this article shall file such information with the state superintendent of public instruction as the commission may direct, and the commission shall have full authority to send an expert to visit any institution applying for a license to confer degrees under this article. And if any one of them shall fail to keep up the required standard the commission shall revoke the license to confer degrees, subject to a right of review of this decision by the judge of the superior court upon action instituted by the educational institution whose license had been revoked.

1919, c. 264, s. 4.

ART. 6. THE COUNTY BOARD OF EDUCATION

5402. Incorporation; general powers. The county board of education in each county shall consist, except as herein otherwise provided, of three men, elected by the general assembly from those men nominated as is hereinafter provided, and shall be a body corporate by the name and style of the County Board of Education of County. By that name it shall be capable of purchasing and holding real and personal estate, of building and repairing schoolhouses, of selling and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation.

Rev., ss. 4119, 4121; 1901, c. 4, s. 13.

5403. Local variation as to number of members of county boards. The county boards of education of Alamance, Bertie, Burke, Caswell, Camden, Chatham, Cherokee, Columbus, Cumberland, Durham, Franklin, Gates, Haywood, Hyde, Jackson, Macon, Mecklenburg, Pamlico, Person, Richmond, Rockingham, Surry, and Union counties shall each consist of five members.

1919, cc. 184, s. 2; 315, s. 1.

5404. Nominations by county primaries; elections by general assembly. In all the counties of the state there shall be nominated in the year one thousand nine hundred and twenty, and biennially thereafter, at the party primaries or conventions, at the same time and in the same manner as that in which other county officers are nominated, a candidate or candidates, by each political party of the state, for member or members of the county board of education to take the place of the member or members of said board whose term next expires. The names of the persons so nominated in such counties shall be duly certified by the chairman of the county board of elections within ten days after their nomination is declared by said county board of elections, to the secretary of state, who shall transmit the names of all persons so nominated, together with the name of the political party nominating them, to the next session of the general assembly within ten days after it convenes. It shall be the duty of the general assembly to elect or appoint one or more of the candidates so nominated as a member or members of the county board of education for such county. Upon failure of the general assembly to elect or appoint members as herein provided such failure shall constitute a vacancy which shall be filled by the state board of education. The term of office of each member shall begin on the first Monday of July of the year in which he is elected, and shall continue until his successor is elected and qualified.

Rev., s. 4119; 1917, c. 74, ss. 1, 2; 1919, c. 315.

5405. County board of elections to provide for nominations. The county board of elections, under the direction of the state board of elections, shall make all necessary provisions for such nominations as are herein provided for.

1917, c. 74, s. 4.

5406. Members to qualify. Those persons who shall be elected members of the county board of education by the general assembly must qualify by taking the oath of office on or before the first Monday in July next succeeding their election. A failure to qualify within that time shall constitute a vacancy. Those persons elected or appointed to fill a vacancy must qualify within thirty days after notification thereof. A failure to qualify within that time shall constitute a vacancy.

Rev., s. 4120; 1919, c. 315, s. 2.

5407. Vacancies in nominations. If any candidate shall die, resign, or for any reason become ineligible or disqualified between the date of his nomination and the time for the election by the general assembly of the member or members of the county board of education for the county of such candidate, the vacancy caused thereby may be filled by the action of the county executive committee of the political party of such candidate.

1917, c. 74, s. 2.

5408. Vacancies in office. All vacancies in the membership of the board of education in such counties by death, resignation, or otherwise shall be filled by the remaining members of said county board of education until the meeting

of the next regular session of the general assembly, and then for the residue of the unexpired term by that body. If the vacancy to be filled by the general assembly in such cases shall have occurred before the primary or convention held in such county, then and in that event nominations for such vacancies shall be made in the manner hereinbefore set out, and such vacancy shall be filled from the candidates nominated to fill such vacancy by the party primaries or convention of such county. All vacancies that are not filled by the remaining members of the board under the authority herein contained within thirty days from the occurrence of such vacancies, shall be filled by appointment by the state board of education.

1917, c. 74, s. 3; 1919, c. 315, s. 1.

5409. Eligibility for the office. No person shall be eligible as a member of the county board of education who is not known to be a man of intelligence, of good moral character, of good business qualifications, and heartily in favor of public education. No person while actually engaged in teaching in the public schools or engaged in teaching in or conducting a private school in connection with which private school there is in any manner conducted a public school, shall be eligible as a member of the county board of education except the county superintendent of education.

Rev., s. 4119; 1909, c. 525, s. 5; 1919, cc. 106, 315, s. 1.

5410. Meetings of board; duties thereat. The county board of education shall meet on the first Monday in January, April, July, and October, and may, if necessary, continue in session two days; and it may have called meetings, of one day each, as often as once a month, if the school business of the county requires it. It shall, at the meetings in January, April, July, and October, examine the books and vouchers and audit the accounts of the treasurer of the county school fund. The boards of education of the several counties shall cause to be published annually on the first Monday in August, in some newspaper published in the county, or at the courthouse door, if there be no newspaper published therein, or in the printed annual school report of the county, an itemized statement of all receipts and expenditures of school funds.

Rev., s. 4133; 1891, c. 460; 1901, c. 4, s. 27; 1903, c. 435, s. 26; 1905, c. 533, s. 21; 1911, c. 135; 1913, c. 149.

5411. July meeting with county superintendent and treasurer; business thereat. On the first Monday in July the county board of education, county superintendent of public instruction, and treasurer shall meet at the office of the board and settle all the business of the preceding fiscal year. The board shall on that day examine the reports of treasurer and county superintendent, and, if found correct, shall direct them to be forwarded to the state superintendent within thirty days thereafter.

Rev., s. 4134; 1901, c. 4, s. 59; 1903, c. 435, s. 20; 1907, c. 835, s. 1 (g).

5412. Powers; school control. 1. The county board of education shall have general control and supervision of all matters pertaining to the public schools in their respective counties, and are given the powers to execute and are charged with the due execution of the school laws in their respective counties.

2. The county board of education shall have power and authority to fix and determine the method of conducting the public schools in their respective counties, so as to furnish the most advantageous method of education avail-

able to the children attending the public schools in the several counties of the state.

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

4. The board and the county superintendent of public instruction shall have full power to make all just and needful rules and regulations governing the conduct of teachers and pupils as to attendance on the schools, discipline, tardiness, and the general government of the schools.

5. The county board of education shall have power to investigate and pass upon the moral character of any teacher in the public schools of the county, and to dismiss such teacher, if found of bad moral character; also to investigate and pass upon the moral character of any applicant for a teacher's certificate or for employment as a teacher in any public school in the county. Such investigation shall be made after written notice of not less than ten days to the person whose character is to be investigated.

6. All powers and duties conferred and imposed by this chapter and other laws of the state respecting public schools which are not expressly conferred and imposed upon some other official are conferred and imposed upon the county boards of education.

Rev., ss. 4122, 4123, 4125, 4127; 1901, c. 4, ss. 14, 15; 1903, c. 435, s. 4.

NOTE.—For the power of the board as to the formation of and changes in school districts, see this chapter, art. 10.

5413. Power to permit pupils to attend high school of adjoining county. The board of education of any county may, upon such terms as it may deem just, permit pupils entitled to attend a public high school in the county to attend a public high school of an adjoining county in all respects as if such high school were located in the county whose high schools such pupils are entitled to attend, when it appears that such permission can be given in justice to the schools and will be in the interest of justice and economy.

1917, c. 211.

5414. Powers; removing county school officials. In case the state superintendent shall have sufficient evidence at any time that any county superintendent of public instruction or any member of the county board of education is not capable of discharging or is not discharging the duties of his office, as required by this chapter, or is guilty of immoral or disreputable conduct, he shall report the matter to the county board of education, which shall hear evidence in the case; and if, after careful investigation, it shall find sufficient cause for his removal, it shall declare the office vacant at once and proceed to elect his successor. Either party may appeal from the decision of the county board of education to the state board of education, which shall have full power to investigate and review the decisions of the county board of education. This section shall not deprive any county superintendent of the right to try his title to his office in the courts of the state. In case the county superintendent shall have sufficient evidence at any time that any member of any school committee is not capable of discharging or is not discharging the duties of his office, he shall bring the matter to the attention of the county board of education, which shall thoroughly investigate the charges, and shall remove such committeeman and appoint his successor, if sufficient evidence

shall be produced to warrant his removal and the best interests of the schools demand it.

Rev., s. 4126; 1901, c. 4, ss. 10, 42.

5415. Powers; building and contracting for new schoolhouses. The building of all new schoolhouses shall be under the control and direction of and by contract with the county board of education. The board shall pay not over one-half of the cost of the same out of the fund set aside for building, under section 5487 of this chapter, and the school district in which any schoolhouse is erected shall pay the other part, and upon failure of any district to provide its part by private subscription or otherwise, the board is directed to take it out of the apportionment to that district; but the board shall not be authorized to invest any money in any new house that is not built in accordance with plans approved by the state superintendent. All contracts for buildings shall be in writing, and all buildings shall be inspected, received, and approved by the county superintendent of public instruction before full payment is made therefor.

Rev., s. 4124; 1903, c. 435, s. 4.

5416. Powers; school property. 1. The county board of education may receive any gift, grant, donation, or devise made for the use of any school within its jurisdiction.

2. The county board of education or the board of trustees of any incorporated or chartered school district may receive suitable sites for schoolhouses or school buildings by donation, may acquire such sites by purchase or by condemnation. In case of purchase, the county board of education or any board of trustees, as aforesaid, shall issue an order on its treasurer for the purchase money, and upon payment of the order the title to the site shall vest in the corporation in fee simple. Whenever the boards above mentioned are unable to obtain a suitable site for a school or school building by gift or purchase, such board shall report to the county superintendent of public instruction, who shall, upon five days notice to the owner or owners of the land, apply to the clerk of the superior court of the county in which the land is situated for the appointment of three appraisers, who shall lay off by metes and bounds not more than two acres, and shall assess the value thereof. The same means may be used to obtain more land in a district where there is a house or a site previously obtained, but not more than three acres shall be procured, including the site already obtained. They shall make a written report of their proceedings, to be signed by them, or by a majority of them, to the clerk within five days of their appointment, who shall enter the same upon the records of the court. The appraisers and officers shall serve without compensation. If the report is confirmed by the clerk, the chairman and the secretary of the board shall issue an order on the treasurer of the county school fund, or, if a graded school district, upon the treasurer of the graded school district, in favor of the owner of the land thus laid off, and upon the payment, or offer of payment, of this order the title to such land shall vest in fee simple in the corporation. Any person aggrieved by the action of the appraisers may appeal to the superior court in term, upon giving bond to secure the board against such costs as may be incurred on account of the appeal not being prosecuted with effect. If the lands sought to be condemned hereunder, or any part of said lands, shall be owned by a nonresident of the state, before the clerk shall appoint appraisers therefor, notice to such non-

resident owners shall be given of such proceeding to condemn, by publication for thirty days in some newspaper published in the county, and if no newspaper is published in the county, then by posting such notice at the courthouse door and three other public places in the county for the period of thirty days.

3. When in the opinion of the board any schoolhouse, schoolhouse site, or other public school property has become unnecessary for public purposes, it may sell the same at public auction, after advertisement of twenty days at three public places in the county, or at a private sale.

Rev., ss. 4121, 4130, 4131; 1901, c. 4, ss. 13, 31, 36; 1903, c. 435, s. 13; 1905, c. 533, s. 8; 1911, c. 135; 1913, c. 149, s. 1 (b); Ex. Sess. 1913, c. 39, s. 1.

5417. Powers; suits and actions. 1. The county board of education shall institute all actions, suits, or proceedings against officers, persons, or corporations, or their sureties, for the recovery, preservation, and application of all moneys or property which may be due to or should be applied to the support and maintenance of the schools, except in case of a breach of his bond by the treasurer of the county school fund, in which case action shall be brought by the county commissioners as is hereinafter provided.

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

Rev., ss. 4121, 4125; 1901, c. 4, s. 13; 1903, c. 435, s. 4; 1915, c. 236, s. 1.

5418. Power to subpoena and to punish for contempt. The board shall have power to issue subpoenas for the attendance of witnesses. Subpoenas may be issued in any and all matters which may lawfully come within the powers of the board and which in the discretion of the board require investigation; and it shall be the duty of the sheriffs, coroners, and constables to serve such subpoenas upon payment of their lawful fees.

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

Rev., ss. 4127, 4128; 1901, c. 4, ss. 15, 28.

5419. Witness failing to testify misdemeanor. Any witness who shall wilfully and without legal excuse fail to appear before the county board of education to testify in any matter under investigation by the board, shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days.

Rev., s. 3840; 1901, c. 4, s. 15.

5420. Appeals to board from county officers. An appeal shall lie from all county school officers to the county board of education, and such appeals shall be regulated by rules to be adopted by the county board of education.

Rev., ss. 4125, 4127; 1901, c. 4, s. 15.

5421. Superior court to review board's action. The superior courts of the state may review any action of the county board of education affecting one's character or right to teach.

Rev., s. 4127; 1901, c. 4, s. 15.

5422. Deeds to property purchased. All deeds to the county board of education shall be registered and delivered to the clerk of the superior court

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

Rev., s. 4132; 1901, c. 4, s. 32; 1903, c. 435, s. 14.

5423. Deeds to property sold. The deed for property sold shall be executed by the chairman and secretary of the board, and the proceeds of the sale shall be paid to the treasurer of the county school fund.

Rev., s. 4130; 1901, c. 4, s. 36.

ART. 7. COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION

5424. Election; term of office. The county superintendent of public instruction shall be elected by the county board of education on the first Monday in July, one thousand nine hundred and five, and biennially thereafter. He shall hold his office for a term of two years from the date of his election and until his successor is elected and qualified. The county board of education shall provide the county superintendent with an office at the county-seat, in the county courthouse if possible.

Rev., ss. 4135, 4139; 1907, c. 835, s. 1 (1).

5425. Eligibility. The county superintendent shall be at the time of his election a practical teacher, and must secure before assuming the duties of the office a superintendent's certificate under the rules and regulations of the state board of examiners as provided for in article thirty-two of this chapter. He shall be a man of good moral character and of liberal education, and shall otherwise be qualified to discharge the duties of his office as required by law, due regard being given to experience in teaching.

Rev., s. 4135; 1919, c. 254, s. 5.

NOTE.—For the certification required of county superintendents, see this chapter, s. 5657.

5426. Not to teach; to reside in county. Every county superintendent shall reside in the county of which he is superintendent. It shall not be lawful for him to teach a school while the public schools of his county are in session; but the state board of education may, for good and sufficient reason, permit a county superintendent to so teach.

Rev., s. 4138; 1901, c. 4, s. 44.

5427. To take oath of office. The county superintendent of public instruction, before entering upon the duties of office, shall take oath for the faithful performance thereof.

Rev., s. 4088; 1901, c. 4, s. 45.

5428. Vacancies. In case of vacancy by death, resignation, or otherwise, in the office of county superintendent, such vacancy shall be filled by the county board of education.

Rev., s. 4135.

5429. Election reported to state superintendent. Immediately after the election of the county superintendent of public instruction the chairman of the county board of education shall report to the state superintendent of public instruction the name, address, experience, and qualifications of the person elected; and the person elected shall report to the state superintendent, as soon as he shall have qualified, the date of such qualification.

Rev., s. 4136; 1901, c. 4, s. 16; 1903, c. 435, s. 5.

5430. Joint appointment in adjoining counties. Any county whose total school fund does not exceed fifteen thousand dollars may unite with any

adjoining county, and by agreement between the county boards of education of the two counties, meeting in joint session, may employ a county superintendent who shall devote his entire time to supervising impartially the educational work of the counties thus employing him. The agreement between the two county boards thus jointly employing one county superintendent, as to the apportionment of his salary and expenses, the division of his time and all other essential details, shall be recorded in the minutes of the board of education of each county.

Rev., s. 4135; 1913, c. 149, s. 1 (d).

5431. Joint employment by districts in cities and towns. By and with the consent of the county board of education, the school committees of two or more contiguous districts in any city or town may, by a majority vote of the committee in each district, employ a practical teacher, who shall be known as the superintendent of the public schools of such districts, and he shall perform all the duties of the county superintendent of public instruction as to such districts, and shall make to the county superintendent all reports that may be necessary to enable him to make his reports to the state superintendent.

Rev., s. 4137; 1889, c. 199, s. 47; 1901, c. 4, s. 74.

NOTE.—For application of this chapter to schools operating under this section, see s. 5383.

5432. Advises with teachers; may suspend teachers. It shall be the duty of the county superintendent to advise with the teachers as to the best methods of instruction and school government, and to that end he shall keep himself thoroughly informed as to the progress of education in other counties, cities, and states. He shall have authority to correct abuses, and to this end he may, with the concurrence of a majority of the school committee, suspend any teacher who may be guilty of any immoral or disreputable conduct or may prove himself incompetent to discharge efficiently the duties of a public school teacher or who may be persistently neglectful of such duties.

Rev., s. 4141.

5433. Administers oaths to teachers and school officials. The county superintendent of public instruction shall have authority to administer oaths to teachers and all subordinate school officials where an oath is required of the same.

Rev., s. 4135; 1911, c. 135, s. 1 (b).

5434. Must visit schools. The county superintendent shall be required to visit the public schools of his county while in session, and shall inform himself of the condition and needs of the various schools within his jurisdiction.

Rev., s. 4141.

5435. Holds teachers' meetings. The county superintendent shall hold each year not less than one teachers' meeting in each township, which the teachers shall be required to attend. If necessary, not exceeding three school days may be set apart for this purpose.

Rev., s. 4140; 1901, c. 4, s. 38; 1903, c. 435, s. 17; 1919, c. 254, s. 6.

5436. Attends meetings of state and district associations of superintendents. Unless providentially hindered, he shall attend continuously during its session the annual meeting of the state association of county superintendents, and the annual meeting of the district association of county superintendents, and the county board of education of his county shall pay out of the county

school fund his traveling expenses, including board, and allow him his per diem while attending such meeting; but county superintendents employed on salary shall not receive any per diem while in attendance on such meeting.

Rev., s. 4141; 1911, c. 135, s. 1 (c).

5437. Looks after fines, forfeitures, and penalties. The county superintendent shall look after all fines, forfeitures, and penalties, see that the same are placed to the credit of the school fund, and report the same to the county board of education.

Rev., s. 4139; 1901, c. 4, s. 36.

5438. Is secretary to county board. The county superintendent shall be *ex officio* the secretary of the county board of education. He shall record all proceedings of the board, issue all notices and orders that may be made by the board pertaining to the public schools, schoolhouses, sites, or districts (which notices or orders it shall be the duty of the secretary to serve by mail or by personal delivery, without cost). He shall also record all school statistics. The records of the board and the county superintendent shall be kept in the office provided for that purpose by the board.

Rev., s. 4139; 1901, c. 4, s. 36.

5439. Distributes blanks and books. It shall be the duty of the county superintendent to distribute to the various school committees of his county all such blanks as may be furnished by the state superintendent of public instruction for reports of school statistics of the several districts; also blanks for teachers' reports and for orders on the treasurer of the county school fund for teachers' salaries. He shall also distribute to the school committees school registers for their respective districts and necessary record books; he shall advise with the committee as to the best methods of gathering the school statistics contemplated by such blanks, and by all proper means shall seek to have statistics fully and properly reported.

Rev., s. 4142; 1901, c. 4, s. 40.

5440. Provides for committee's reports on deaf, dumb, and blind children. It shall be the duty of the county superintendent to require of the school committees, in enumerating the number of school children, to make a statement in the report of the number of deaf and dumb and blind children between the ages of six and twenty-one years, designating the race and sex, and the address of the parent or guardian of such children; and the county superintendents are hereby required to furnish such information to the principals of the deaf and dumb and blind institutions; and the superintendent of public instruction, in preparing blanks for reports required to be made to him, shall include questions the answers to which will furnish the information required by this section.

Rev., s. 4144; 1901, c. 4, s. 43.

5441. Reports monthly to county board. The county superintendent is required to make at the end of each calendar month during the year a brief report to the county board of education, setting forth a statement of his work and activities and of the educational progress in the county for the month. This report shall be made on blanks prepared and furnished by the state department of public instruction, and a copy of each monthly report shall be sent to the state superintendent of public instruction.

Rev., s. 4141; 1917, c. 285, s. 2.

5442. Reports annually to state superintendent; contents of report. On or before the first Monday in July of each year, it shall be the duty of each county superintendent to report to the state superintendent of public instruction an abstract statement of the number, grade, race, and sex of the teachers examined and approved by him during the year; also the number of public schools taught in the county during the year for each race, the number of children of school age in each school district, the number enrolled in each school district, the average daily attendance in each district, by race and sex, and the number of all persons in the county between the ages of twelve and twenty-one who cannot read and write. He shall also report, by race and sex, the number of pupils enrolled in all the schools, their average attendance, the average length of terms of the schools, and the average salary for the teachers of each race; the number of school districts for each race, and any new school districts laid out during the year shall be specified in his report. He shall also report the number of public schoolhouses and the value of the public school property for each race, the number of teachers' institutes held, the number of teachers attending such institutes, together with suggestions as may occur to him promotive of the school interest of the county. He shall record in his book an accurate copy of such report.

Rev., s. 4143; 1901, c. 4, s. 41.

5443. Removal for nonperformance of duties. If any county superintendent fail or refuse to perform any of the duties required of him by this chapter, he shall be subject to removal from his office by the county board of education upon the complaint of the state superintendent of public instruction.

Rev., s. 4143; 1901, c. 4, s. 41.

ART. 8. THE TREASURER OF THE COUNTY SCHOOL FUND

5444. County treasurer is. The county treasurer of each county shall be the treasurer of the school funds in his county.

Rev., s. 4152; 1901, c. 4, s. 46.

5445. Bond. Before entering upon the duties of his office the treasurer shall execute a justified bond, with security, in an amount to be fixed by the board of county commissioners, not less than the moneys received by him or his predecessor during the previous year, conditioned for the faithful performance of his duties as treasurer of the county school fund, and for the payment over to his successor in office of any balance of school moneys that may be in his hands unexpended. This bond shall be a separate bond, not including liabilities for other funds, and shall be approved by the board of county commissioners; and that board may from time to time, if necessary, require him to strengthen his bond.

Rev., s. 4152; 1901, c. 4, ss. 46, 47.

5446. Action on bond, state on relation of county commissioners. The board of county commissioners shall bring action in the name of the state upon the relation of the board for any breach of the bond of the treasurer of the county school fund, and on its failure to bring such action it may be brought in the name of the state upon the relation of any taxpayer.

Rev., s. 4153; 1901, c. 4, s. 47.

5447. Receives and disburses school funds. The treasurer shall receive and disburse all public school funds, and shall keep the same separate and distinct from all other funds.

Rev., s. 4152; 1901, c. 4, s. 46.

5448. Keeps account of receipts; receives only money. The treasurer shall keep a book in which shall be entered a full and detailed account of all public school moneys received by him, the name of each person paying him school money, the source from which the same may have been derived, and the date of such payment. When the sheriff or other collecting officer pays over money to him, he shall designate the items, and these items shall be stated in the receipts given by the treasurer. In his settlement with the sheriff or other collecting officer of public school funds the treasurer shall receive money only.

Rev., ss. 4154, 4158; 1901, c. 4, ss. 52, 56.

5449. Keeps account with each township and district. It shall be the duty of the treasurer of the county school fund to keep a book in which he shall open an account with each school district, showing the amount apportioned to such district. He shall record all payments of school money, giving the date, the amount, the person to whom paid, and for what purpose paid. He shall balance the account of each district annually on the thirtieth of June, and shall report by letter or printed circular, within ten days thereafter, such balances to the county board of education and to the school committee.

Rev., s. 4157; 1901, c. 4, s. 49; 1919, c. 254, s. 10.

5450. Disbursements. Every order for the payment of a teacher's salary, for building, repairs, school furnishing, or for the payment of money for any purpose whatsoever, before it shall be a valid voucher for the county treasurer, shall be signed first by at least two members of the school committee, then by the county superintendent. No order shall be signed by the county superintendent for more money than is to the credit of that district for the fiscal year, nor shall he endorse the order of any teacher who does not produce a certificate as required by law. The treasurer shall not pay any money for building or repairing any schoolhouse unless the site on which it is located has been donated to or purchased by the county board of education and the deed for the same regularly executed and delivered to such board and probated and registered in the office of the register of deeds for the county and delivered to the clerk of the superior court, to be by him safely deposited with his valuable official papers and surrendered to his successor in office. The treasurer of the county school fund shall, on the last Saturday of each month, attend at his office for the purpose of paying school orders, but this shall not prevent the paying of orders at other times.

Rev., ss. 4155, 4156; 1901, c. 4, ss. 48, 58.

5451. Annual report to state superintendent. The treasurer of any county, town, or city school fund shall report to the state superintendent of public instruction on the first Monday of August of each year the entire amount of money received and disbursed by him during the preceding school year, designating by items the amounts received, respectively, from property tax, poll tax, liquor licenses, fines, forfeitures, and penalties, auctioneers, estrays, from the state treasurer and from other sources. He shall also designate by item the sum paid to teachers of each race, respectively, the sums paid for schoolhouses, school sites in the several districts, and for all other purposes, specifically and in detail, by item.

Rev., s. 4158; 1901, c. 4, ss. 51, 56; 1913, c. 149, s. 1 (i).

5452. Report to county board. On the same date that he reports to the state superintendent he shall file a duplicate of such report in the office of

the county board of education. He shall make such other reports as the county board may require from time to time.

Rev., s. 4158; 1901, c. 4, ss. 51, 56.

5453. Exhibit books, vouchers, and money to county board. The treasurer of the county school fund shall, when required by the county board of education, produce his books and vouchers for examination, and shall also exhibit all moneys due the public school fund of the county at such settlement required by this article.

Rev., s. 4160; 1901, c. 4, s. 50.

5454. Duties on expiration of term. Each treasurer of the county school fund, in going out of office, shall deposit in the office of the board of education of his county his books in which are kept his school accounts, and all records and blanks pertaining to his office. If his term expires on the thirtieth day of November during any fiscal school year, or if for any reason he shall hold office beyond the thirtieth day of November and not for the whole of the current fiscal school year, he shall at the time he goes out of office file with the county board of education and with his successor a report, itemized as required by law, covering the receipts and disbursements for that part of the fiscal school year from the thirtieth of June preceding to the time at which he turns over his office to his successor, and his successor shall include in his report to the state superintendent the receipts and disbursements for the current fiscal year.

Rev., s. 4159; 1901, c. 4, ss. 57, 58.

5455. Where treasurer's office abolished, banks, etc., to report. In all counties in which the office of county treasurer has been abolished all banks or other corporations handling the public school funds shall be required to make all reports required of the treasurer of the county school fund.

1915, c. 236, s. 1.

5456. Treasurers of school fund failing to report a misdemeanor. If any treasurer of the county, town, or city school fund shall fail to make reports required of him at the time and in the manner prescribed, or to perform any other duties required of him by law, he shall be guilty of a misdemeanor, and be fined not less than fifty dollars and not more than two hundred dollars, or imprisoned not less than thirty days, nor more than six months, in the discretion of the court.

Rev., s. 3839; 1901, c. 4, s. 53; 1913, c. 149, s. 2.

ART. 9. SCHOOL COMMITTEE

5457. Membership; appointment. There shall be in each township a school committee, consisting of three persons, appointed by the county board of education in succession to the school committeemen appointed by the county board on the first Monday in July, nineteen hundred and thirteen. The county board at its meeting on the first Monday in July of each year shall appoint one member of the school committee in place of the member whose term has just expired.

But this provision shall not affect those counties wherein, on the first Monday in July, nineteen hundred and thirteen, the county board elected school committeemen by school districts and not by townships, and, in the case of such counties, the successors to school committeemen may, as their terms expire, be elected by districts.

Rev., s. 4145; 1913, c. 149, s. 1 (e).

5458. Term of office. The term of office of each school committeeman continues three years and until his successor is duly appointed and qualified.
Rev., s. 4145; 1913, c. 149, s. 1 (e).

5459. Oath of office. Each school committeeman before entering on the duties of office shall take oath for the faithful performance thereof.
Rev., s. 4088; 1901, c. 4, s. 45.

5460. Vacancies. If a vacancy shall occur at any time by death, resignation, or otherwise, the county board shall fill such vacancy.
Rev., s. 4145.

5461. Eligibility. Each school committeeman shall be a man of intelligence, of good moral character, and of good business qualifications, and known to be in favor of public education.
Rev., s. 4145; 1913, c. 149, s. 1 (e); 1917, c. 285, s. 3.

5462. Compensation of members. The county board has the power to pay to each member of the township committee one dollar per day for not more than four days per annum; but committeemen elected for school districts shall serve without compensation. The township committee shall be paid for taking the census at the rate of two cents per name, and may be paid each one dollar per day for not exceeding four days each year for such additional services as may be rendered by the committee in the discharge of their legal duties.

Rev., s. 4145; 1909, c. 769, s. 1.

NOTE.—For compensation of census taker, see s. 5743.

5463. Organization of committee. The school committee, within twenty days after their election, shall meet and elect from their number a chairman and secretary, and shall keep a record of their proceedings in a book to be kept for that purpose. The name and address of the chairman and secretary shall be reported to the county superintendent and recorded by him.

Rev., s. 4146; 1901, c. 4, s. 18.

5464. Powers as to school property. The school committee shall be intrusted with the care and custody of all schoolhouses, schoolhouse sites, grounds, books, apparatus, or other public school property in the township, with full power to control the same, as they may deem best for the interest of the public schools and the cause of education. Every township committee shall appoint one man in each school district in the township to look after the schoolhouse and property and advise with the committee.

Rev., ss. 4145, 4147; 1901, c. 4, s. 19.

5465. Lease of school grounds in cities or towns to municipalities for park purposes. The board of trustees of the schools of any incorporated city or town may, in their discretion, lease the school grounds within the corporate limits of the city or town to the proper city or town authorities for use as a public or municipal park during such period of the year as the same are not used for school purposes; and all money derived therefrom shall be used and accounted for by said school trustees exclusively for the maintenance of the public graded or high schools of such city or town.

1917, c. 102, s. 4.

5466. Powers; purchase of supplies. The committee shall have authority to purchase the supplies necessary for conducting the schools and for repairs,

to an amount not to exceed in the aggregate the sum of twenty-five dollars in any one year for each school; but nothing in this section shall be so construed as to give school committees the right to make expenditures without the order of the county board. No committee shall give an order unless the money to pay it is actually to the credit of the district, and no part of the school fund for one year shall be used to pay school claims for any previous year.

Rev., ss. 4149, 4150; 1901, c. 4, ss. 21, 34, 35; 1903, c. 435, s. 16; 1905, c. 533, s. 19.

5467. Keeps record of receipts, expenditures, and contracts. The school committee for each township or district shall keep a book in which shall be recorded an itemized statement of all moneys apportioned to, received, and expended by them for each school, and a copy of all contracts made by them with teachers.

Rev., s. 4149.

5468. Reports to board on schoolhouses and school property. The school committee shall report to the county superintendent, who in turn shall report to the county board of education, the number of public schoolhouses and the value of all public school property for each race, separately.

Rev., s. 4148; 1915, c. 236, s. 1 (f).

ART. 10. SCHOOL DISTRICTS

5469. County board divides territory into school districts. The county board of education shall divide the townships, or the entire county or any part of the county, into convenient school districts, as compact in form as practicable. It shall consult the convenience and necessities of each race in setting the boundaries of the school district for each race.

Rev., s. 4129; 1917, c. 285, s. 1.

5470. May be formed of portions of contiguous townships. Nothing in this chapter shall prevent the board, whenever it shall deem it necessary for the good of the public schools, from forming a school district out of portions of two or more contiguous townships.

Rev., s. 4129.

5471. By agreement formed of portions of contiguous counties. School districts may be formed out of portions of contiguous counties by agreement and consent of the county boards of education of the two counties. In case of the formation of such districts, the per capita part of the public school money due the children residing in one county shall be apportioned by the county board of education of that county and paid to the treasurer of the other county in which the schoolhouse is located, to be placed to the credit of the school district so formed.

Rev., s. 4129.

5472. Limitations on creation of new districts. The county board shall establish no new school in any township within less than three miles, by the nearest traveled route, of some school already established in that township. It shall not create any school district with less than sixty-five children of school age, unless such district shall contain at least twelve square miles or shall be separated by dangerous natural barriers from a schoolhouse in the district of which the proposed new district is a part. In no case shall any new district or school be established under this article if the number of schools

or districts existing January first, one thousand nine hundred and nineteen, is increased thereby.

Rev., 4129; 1909, c. 856, s. 1; 1919, c. 254, s. 12.

5473. Redistricting and consolidating. The county board of education is hereby authorized and empowered to redistrict the entire county or any part thereof and to consolidate school districts wherever and whenever in its judgment the redistricting or the consolidation of districts will better serve the educational interests of the township, or the county, or any part of the county.

Rev., s. 4129; 1917, c. 285, s. 1.

5474. Changing boundaries. The county board of education of any county is authorized and empowered to change the boundary lines between local-tax school districts, urban and rural, and to consolidate such districts in that county upon satisfactory evidence furnished to the board that the convenience and best interests of the residents of the district require the change. A change in boundaries made under this authority shall not have the effect of releasing any taxpayer from the obligation of paying his school taxes, but shall only transfer the taxpayer and his property from one local-tax district to another.

Rev., s. 4129; 1911, c. 135, s. 1; 1917, c. 285, s. 5.

5475. Provision for transportation of pupils in consolidated districts. Upon the consolidation of two or more school districts into one by the county board of education, the said county board is authorized and empowered to make provision for the transportation of pupils in that consolidated district that reside too far from the schoolhouse to attend without transportation, and to pay for the same out of the apportionment to that consolidated district. The daily cost of transportation per pupil shall not exceed the daily cost per pupil of providing a separate school in a separate district for said pupils.

Rev., s. 4129; 1911, c. 135, s. 1 (a).

5476. Interchange of pupils by counties. County boards of education of any two contiguous counties are authorized to transfer children from a school district of one county to the adjacent school district in the other county for the convenience of the children transferred, and to arrange by agreement for reasonable compensation out of the county school fund of the county from which such transfers are made, to be placed to the credit of the school district in the other county in which the children transferred attend school.

Rev., s. 4129; 1911, c. 135, s. 1; 1917, c. 285, s. 5.

5477. Credits on tuition to nonresidents whose children attend in district. Any parent or person in *loco parentis* residing outside of any special-tax district, urban or rural, chartered or otherwise, and owning property within said district whose child, children, or wards shall attend school in said district, shall be entitled to receive as a credit on the tuition of said child, children, or wards the amount of special school taxes paid on said property.

1915, c. 93.

5478. Enlargement of graded school districts in towns. Any graded school district in an incorporated city or town may be enlarged so as to include territory situate outside of and contiguous to the corporate limits of such city or town in the manner herein provided.

1. *Election upon petition by school authorities.* Upon the written petition of a majority of the members of the school committee or board of trustees of such graded school district, which petition shall describe the boundaries of

the territory to be included, and which shall be indorsed by the county board of education, the board of county commissioners shall order an election to be held in the new territory to be so included.

2. *Law governing election.* The election so ordered shall be held in the manner and form provided by law for elections for the establishment of special school tax districts.

3. *Effect of election.* In case a majority of the qualified voters in the new territory shall vote at such election in favor of a special tax of the same rate as that authorized and collected in the graded school district to which the said territory is contiguous, then the said territory shall be added to and become a part of the said graded school district; and in case a majority shall vote against said tax the district shall not be so enlarged.

4. *Transfer of persons living contiguous into district.* Upon written petition of one or more inhabitants whose property is contiguous to said special chartered or local tax district, the county board of education may transfer such individual or individuals to said district, and there shall be levied upon the property and poll of each individual so transferred the same tax as is levied upon other property and polls of said district.

5. *Levy and collection of tax.* Upon the enlargement of the graded school district as provided herein there shall be levied and collected annually in the new territory a special tax, which tax shall not exceed that levied and collected in the original graded school district. This tax shall be levied and collected by the county authorities in the same manner provided for the collection of other taxes.

6. *Tax to school funds.* Upon the collection of such tax it shall be placed to the credit of the committee or trustees of the said graded school district so enlarged.

1917, c. 104; 1919, c. 254, s. 17.

5479. **Incorporation and boundaries of graded school districts.** Every graded school district in this state which is situated entirely within the corporate limits of an incorporated city or town containing no other graded school district in whole or in part, and which, by reason of changes made in the corporate limits of such city or town after the establishment of such graded school district, is not coterminous with such city or town, is hereby made coterminous with such city or town. Every graded school district in this state is hereby incorporated and authorized to adopt a corporate seal. The name of such corporation shall be the name by which such school district is known.

1919, c. 143.

SUBCHAPTER III. REVENUE: SOURCES AND APPORTIONMENT

ART. 11. STATE PUBLIC SCHOOL FUND

5480. **State literary fund.** All funds of the state heretofore derived from the sources enumerated in section four, article nine of the state constitution, and all funds that may be hereafter so derived, together with any interest that may accrue thereon, shall be a fund separate and distinct from the other funds of the state, to be known as the State Literary Fund.

Rev., s. 4093; 1901, c. 4, s. 4; 1903, c. 567, s. 1.

NOTE.—From the state literary fund appropriations are made for loans to counties for schoolhouses, etc., and in consequence the fund is sometimes called "State Loan Fund." See sec. 5672.

5481. The state public school fund. There shall be annually levied and collected a tax of thirty-two cents on every hundred dollars valuation of taxable property in the state for the maintenance of the public schools of the state, and the funds derived therefrom shall be a separate fund in the hands of the state treasurer to be known as The State Public School Fund, and the treasurer shall, on the first day of December of each year, certify to the state board of education the amount of the funds derived or to be derived from said tax for that school year.

1919, c. 102, s. 1.

5482. Apportionment of state public school fund. Out of the state public school fund the state board of education shall apportion annually to each county of the state, on or before the first day of January of every year, a sum sufficient to pay one-half the annual salary of the county superintendent and three months salary of all teachers of all sorts employed in the public schools of the county, including the teachers of city, town, township, and all special chartered schools, and one-third the annual salary of all city superintendents: *Provided*, that no part of this fund shall be used to pay the salaries of teachers who receive appropriations from other state funds.

1919, c. 102, s. 2.

5483. Reduction of special county and district taxes. The board of county commissioners of any county or any other governing body having authority, upon petition signed by a majority of the school committeemen of any local tax district and approved by the county board of education, or upon petition signed by a majority of the school committeemen of any specially chartered school district, shall reduce the special tax levy in said local tax district or specially chartered school district: *Provided*, the reduction shall not be greater than the increase in the tax rate in that particular district that will result because of the operation of this article.

The county commissioners of any county, upon petition of a majority of the county board of education, shall reduce any special county school tax levy that has been voted on the county: *Provided*, such reduction shall not be greater than the increase that will result because of the operations of this article.

1919, c. 102, s. 3.

5484. Manner of payment. Upon requisition of the state superintendent of public instruction the state auditor shall issue his warrant upon the state treasurer, payable to the treasurer of the county school fund, for the apportionment made under this article to each county. The state treasurer is required to pay such warrant promptly upon presentation by the treasurer of the county school fund and, if necessary, to borrow in the name of the state the funds needed for such payments: *Provided*, that after the school year 1919-1920 the county board of education shall submit to the state board of education, together with the county budget, a certificate from the state tax commission to the effect that the property of said county has been assessed in accordance with the provisions of law.

1919, c. 102, s. 4.

5485. County board to submit budget to state superintendent; special county tax for six months term. On or before the first Monday of November of each year the county board of education shall submit to the state board of

education, on blanks furnished by the state superintendent of public instruction, its county school budget for the ensuing year. The county board of education shall further make oath that adequate provision has been made as required under this article for a six months school term in every school district of the county, including city or town public schools, the rate of special county school tax levied therefor, and the aggregate fund derived or to be derived therefrom. No county shall receive any part of the funds appropriated by the state under this article until it has levied the special county school tax herein required of it for a six months school term in every school district.

1919, c. 102, s. 5.

5486. County commissioners to levy required tax for six months school term. On or before the first Monday in May of each year the county board of education shall submit an itemized county school budget to the county commissioners, setting forth the amount of money needed to maintain the public schools of the county six months for the succeeding school year. Such budget shall also set forth the number of teachers, both white and colored, employed in each district and the salary fixed for each teacher, and such other information as may be required by the state superintendent of public instruction in the blanks to be furnished by him to each county board of education. The budget shall be sworn to and subscribed by the chairman of the county board of education and the county superintendent of schools. A copy thereof shall also be filed in the office of the state superintendent of public instruction. It shall then be the duty of the board of county commissioners, after deducting the amount to be received from the state public school fund, to levy annually a special tax on all property, real and personal, and on all taxable polls, subject to the constitutional limitation of the poll tax, in said county, sufficient to supply the deficiency shown by the budget to be needed for the support and maintenance of the public schools of said county for six months in each school district. Such tax shall be annually levied and collected at the same time and in the same manner as other county taxes are levied and collected, and the funds derived therefrom, together with other school funds in their hands, shall be apportioned and expended by the county board of education for maintaining one or more public schools in each school district for a term of six months in each year: *Provided*, that no county shall be compelled to levy a special county tax of more than thirty-five cents on every one hundred dollars valuation of property, real and personal, and a corresponding tax on every taxable poll for said purpose, except as provided in the next succeeding section; and after every county has levied and collected the special county tax to the limit stated above, if the funds derived therefrom may be insufficient therefor, the county shall receive from the state public school fund an apportionment sufficient to bring the school term in every school district to six months.

1919, c. 102, s. 6.

5487. Incidental expense fund. All poll tax, fines, forfeitures, penalties, and all public school revenues, other than that derived from the state public school fund and the special county tax, shall be placed to the credit of the incidental expense fund and the building fund, as provided in the budget, and if this amount is insufficient for these funds, the county board of education may provide in the county school budget for an additional amount not to

exceed twenty-five per cent of the teachers' salary fund, and the county tax may be increased sufficiently beyond the maximum levy of thirty-five cents to provide this amount if it shall appear necessary to the county board of education and the county commissioners.

1919, c. 102, s. 7.

5488. Procedure in case of disagreement or refusal of county commissioners to levy school tax. In the event of a disagreement between the county board of education and the board of county commissioners as to the amount to be provided by the county for the maintenance of a six months school term, and as to the rate of tax to be levied therefor, or in the event of the refusal of any board of county commissioners to levy said tax, the county board of education shall bring action in the nature of a *mandamus* against the board of county commissioners to compel the levying of such special tax under the provisions of the article entitled *Mandamus* of the chapter on Civil Procedure. And it shall be the duty of the judge hearing the same to find the facts as to the amount needed and the amount available from the sources herein specified, which findings shall be conclusive, and to give judgment requiring the county commissioners to levy the sum which he finds necessary to maintain the schools for six months in every school district in the county. Any board of county commissioners failing to obey such order and to levy the tax shall be guilty of a misdemeanor and shall be prosecuted therefor in the superior court.

1919, c. 102, s. 8.

5489. Consolidation of districts; elimination of small schools. The apportionment of the state public school fund shall be administered so as to encourage consolidation of districts and the elimination of small schools or small districts, and the state board of education may refuse to apportion any part of the fund to any school or district having an average daily attendance of less than fifteen pupils or to any new school or district created since January first, one thousand nine hundred and nineteen, if the number of districts or the number of separate schools in a county has been increased thereby: *Provided*, that no district shall be abolished if the geographical conditions are such that the children of the district cannot be annexed to some adjoining district without seriously limiting the educational opportunities of the children of the district.

1919, c. 102, s. 9.

5490. Requirements necessary to receive state fund. No school shall be entitled to receive an apportionment from the state public school fund or from the county school fund of any county for more than one teacher, except as follows: In a school where, during the preceding school year, except in case of an epidemic, the average number of children attending such school daily was not less than thirty pupils, funds may be apportioned for paying the salaries of two teachers; and in a school where, during the preceding school year, the average number of children attending such school daily was not less than sixty-five pupils, funds may be apportioned for paying the salaries of three teachers; and in schools where, during the preceding school year, the average number of children attending daily was not less than ninety-five pupils, funds may be apportioned for paying the salaries of four teachers; and in a school where, during the preceding school year, the average number of children attending such school daily exceeded ninety-five pupils, funds may

be apportioned for one additional teacher for each thirty additional pupils in average daily attendance in the school: *Provided*, that for the encouragement of high school instruction the state superintendent of public instruction may formulate rules and regulations that will permit the payment of salaries to high school teachers having a smaller attendance of pupils per teacher than that specified in this section.

1919, c. 102, s. 10.

5491. Appropriations for superintendent of colored normal school, board of examiners, rural libraries. The salary and expenses of the superintendent of the state colored normal school, one thousand five hundred dollars; the salaries and expenses of the state board of examiners and institute conductors, twenty-five thousand dollars; the biennial appropriation for the rural libraries, seven thousand five hundred dollars, which have heretofore been appropriated from the state equalizing fund, shall be appropriated from the state public school fund.

1919, c. 102, s. 11.

5492. Appropriation for teacher training. There shall be set aside annually from the state public school fund a sum not exceeding fifty thousand dollars for promoting teacher training in the several counties, for the improvement of teachers now in service, and for the better supervision of rural schools. The state board of education is authorized to reserve annually out of this appropriation an amount not to exceed five hundred dollars, to be paid out upon requisition of the state superintendent of public instruction in defraying part of the necessary expense incurred in connection with the supervision and inspection of public high schools.

1917, c. 285, s. 4; 1919, cc. 102, s. 12; 254, s. 20.

ART. 12. COUNTY SCHOOL BUDGET AND TAXES

5493. County school budget required; contents. On or before the first Monday in May of each year the county board of education of each county shall prepare a school budget, which shall set forth the amount of money necessary to maintain the public schools of said county for six months in every school district for the succeeding school year. The county budget shall provide three separate school funds: (1) a teachers' salary fund; (2) an incidental expense fund; and (3) a building fund.

The budget for both the regular county schools and the specially chartered schools shall be made on blanks supplied by and in accordance with the directions of the state superintendent of public instruction, and it shall be unlawful for any part of the teachers' salary fund to be used for any other purpose than that specified in the budget, after it has been approved by the state board of education.

1919, c. 114, s. 1.

5494. Teacher's salary fund; basis of estimate. In estimating the amount necessary for the teachers' salary fund, the county board shall take as a basis for the year 1919-1920 the monthly salaries of the teachers of every school of said county for the year 1918-1919, and shall increase that amount for each school as follows, subject to such exceptions as may hereafter appear: (a) For teachers holding elementary certificates not less than twenty-five per cent increase; (b) primary and grammar certificates not less than fifteen per cent increase; (c) high school certificates ten per cent increase; (d) prin-

cipals' certificates not less than ten per cent increase; (e) all superintendents of county and city schools an increase of not less than ten per cent.

The salary of each teacher holding a second grade certificate shall not be greater than forty-five dollars per month.

Nothing in this section shall make it compulsory upon the county board of education to fix the monthly salaries of the teachers for any school larger than the following: (a) For inexperienced teachers, a salary not larger than the average salary of 1918-1919 of the teachers in the county holding the same grade certificates; (b) for teachers of successful experience of two or more years holding elementary certificates, sixty-five dollars per month; (c) special primary and grammar grade certificates, seventy dollars per month; (d) high school certificates, seventy-five dollars per month; (e) principals of elementary schools of three teachers or more, one hundred dollars per month; (f) principals of high schools, one hundred and twenty-five dollars per month; and the apportionment from the state public school fund shall be made upon this salary basis.

A teacher holding a certificate of one class and teaching in another class of work shall be paid according to the class of work done, and not according to the class of certificate held.

The county board of education may in its discretion fix a salary schedule, not inconsistent with this article, based upon successful teaching experience and professional study; and nothing in this article shall operate against increasing the salary of teachers out of special tax funds.

If any school closed in 1918-1919 on account of the influenza, or for other causes, the salary or salaries that would have been paid to the teachers of that school if it had been in session shall be the basis upon which to calculate the fund for that school subject to such increase as provided for the teachers of that school.

In no case shall the salary of any teacher be reduced by the operations of this section.

1919, c. 114, s. 2.

5495. Incidental expense fund; basis of estimate. The incidental expense fund shall provide fuel, janitors, school supplies, insurance, rent, professional study, special supervision of all sorts, and all administration expenses other than the salary of the county superintendent. The amount of this fund shall be derived by ascertaining the incidental expenses of the specially chartered schools for two-thirds of the annual expenses of the year 1918-1919, and the amount for the regular county schools for twelve months for the year 1918-1919, with an addition of ten per cent of these two amounts, which may be set aside as a special contingent fund for expenses not otherwise provided for. After deducting the contingent fund, the expense of the county superintendent, traveling expenses and per diem of the county board of education, and the fees or salary of the county treasurer from the total incidental expense fund, the per cent of the remainder that shall be apportioned to the special chartered school shall be the same as the per cent of the teachers' salary fund apportioned to said specially chartered school.

1919, c. 114, s. 3.

5496. Building fund; estimate. A building fund not to exceed twenty-five per cent of the total teachers' salary fund for the entire county may be set aside each year to be used in erecting school buildings, additions to buildings,

dormitories, teachers' residences, repayment of loans to the state loan fund, sinking fund, permanent improvements, and other necessary buildings, and the per cent of this fund that shall be apportioned to the specially chartered schools shall be the same as the per cent of the teachers' salary fund apportioned to said specially chartered school.

1919, c. 114, s. 4.

5497. Lists of fines and penalties filed with county boards of education. The clerks of all state and municipal courts, justices of the peace, and the clerks or other officials having in custody the records of any city or town in the state shall furnish to the county board of education of their respective counties, on the first Monday of July and January of each year, a detailed statement of fines, forfeitures, and penalties which go to the school fund, that have been imposed or which have accrued, this information to be furnished on blanks prepared by the state department of public instruction.

Rev., s. 4108; 1901, c. 4, s. 62; 1913, c. 149, s. 1 (h).

5498. Tax lists to have separate columns for school taxes. The auditor shall include, on the form which he furnishes to the board of county commissioners and on which the tax lists are to be made out, separate columns for school poll tax and school property tax, and for special county and district taxes on property and polls. In one of these columns shall be written the total poll tax levied by the state and by the county authorities for schools, and due by the taxpayer. In the other column shall be written the total property tax levied by the state and by the county authorities, and due by the taxpayer.

Rev., s. 4109; 1901, c. 4, s. 60; 1907, c. 835, s. 1 (d).

5499. Register to furnish abstracts of lists to county board. The register of deeds shall furnish to the county board of education, as soon as the tax lists are made out, an abstract of such lists, showing in separate columns the total amount of poll tax on such lists, and also the total amount of property tax thereon, and also in another column the amount of special county and district poll taxes, and in a separate column the amount of special county and district property taxes; and shall furnish such other information from his office as the county board of education may require.

Rev., s. 4110; 1901, c. 4, s. 61; 1907, c. 835, s. 1 (e).

5500. Sheriff's liability, civil and criminal, for failure to settle school tax. The sheriff of each county shall pay annually, in money, to the treasurer of the county school fund, on or before the thirty-first day of December of each year, the whole amount for school purposes collected by both state and county, less his lawful commission for collecting the same, and such sum as may be allowed on account of insolvents for the current year; and on failing to do so shall be liable to an action on his official bond for his default in such sum as will cover such default, such action to be brought to the next ensuing term of the superior court in the name of the state upon the relation of the board of county commissioners. The sheriff shall furnish to the county board of education at the time of his settlement with the county treasurer as provided in this section a complete itemized copy of such settlement, which shall contain a list of all insolvent polls, releases, errors, and rebates allowed him by the county board of commissioners. In making settlement with the treasurer, the sheriff or tax collector shall make separate account of insolvents and delinquents allowed, whether on property or capitation tax. The county

superintendent shall make copies of the fines and penalties reported by justices of the peace and reported to the clerk of superior court and file the same with the county board.

Rev., s. 4111; Code, s. 723; 1901, c. 4, s. 54; 1905, c. 533, s. 20; 1919, c. 254, s. 3.

5501. Fiscal school year. The fiscal school year shall begin on the first day of July and close on the thirtieth day of June next succeeding.

Rev., s. 4118; 1901, c. 4, s. 67.

ART. 13. FEDERAL AND STATE COOPERATION

5502. Acceptance of benefits of federal vocational education act. The state of North Carolina hereby accepts all of the provisions and benefits of an act passed by the senate and house of representatives of the United States in congress assembled, entitled "An act to provide for the promotion of vocational education, to provide for coöperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for coöperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February twenty-third, nineteen hundred and seventeen.

1917, cc. 95, 270; 1919, cc. 119, s. 1; 131, s. 1.

5503. State appropriation equal to federal appropriation. The state of North Carolina appropriates out of the state public school fund a sum of money for each fiscal year equal to the maximum sum which may be allotted to the state of North Carolina from the federal treasury, under the provisions of the Smith-Hughes Act, namely, for the fiscal year ending June thirtieth, nineteen hundred and twenty, sixty-seven thousand, four hundred and fifty-two dollars and forty-nine cents; for the fiscal year ending June thirtieth, nineteen hundred and twenty-one, eighty-one thousand, three hundred and six dollars and eighteen cents: *Provided*, that none of this state appropriation shall be used to match federal funds in schools of less than college grade receiving other state funds for the promotion of the teaching of vocational subjects: *Provided further*, that only such portion of above state appropriation shall be used as may be absolutely necessary to carry on the work outlined in section 5394 and to meet the federal requirements.

1919, cc. 102, s. 13; 119, s. 7; 131, s. 7.

5504. State treasurer authorized to receive and disburse vocational education fund. The state treasurer is hereby designated and appointed custodian of all moneys received by the state from the appropriation made by said act of congress, and he is authorized to receive and to provide for the proper custody of the same, and to make disbursement thereof in the manner provided in the said act and for the purpose therein specified. He shall also pay out moneys appropriated by the state of North Carolina for the purpose of carrying out the provisions of article 4 of this chapter upon the order of the state board for vocational education.

1919, cc. 119, s. 2; 131, s. 2.

ART. 14. SPECIAL COUNTY SCHOOL TAX

5505. Election upon petition of county board of education. Upon the petition of the county board of education of any county the county commissioners may order an election to be held in the county to ascertain the will

of the people whether there shall be levied on all taxable property and polls in the county a special tax, not to exceed thirty cents on the one hundred dollars valuation of property and ninety cents on each poll, to supplement the county school fund of the county.

1911, c. 71, s. 1.

5506. Rules governing election. The election shall be conducted for the county as nearly as may be under the same rules and regulations governing district special school-tax elections.

1911, c. 71, s. 2.

5507. Levy and collection in county. In case a majority of the qualified voters at said election shall vote in favor of the tax, the same shall be annually levied and collected in the same manner and at the same time as the other taxes of the county are levied and collected.

1911, c. 71, s. 3.

5508. Reduction of special local tax levy in district. In case a majority of the qualified voters at said election in the county shall vote in favor of the special tax the board of county commissioners shall ascertain the sentiment of the voters in any existing special-tax district as to whether or not they desire to retain all or any part of the existing special tax in any special-tax district, and the county commissioners shall reduce the annual special levy of such district by an amount not exceeding the special levy provided for the county under this article.

1919, c. 254, s. 16.

5509. Subsequent elections upon failure of first. In case a majority of the qualified voters at said election in any county shall fail to vote for said special tax, on petition of a majority of the members of the county board of education of the county, the county commissioners may, after thirty days notice, order an election in any subsequent year after the first election for the same purpose and under the same regulations as the first election herein provided for in any or all of the townships of the county that shall have failed to carry said special tax in the former election.

1911, c. 71, s. 6.

5510. Payment of election expenses. The expense of holding said election shall be paid out of the county school fund of the county.

1911, c. 71, s. 7.

ART. 15. SPECIAL HIGH SCHOOL TOWNSHIP TAX

5511. Election upon petition of freeholders. In any township, upon petition of one-fourth of the freeholders of the township, approved by the county board of education, the board of county commissioners, after thirty days notice at the courthouse door and three public places in the township, shall hold an election to ascertain the will of the people within the township whether there shall be levied in said township a special annual tax of not less than ten cents nor more than thirty cents on the one hundred dollars valuation of property, and not less than thirty cents nor more than ninety cents on each poll, in addition to all other taxes levied for all other purposes, to be used for the establishment of a central high school or high schools in said township, in case such special tax is voted.

Rev., s. 4113; 1905, c. 533, s. 13.

5512. Rules governing election; tickets. The board of county commissioners shall appoint a registrar and order a new registration for said township, and the election shall be held under the law governing general elections, as nearly as may be, and the expenses of such election shall be paid out of the general county school fund. At said election those who are in favor of the levy and collection of said tax shall vote a ticket on which shall be printed or written the words "For High School Tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against High School Tax."

Rev., s. 4113; 1905, c. 533, s. 13.

5513. Levy and collection. In case a majority of the qualified voters at said election are in favor of said tax, then so much of the tax on property and polls herein provided for as in the judgment of the committee may be necessary shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes.

Rev., s. 4113; 1905, c. 533, s. 13.

5514. Money to be expended by high school committee. All moneys levied under the provisions of this article shall, upon collection, be placed by the treasurer of the county school fund to the credit of the township high school committee, composed of three members, appointed by the county board of education, and shall be expended exclusively by said committee in establishing and maintaining one or more high schools in said township, under such rules and regulations as to its conduct and such course or courses of study as shall be prescribed by the state superintendent of public instruction.

Rev., s. 4113; 1905, c. 533, s. 13.

5515. Powers, duties, and qualifications of committee. The powers, duties, and qualifications of the committeemen provided for in the preceding section shall be similar to those of other school committeemen, and they shall have the same power to apportion the funds so raised as is conferred upon the county board of education for apportionment of the general fund among the schools of the township.

Rev., s. 4113; 1905, c. 533, s. 13.

5516. School may be established without special tax. Township high schools may be established without the levying of a special township high school tax where the public funds are sufficient for that purpose, under such rules and regulations as to organization and course of study as the state superintendent of public instruction may prescribe.

Rev., s. 4113; 1905, c. 533, s. 13.

5517. Elementary branches may be taught; other funds may be apportioned. The provisions of this article shall not be so construed as to prevent the teaching of the elementary branches in such high schools as may be established, nor so construed as to prevent the county board of education from making such apportionment of public school funds to such high schools as they may deem equitable and just.

Rev., s. 4113; 1905, c. 533, s. 13.

5518. High school subjects may be taught in public schools. High school subjects may be taught in all public schools employing more than one teacher, according to such rules and regulations as to organization and course of study as shall be prescribed by the state superintendent of public instruction, where

the public funds are sufficient to provide for such teaching; but the high school branches taught in such schools shall not interfere with the thorough teaching of the elementary branches.

Rev., s. 4113; 1905, c. 533, s. 13.

ART. 16. SPECIAL CITY OR TOWN TAX

5519. Election upon petition of freeholders. In every incorporated city or town in which there is not now levied a special tax for schools, upon a petition signed by one-fourth of the freeholders therein, the board of aldermen or town commissioners of such city or town shall, at the date of the municipal or general election next ensuing, upon the presentation of the petition, order an election to be held to ascertain the will of the people whether there shall be levied in such city or town a special annual tax of not more than thirty cents on the one hundred dollars valuation of property and ninety cents on the poll to supplement the public school fund in such city or town.

Rev., s. 4114; 1901, c. 4, s. 71.

5520. Rules governing election; tickets. The election shall be held in the different election precincts or wards under the law governing municipal or general elections in such cities or towns. At the election those who are in favor of the levy and collection of the tax shall vote a ticket on which shall be printed or written the words "For Special Tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against Special Tax."

Rev., s. 4114; 1901, c. 4, s. 71.

5521. Levy and collection. In case a majority of the qualified voters at the election is in favor of the tax, the same shall be annually levied and collected in such city or town in the manner prescribed for the levy and collection of other city or town taxes.

Rev., s. 4114; 1901, c. 4, s. 71.

5522. Money to be expended by city or town school committee. All moneys levied under the provisions of this article shall, upon collection, be placed to the credit of a city or town school committee, composed of not less than five nor more than seven members, to be appointed by the board of aldermen or town commissioners for such city or town, and shall be, by such committee, expended exclusively upon the public schools in the city or town; and there shall be but one school district in the city or town, in which there may be established one or more schools for each race. The school committee shall apportion the money in such manner as in its judgment will equalize school facilities.

Rev., s. 4114; 1901, c. 4, s. 71.

ART. 17. SPECIAL TAX IN SCHOOL DISTRICTS CONTAINING CITIES OR TOWNS

5523. Election upon petition; conduct of election; result; use of power. In any graded school, public, or high school district, which includes an incorporate city or town, upon the written petition of one-third of the qualified voters of the district for an election to be held upon the question of levying an additional special annual tax to an amount specified in the petition with the approval of the school trustees of the district, such election shall be

ordered by the board of aldermen or other governing body of the incorporated city or town, in case the district is confined exclusively to such city or town, or by the board of county commissioners, in case the district includes also a part of the county not embraced within the city or town.

Such election shall be ordered, advertised, and held in the same manner as is now or may be hereafter provided by law for municipal or general elections where the same is entirely within the corporate limits of the city or town; but where the said election is for a district that includes, in addition, any portion of the county not within the corporate limits of the city or town, then the said election shall be ordered, advertised, and held in the same manner as is now or may be hereafter provided by law for election of members of the general assembly. At such election those who favor the levy and collection of said tax shall vote a ballot on which shall be written or printed the words "For Special School Tax," and those who are opposed shall vote a ballot on which shall be written or printed the words "Against Special School Tax."

It shall be the duty of the governing authorities of the city or town where the election is held entirely within the corporate limits of the city or town, but it shall be the duty of the county commissioners where the district in which the election is held includes any part of the county not within the corporate limits of the city or town, to declare the result of said election. If the majority of the qualified voters at said election shall vote in favor of said tax, the same shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes. All money levied and collected under the provisions of this section shall be placed to the credit of the board of trustees of said schools, to be by them expended exclusively for the maintenance of the said schools within the tax district in which the said election is held.

1917, c. 102, s. 1.

5524. Time of elections and levy; frequency of elections. All elections ordered under the provisions of this article shall be ordered and held within sixty days after the filing of the petition mentioned in the preceding section with the board of commissioners or other governing body of said city, town, or county, or with the clerk or secretary of such board or body; and if any such election shall be held prior to the first day of June of any year, the tax authorized by such election shall be levied and collected for the current year; but if such election shall be held after the first day of June of any year, the tax authorized by such election shall not be levied and collected until the following year. Elections under the provisions of this article shall be held not oftener than once a year.

1917, c. 102, ss. 2, 6.

5525. Limit of aggregate tax rate. The aggregate of all school taxes annually levied and collected under the provisions of this article, and of any other law, general or special, enacted prior to March 1, 1917 (other than taxes levied and collected for the purpose of paying the interest or principal of public, graded, or high school bonds), shall not exceed one dollar on the one hundred dollars worth of property.

1917, c. 102, s. 3.

ART. 18. SPECIAL TAX IN SPECIAL SCHOOL DISTRICTS

5526. Election for special tax districts on petition of freeholders. Special school tax districts may be formed by the county board of education in any

county without regard to township lines under the following conditions: Upon a petition of one-fourth of the freeholders within the proposed special school district, in whose names real estate in such district is listed in the tax lists of the current fiscal year, endorsed by the county board of education, the board of county commissioners, after thirty days notice at the courthouse door and three public places in the proposed district, shall hold an election to ascertain the will of the people within the proposed special school district whether there shall be levied in such district a special annual tax of not more than thirty cents on the one hundred dollars valuation of property and ninety cents on the poll to supplement the public school fund which may be apportioned to such district by the county board of education in case such special tax is voted.

Rev., s. 4115; 1909, c. 525, s. 4.

5527. Rules governing election; tickets. The board of county commissioners shall appoint a registrar and two pollholders, and shall designate a polling place and order a new registration for such district. The election shall be held in the district under the law governing general elections, as near as may be. The registrar and pollholders shall canvass the vote cast and declare the result, and shall duly certify the returns to the board of county commissioners, and the same shall be recorded in the records of the board of county commissioners. The expense of holding the election shall be paid out of the general school fund of the county. At the election those who are in favor of the levy and collection of the tax shall vote a ticket on which shall be printed or written the words "For Special Tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against Special Tax."

Rev., s. 4115; 1907, c. 835, s. 1 (f).

5528. Levy and collection. In case a majority of the qualified voters at the election is in favor of the tax, the same shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes.

Rev., s. 4115.

5529. Special districts from portions of contiguous counties. Special tax districts may be formed as provided in this article out of portions of contiguous counties. The petition for such a district must be endorsed by the boards of education of both counties. The registrar and one pollholder shall be appointed by the board of commissioners of the county in which the larger number of petitioners reside, and one pollholder must be appointed by the board of commissioners of the other county. All the provisions of article ten in regard to districts in contiguous counties shall be applicable as far as may be to the establishment of special-tax districts out of portions of contiguous counties herein provided.

Rev., s. 4115; 1915, c. 236, s. 1 (b).

5530. Enlargement of special district upon election. Upon a written request of a majority of the committee or trustees of any special tax district, the county board of education may enlarge the boundaries of any special tax district established under this article, or by special act or charter of the general assembly, so as to include any contiguous territory, and an election in such new territory may be ordered and held in the same manner as prescribed in this article for elections in special tax districts. In case a majority of the qualified voters in such new territory shall vote at the election in favor of a

special tax of the same rate as that voted and levied in the special tax district to which the territory is contiguous, then the new territory shall be added to and become a part of the special tax district, and the term "special tax of the same rate" herein used shall include, in addition to the usual special tax, any tax levied to meet the interest and sinking fund of any bonds theretofore issued by the district proposed to be enlarged. In case a majority of the qualified voters at the election shall vote against the tax, the district shall not be enlarged.

Rev., s. 4115; 1907, c. 835, s. 1 (f); 1919, c. 254, s. 19.

5531. Abolition of district upon election. Upon petition of two-thirds of the qualified voters residing in any special tax district established under this article, the same shall be endorsed and approved by the county board of education, and the board of county commissioners shall order another election in the district for submitting the question of revoking the tax and abolishing the district, to be held under the provisions prescribed in this article for holding other elections. It shall be the duty of the board of education to endorse the petition when presented, containing the proper number of names of qualified voters, and this provision is made mandatory, and the board is allowed no discretion to refuse to endorse the same when so presented. If at the election a majority of the qualified voters in the district shall vote "Against Special Tax," the tax shall be deemed revoked and shall not be levied, and the district shall be discontinued.

Rev., s. 4115; 1909, c. 525, s. 4; 1911, c. 135, s. 1 (i); 1917, c. 188, s. 1.

5532. Special district in debt may not be abolished. The provisions of this article as to abolishing special tax districts shall not apply when such special tax district is in debt in any sum whatever.

Rev., s. 4115; 1917, c. 188, s. 1.

5533. Election for abolition not oftener than once in two years. No election for revoking a special tax in any special tax district shall be ordered and held in the district within less than two years from the date of the election at which the tax was voted and the district established, nor at any time within less than two years after the date of the last election on the question in the district; and no petition revoking such tax shall be approved by the county board of education oftener than once in two years.

Rev., s. 4115; 1911, c. 135, s. 1 (i).

5534. Special tax levy restored at any time in abolished district. The provisions for ordering a new election to revoke a special tax in any special tax district shall not apply to elections in such districts for increasing or restoring the special tax levy in such district, which elections may be ordered and held at any time in accordance with the provisions of this article for establishing new special tax districts.

Rev., s. 4115; 1909, c. 525, s. 4.

5535. Increasing levy in special district, where inadequate. When it shall be ascertained upon the written petition of one-third of the qualified voters of the special tax district, endorsed by the county board of education, that the special tax levied under this article shall be inadequate to maintain and support the school or schools of the special tax district, then it shall be competent to hold an election in the district to increase the special tax levy upon real and personal property and polls to an amount not exceeding fifty cents on the one hundred dollars valuation of property and one dollar and fifty

cents on the poll. This election shall be called and held in the same manner as the election for creating the special tax district as provided in this article; but no election shall be held oftener than once in two years.

Rev., s. 4115; 1917, c. 102, s. 5; 1919, cc. 64, 254, s. 11.

5536. Money to be expended by school committee. All money levied under the provisions of this article shall, upon collection, be placed to the credit of the school committee in the district, which committee shall be appointed by the county board of education; and such school committee shall apportion the money among the schools in the district in such manner as in its judgment will equalize school facilities.

Rev., s. 4115.

SUBCHAPTER IV. PUBLIC SCHOOL SYSTEM AND INSTRUCTION

ART. 19. GENERAL SCHOOL SYSTEM

5537. Constitutional provisions. The people have the right to the privilege of education, and it shall be the duty of the state to guard and maintain that right; and religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The general assembly shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all children of the state between the ages of six and twenty-one years; and the general assembly is empowered to enact that every child of sufficient mental and physical ability shall attend the public schools, during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

Rev., s. 4085; Const., Art. I, s. 27; Art. IX, ss. 1, 2, 15.

5538. Separation of races. The children of the white race and the children of the colored race shall be taught in separate public schools, but there shall be no discrimination in favor of or to the prejudice of either race. All white children shall be taught in the public schools provided for the white race, and all colored children shall be taught in the public schools provided for the colored race; but no child with negro blood, or what is generally known as Croatan Indian blood, in his veins, however remote the strain, shall attend a school for the white race, and no such child shall be considered a white child. The descendants of the Croatan Indians now living in Robeson, Sampson, and Richmond counties shall have separate schools for their children, as hereinafter provided in this chapter.

Rev., s. 4086; Const., Art. IX, s. 2; 1901, c. 4, s. 68; 1903, c. 435, s. 22; 1915, c. 236, s. 1.

5539. Women on school boards. Positions on committees for rural and graded schools, boards of trustees of state schools and colleges for women, and subtext-book commissions shall not be deemed offices within this state, but shall be places of profit or trust; and women shall be eligible to serve in such positions under the same conditions and restrictions as are now imposed upon men. The provisions of this section shall not apply to any position or place where the person holding such position or place is elected by the people.

1913, c. 170.

5540. Closing schools for nonattendance. When a monthly or weekly report of any school where the district does not contain over one hundred and fifty children shows an average daily attendance of less than one-fifth of the school census, the committee may, with the approval of the county superintendent of schools, order the school to be closed, and the money due such school shall remain to the credit of that school; but all funds remaining to the credit of such school at the close of the school year, unused, because of nonattendance, shall be returned to the general fund for reapportionment, unless such nonattendance shall have been caused by providential or other unavoidable causes; and the county board of education, upon the recommendation of the county superintendent, shall have authority to close any school for either race in any township before it shall have continued for the average length of school term for the township in case the attendance does not justify the continuance of the school, and the money remaining to the credit of such district thus closed for nonattendance shall be returned to the general school fund.

Rev., s. 4164.

5541. Branches taught. The branches to be taught in all the public schools shall be spelling, reading, writing, arithmetic, drawing, language lessons and composition, English grammar, geography, the history of North Carolina and the United States, elements of agriculture, and oral and text-book instruction in elementary physiology and hygiene, including the nature and effect of alcoholic drinks and narcotics: *Provided*, that in public schools employing more than one teacher the elements of civil government, containing the constitution of North Carolina and the United States, and such other subjects of study as the state board of education may direct, shall be taught after adequate provision shall have first been made for the thorough teaching of the branches before named.

1919, c. 254, s. 2.

5542. Fire prevention to be taught. It shall be the duty of the insurance commissioner and the superintendent of public instruction to provide as far as practicable for the teaching of "Fire Prevention" in the colleges and schools of the state, and to arrange, if possible, for a text-book adapted to such use.

1915, c. 166, s. 5.

NOTE.—As to fire prevention and "Fire Prevention Day," see chapter Fire Protection, art. 1.

NOTE.—Section 5698 of this chapter contains list of subjects of text-books to be taught in schools.

For provisions regulating teaching of elementary branches in high schools, and high school subjects in public schools, see this chapter, secs. 5517, 5518.

ART. 20. ARBOR DAY

5543. Arbor day designated. The Friday following the first day of November in each year shall be known as Arbor Day, to be appropriately observed by the public schools of the state.

1915, c. 51, s. 1.

5544. Governor to make proclamation for observance by schools. The governor is herewith authorized to make proclamation setting forth the provisions of this act and recommending that arbor day be appropriately observed by the school children of the state, in order that they may be brought up to appreciate the true value of trees and forests to their state.

1915, c. 51, s. 2.

5545. State superintendent to provide for observance. It shall be the duty of the state superintendent of public instruction to take the matter of the observance of arbor day by the public schools of the state under his general supervision, to issue each year a program for its observance to cover such part of the day as he may prescribe, and to transmit suitable instructions to the county school authorities under his charge for an appropriate observance of arbor day.

1915, c. 51, s. 3.

ART. 21. SEPARATE SCHOOLS FOR INDIANS IN CERTAIN COUNTIES

5546. Indians subject to article designated. The persons residing in Robeson, Richmond, and Sampson counties, supposed to be descendants of a friendly tribe once residing in the eastern portion of the state, known as Croatan Indians, and who have heretofore been known as "Croatan Indians" or "Indians of Robeson County," and their descendants, shall be known and designated as the "Cherokee Indians of Robeson County"; and the persons residing in Person county supposed to be descendants of a friendly tribe of Indians and White's Lost Colony, once residing in the eastern portion of this state, and known as "Cubans," and their descendants shall be known and designated as the "Indians of Person County."

Rev., s. 4168; 1885, c. 51, s. 2; 1911, c. 215; P. L. 1911, c. 263; 1913, c. 123; P. L. 1913, c. 22.

NOTE.—For separate schools for Indians in Scotland county, see 1909, c. 720. For separate schools in Cumberland county, see 1907, c. 499.

5547. To have separate schools. The Indians mentioned above and their descendants shall have separate schools for their children, school committees of their own race and color, and shall be allowed to select teachers of their own choice, subject to the same rules and regulations as are applicable to all teachers in the general school law, and there shall be excluded from such separate schools all children of the negro race to the fourth generation.

Rev., s. 4168; 1885, c. 51, s. 2; 1889, c. 60, s. 1; 1911, c. 215.

5548. Duty of county board. It shall be the duty of the county board of education to see the provisions of this article carried into effect, and the board shall for that purpose have the census taken of all the children of such Indians and their descendants between the ages of six and twenty-one, and proceed to establish such suitable school districts as shall be necessary for their convenience, and take all such other and further steps as may be necessary for the purpose of carrying such section into effect.

Rev., s. 4169; 1885, c. 51, ss. 3, 4.

5549. Right to attend school in other districts. Where any children, descendants of such Indians, reside in any district in the counties mentioned in this article in which there are no separate schools provided for their race, they shall have the right to attend any of the public schools in the county provided for their race, and their share of the public school fund shall be appropriated to their education upon the certificate of the school committee in the district in which they reside, stating that they are entitled to attend such public schools.

Rev., s. 4169; 1885, c. 51, ss. 3, 4; P. L. 1911, c. 263; P. L. 1913, c. 22.

5550. Pro rata share of school fund kept separate. The treasurer of the county school fund and other proper authorities whose duties are to collect, keep, and apportion the school fund shall procure from the county board of

education the number of children in the county between the ages of six and twenty-one, belonging to such Indian race, and shall set apart and keep separate their pro rata share of the school funds, which shall be paid out under the same rules in every respect as are provided in the general school law and in the preceding sections.

Rev., s. 4170; 1885, c. 51, s. 4.

5551. Application of general school law. The general public school law shall be applicable in all respects to such separate schools for the Indians mentioned in this article, except where such general law is repugnant to these special provisions relating to such schools; and these special provisions for such separate schools shall apply only to the counties of Robeson, Richmond, Sampson, and Person.

Rev., s. 4171; 1885, c. 51, s. 5; 1911, c. 215; P. L. 1911, c. 263; 1913, c. 123.

ART. 22. INSTRUCTION IN TEMPERANCE

5552. Minimum of instruction; how and when given. In addition to the branches in which instruction is now required by law to be given in all schools supported wholly or in part by public money, instruction shall also be given as to the nature of alcoholic drinks and other narcotics and their effect upon the human system, in connection with the various divisions of physiology and hygiene. Such subject shall be taught in each school year below the second year in the high schools, and shall be taught as thoroughly as arithmetic and geography are taught in said schools. Such instruction shall be given by the use of text-books in the hands of all pupils in all grades from the fourth grade to the first year in the high school, inclusive, or in corresponding classes in graded schools, and orally to all pupils in the first three or primary grades, by teachers using text-books adapted to such oral instruction as a guide and standard; and all pupils must pass such tests as may be required in other studies before promoting to the next succeeding year's work. The minimum amount of such instruction shall be two lessons each week for ten weeks, or the equivalent of the same, in schools employing one teacher, and three lessons each week for ten weeks, or the equivalent of the same, in schools employing two or more teachers. Such instruction shall be given as aforesaid to all pupils in all public schools of the state.

1907, c. 957, s. 1.

5553. Gradations and regulations as to text-books. The text-books used for the instruction required to be given by the preceding section shall be graded to the capacities of the pupils, and for students below high-school grade such text-books shall give at least one-fifth their space, and for students of fifth school grade they shall give not less than twenty pages to the nature and effect of alcoholic drinks and other narcotics; but no book in which the required amount of this subject shall appear, in whole or in part, as a separate chapter at the end of the book, shall be considered as complying with the requirements of this statute, and no topical outline of study for the guidance of teachers which reduces the amount of temperance instruction below that which is required by the text-books provided for in this article shall be considered as complying with the intent of the law. No text-book on physiology or hygiene not conforming to this article shall be used in the public schools

except so long as may be necessary to fulfill the conditions of any legal adoption existing on the eleventh day of March, nineteen hundred and seven.

1907, c. 957, s. 2.

5554. Training of teachers for this instruction. In all normal schools, teachers' training classes, teachers' institutes, teachers' associations, summer schools, and all other organizations for the equipment of teachers, adequate time and attention shall be given to instruction in the best methods of teaching physiology and hygiene, with special reference to the nature of alcoholic drinks and other narcotics; and no teacher shall be licensed who has not passed a satisfactory examination in this subject and the best method of teaching it.

1907, c. 957, s. 3.

5555. Enforcement of temperance instruction. It shall be the duty of the proper officer in control of any school or schools described in the first and third sections of this article to enforce the provisions of this article; and any such officer, school director, committee, superintendent, or teacher who shall refuse or neglect to comply with the requirements of this article or shall neglect or fail to make proper provision for the instruction required and in the manner specified for all pupils in each and every school under his control and supervision, shall be removed from office and the vacancy filled as in other cases; and if it be satisfactorily proved that trustees or boards of education or boards of educational institutions, receiving money from the state, have failed to enforce this article, as far as they have authority, it shall be deemed sufficient cause for withholding the warrant for the state appropriation of school money to which such district or educational institution would otherwise be entitled.

1907, c. 957, s. 4.

ART. 23. INSTRUCTION IN AGRICULTURE, MANUAL TRAINING, AND HOME ECONOMICS

5556. State superintendent to prepare courses and publish bulletins. The state superintendent of public instruction shall prepare or have prepared courses of study in agriculture, manual training, and home economics for use in the public schools of the state, and shall have the same printed in bulletin form, said bulletins to be used as supplementary texts and guides in teaching these subjects in all public schools.

These bulletins shall contain courses of study and readily usable outlines in agriculture, including crop production and management, gardening and fruit growing, livestock farming, including simple lessons in home dairying and poultry raising, manual training and home economics, and any other subjects which may be considered necessary in the teaching of the above named courses.

1919, c. 255, s. 1.

5557. Bulletins furnished without cost. The bulletins provided for in this article shall be published by the state board of education and printed by the state printer, as state printing, and shall be furnished to the teachers and public school children of the state, without cost. These bulletins shall be distributed from the office of the state superintendent of public instruction as are other publications of the department.

1919, c. 255, s. 6.

5558. Time given to subjects for different classes of schools. The state superintendent of public instruction shall fix the minimum time to be given to the teaching of agriculture, manual training, and home economics in the respective grades, having in mind, in the preparing of these regulations, the conditions existing in the one-teacher school, the two-teacher school, and three-teacher school, and all of the regularly organized schools as distinctive types for which this material is to be provided.

1919, c. 255, s. 3.

5559. School credits for outside work. For the purpose of encouraging the practical application of the principles taught in the classroom, the state superintendent of public instruction shall prepare a system of credits, whereby the boys and girls shall receive credit for work done outside of the school hours, upon the farm and in the home, in conformity with the present system of credits obtaining in our public schools.

1919, c. 255, s. 2.

5560. Lands for demonstration work. The board of education of any county, or the board of control in any school of the state, may secure by donation, purchase, condemnation proceedings, or through lease, one or more acres of land adjacent to or near any school site for the purpose of conducting practical demonstrations of the principles taught in the classroom.

1919, c. 255, s. 5.

5561. Examination and training of teachers. All teachers of the state offering to teach any grade in which the subjects herein specified are required in any of the rural schools shall pass an examination on the subjects of agriculture, manual training, and home economics, in so far as the teaching of these subjects applies to their respective grades, and upon the bulletins provided for in this article, but this requirement does not apply to teachers entering the profession prior to July first, one thousand nine hundred and nineteen. Furthermore, the bulletins herein provided for shall be made a part of the course of study in agriculture, manual training, and home economics in summer schools for teachers, conducted by the various State institutions and in other courses for the improvement of teachers.

1919, c. 255, ss. 7, 8.

5562. All teachers may be examined. Every county superintendent in the state, together with state board of examiners and institute conductors, is hereby empowered to require satisfactory evidence, by examination or otherwise of the ability of every teacher in the respective counties to teach the subject-matter contained in the bulletins herein provided for.

1919, c. 255, s. 9.

5563. All schools required to give courses. Every public school in the state, unless exempted by the following section, shall be required to give courses in agriculture, manual training, and home economics, as prescribed herein, to its students.

1919, c. 255, s. 10.

5564. Town schools exempted. Schools operating in towns of a population of two thousand or more may be exempt from the provisions of this article by permission granted such schools by their local boards: *Provided* that courses of study in home gardening, school gardening, manual training and home economics, suited to the needs of such schools, shall be prepared.

1919, c. 255, s. 4.

5565. Reports by county superintendents. Every county superintendent of public instruction shall report to the state superintendent of public instruction within sixty days after the beginning of the school term in his county, as to whether or not such courses as are provided for herein are being taught.

1919, c. 255, s. 11.

ART. 24. COUNTY FARM-LIFE SCHOOLS

5566. Establishment of school in county. There shall be established and maintained in every county complying with the provisions of this article, as hereinafter set forth, a school to be known as a "County Farm-life School," for the training and preparation of the boys and girls of the county for farm life and home-making.

1911, c. 84, s. 1.

5567. Aim of school and course of study. The aim of said school shall be to prepare boys for agricultural pursuits and farm life and to prepare girls for home-making and housekeeping on the farm. The course of study shall include practical work on the farm by the boys and practical work in all subjects relating to housekeeping and home-making by the girls. The course of study in said school shall be subject to the approval of the state board for vocational education.

1911, c. 84, s. 2; 1919, c. 257, s. 1.

5568. Board of trustees; appointment; terms; vacancies. The school shall be under the control and management of a board of trustees of practical farmers, consisting of one member from each township in the county, appointed by the county board of education, who shall serve until their successors shall be appointed. The first board of trustees shall be divided by the county board of education into three as nearly equal groups as possible—one group shall be appointed for a term of two years, one group for a term of four years, and one group for a term of six years. Upon the expiration of the term of office of any trustee his successor shall be appointed for a term of six years. The county superintendent of public instruction shall be ex officio a member of said board and secretary thereof. All vacancies occurring by death, resignation, or otherwise, in said board shall be filled for the unexpired term by the county board of education.

1911, c. 84, s. 3.

5569. Qualification and organization of board. Within ten days after any county, township, or townships shall have complied with the provisions of this article, as hereinafter set forth, for the maintenance and equipment of the school, the members of the board of trustees shall be appointed, and the county superintendent shall duly notify them to meet at the county seat within ten days after their appointment to qualify and organize.

1911, c. 84, s. 4.

5570. Location of school. After due advertisement, inviting bids for the location of said school within the county, the board of trustees shall locate it at such place in said county as shall offer the largest financial aid for maintenance and equipment, having due regard for desirability and suitability of location: Provided, however, that said school shall not be located in any city or town of more than one thousand inhabitants, nor within two miles

of the corporate limits of any city or town of more than five thousand inhabitants.

1911, c. 84, s. 5.

5571. Buildings; farm; maintenance. For the maintenance of said school, the county or township or school district, or all combined, wherein it is located, shall provide annually, by taxation or otherwise, not less than twenty-five hundred dollars. The county or township or school district, or all combined, shall provide by bond issue, or otherwise, the following equipment for said school: a school building with recitation rooms and laboratories and apparatus necessary for efficient instruction in the prescribed subjects of study; dormitory buildings with suitable accommodations for not less than twenty-five boys and twenty-five girls; a barn and dairy building with necessary equipment; a farm of not less than fifty acres of good arable land. All of said buildings shall be located on said farm and shall be constructed in accordance with plans approved by the state superintendent of public instruction, and the entire equipment shall be subject to his approval and acceptance after inspection.

1911, c. 84, s. 6; 1919, c. 257, s. 3.

5572. Authority to accept erected school building. Upon the recommendation of the board of trustees and the presentation of satisfactory reasons therefor, the state superintendent of public instruction may grant permission to the board of trustees to accept any suitable and properly equipped school building already constructed, though it may not be located on the farm, provided it be located within reasonable and convenient distance thereof.

1911, c. 84, s. 6; 1919, c. 257, s. 4.

5573. Election in county to establish schools. 1. Upon written request of the county board of education of any county, the board of county commissioners of said county may in their discretion order an election to be held in said county, in accordance with the law governing general elections therein, as nearly as may be. A new registration shall be ordered for said election; and not less than thirty days notice of said election shall be given at the courthouse door and three other public places in the county; and if there be newspapers published in the county, a notice of said election shall also be published weekly for four successive weeks preceding said election in one newspaper therein; and the registrars and poll-holders shall canvass the vote cast, declare the result, and duly certify the returns to the board of county commissioners, and the returns shall be recorded in the records of said board of county commissioners.

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

3. If a majority of the qualified voters shall vote "For County Farm-life School," then all the provisions of this article shall be in full force and effect, and the county commissioners shall annually levy and cause to be collected, in the same manner and at the same time as other taxes of the county are levied

and collected, a tax on all property and polls of the county sufficient to provide the sum required for the annual maintenance of said school, and, in addition, the sum required for the payment of the annual interest on such bond issue as may be found necessary for providing the equipment for the school as said interest accrues, and to create a sinking fund for the purpose of paying off and discharging said bonds as they become due. The bond of the sheriff or tax collector of said county shall be responsible for the tax to the same extent as it is liable for other taxes collected by him.

1911, c. 84, s. 7.

5574. Issuance of bonds. If a majority of the qualified voters at the election shall vote "For County Farm-life School," it shall be deemed and held that a majority of the qualified voters are in favor of granting to the board of county commissioners of said county authority to issue bonds in an amount not to exceed fifty thousand dollars for the purpose of providing the necessary equipment; and such authority shall be granted to and vested in said board of county commissioners and said board is hereby authorized and empowered to issue and sell bonds in the name of said county to an amount not to exceed twenty-five thousand dollars, of such denomination and of such proportion as said board of county commissioners may deem advisable, bearing interest at a rate not to exceed six per cent, with interest coupons attached, payable at such time or times, and at such place or places as they may deem advisable, such bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not less than fifteen years from the date thereof, and at such place or places as the board of county commissioners may determine.

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

1911, c. 84, s. 8; 1919, c. 257, s. 4.

5575. Township election to secure location. The county commissioners of any county that has voted for the establishment of a "County Farm-life School" therein shall, upon petition of one-fourth of the freeholders in any township applying to the trustees of said "County Farm-life School" to secure the location of said school therein, order an election therein, to be held after thirty days notice at three public places in said township, under the law governing state and county elections as nearly as may be, and the returns of said election shall be certified by the registrars and poll-holders to the board of county commissioners, and the same shall be recorded in the records of said county commissioners. At the election shall be submitted to the qualified voters of said township the question of issuing bonds in a sum not to exceed fifty thousand dollars, the amount of said bond issue to be set out in the petition for said election, and of levying and collecting on all taxable property and polls in said township a special tax sufficient to provide for the payment of the interest on said township bonds as it accrues, and to create a sinking fund for the purpose of paying off and discharging said township bonds as they become due. At such election, those favoring the levying and collection of such a tax for such purpose shall vote a ballot on which shall be written or

printed the words "For County Farm-life School," and those opposed shall vote a ballot on which shall be written or printed the words "Against County Farm-life School."

1911, c. 84, s. 9; 1919, c. 257, s. 5.

5576. Township bonds to secure location. If a majority of the qualified voters at said election shall vote "For County Farm-life School," then it shall be deemed and held that a majority of the qualified voters are in favor of granting to the board of county commissioners of said county authority to issue bonds in the name of said township in such amount as shall have been named in the petition and notice of election, to be sold by said commissioners for the purpose of aiding in providing the buildings and farm and other equipment for "The County Farm-life School," provided said school shall be located in said township; and if said school shall be located in said township, the board of county commissioners shall annually levy and cause to be collected, in the same manner and at the same time as other taxes of the county are levied and collected, a tax on all property and polls in said township sufficient to provide for the payment of interest on said township bonds as it accrues and to create a sinking fund for the purpose of paying off and discharging said township bonds as they become due. The board of county commissioners is authorized and empowered to issue and sell said bonds of the township to the amount specified in the petition and notice of election, of such denomination and of such proportion as they may deem advisable, bearing interest at a rate not to exceed six per cent, with interest coupons attached, payable at the time or times, and at the same place or places, and of the same form and tenor, and the principal thereof payable or redeemable at the same time or times and at the same place or places as the county bonds issued by the board of county commissioners for the equipment of said "County Farm-life School."

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

1911, c. 84, s. 9.

5577. Election by contiguous townships to secure location. Any two or more contiguous townships bidding for the location of the "County Farm-life School" may unite and hold an election upon the same terms and conditions as are provided for one township for the location of the "County Farm-life School" at such point in said townships as may be determined by the board of trustees of said "County Farm-life School": Provided, that the amount of bonds authorized to be issued by one or more townships in order to secure the location of the "County Farm-life School" in a given township shall be deducted from the amount of bonds authorized to be issued by the county, so as to limit the total issue of bonds for farm, buildings, and equipment to fifty thousand dollars.

1911, c. 84, s. 9; 1919, c. 257, s. 5.

5578. Election in townships to establish on failure of county election.

1. In case an election shall be ordered and held in any county as herein provided, for the establishment and maintenance of a "County Farm-life School" therein, and a majority of the qualified voters at such election shall fail to vote "For County Farm-life School," any township in said county, or any two or

more contiguous townships in said county, shall, upon petition of one-fourth of the freeholders therein to the board of county commissioners of the county, have an election ordered by the commissioners upon the same terms and conditions prescribed in the three preceding sections of this article: Provided, that a new registration shall be ordered.

2. If in such election a majority of the qualified voters in said township or townships shall vote "For County Farm-life School," then, in that event, it shall be deemed and held that the board of county commissioners of the county is authorized and empowered to issue and sell bonds in the name of said township or townships in an amount not to exceed twenty-five thousands dollars, and to levy and cause to be collected, in the same manner and at the same time as other taxes of the county are levied and collected, a sufficient tax on all property and polls in said township or townships to comply with all conditions named in this article for the maintenance and equipment of a "County Farm-life School," subject to the same conditions as are herein provided for the issuance and sale of county bonds and the levying and collection of a county tax for said purpose.

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

1911, c. 84, s. 10.

5579. Provisions for township school becoming county farm-life school. At any time after the establishment of the "County Farm-life School" by the township or townships under the provisions of the preceding section, the county may hold an election as provided in this article for the establishment of a county farm-life school by the county; and if at the election a majority of the qualified voters of the county shall vote "For County Farm-life School," and the tax and bond issue provided for in this article for the maintenance and equipment of a "County Farm-life School" shall be provided, as directed herein, by the county commissioners for the entire county, such school established by the township or townships shall become a county farm-life school in all respects like a county farm-life school established under this article and the bonds of the township or townships and the tax levied for the maintenance of the school and for interest and sinking fund on the bonds shall be assumed by the entire county, and the bonds of the township or townships shall be canceled by substituting therefor county bonds as provided for a county farm-life school.

1911, c. 84, s. 10.

5580. High school department in connection with county farm-life school. There shall be established and maintained in connection with each county farm-life school such a high school course of study as may be approved by the state board for vocational education, and for the maintenance of such high school department of the county farm-life school there shall be the same county and state apportionments as are now made and required for a first-grade public high school under the provisions of article entitled General School Revenue and Taxes, being article 11 of this chapter. If said county farm-

life school shall be located at the same place with some existing public high school in said county, then said public high school shall be merged into and become the high school department of said county farm-life school as an organic part thereof; and the appropriations for the maintenance thereof shall be the same as the appropriations now required for a first-grade public high school. The requirements for teachers in said high school department of the county farm-life school shall be the same as are now required for high school teachers under the high school law. Said high school department and course of study, however, and the entire management of the same shall be under the direction and control of the board of trustees and the principal of the county farm-life school, and shall be conducted as an organic part of said school.

1911, c. 84, s. 11; 1919, c. 257, s. 6.

5581. Certification of teachers. No person shall be employed as principal in charge of any county farm-life school who does not hold a high school teacher's certificate on all required subjects except Latin, Greek, and Modern Languages, and endorsed by the state board for vocational education. And no person shall be employed in the department of said "County Farm-life School" for the special training of girls for home-making and housekeeping on the farm who does not hold a high school teacher's certificate on all required subjects except Latin, Greek, and Modern Languages, and endorsed by the state board for vocational education. All teachers in farm-life schools shall be elected by the board of trustees on the recommendation of the principal of said schools, and all teachers of vocational subjects in schools receiving funds from the vocational education fund shall be approved by the state board for vocational education.

1911, c. 84, s. 12; 1919, c. 257, s. 7.

5582. Agricultural and farm-life extension and demonstration. It shall be a part of the duty of the faculty of each "County Farm-life School" to conduct agricultural farm-life extension and demonstration work in said county, in coöperation, as far as possible, with such work carried on in said county by the state department of agriculture, the North Carolina State College of Agriculture and Engineering, and the United States department of agriculture; to hold township and district meetings in various parts of the county from time to time for farmers and farmers' wives; to coöperate with the county superintendent of public instruction and with the county commissioner of agriculture, where such officer exists, in stimulating, directing, and supervising practical farm-life work in the public high schools and the elementary schools of the county, and in providing instruction, through the county teachers' association and through special short courses of study at said "County Farm-life School," for the public school teachers of said county.

1911, c. 84, s. 13.

5583. Short courses for adults. There shall be provided in the courses of study of the "County Farm-life School" short courses in farm-life studies to which shall be admitted adult farmers, men and women; and there shall be held at the school annually one or more county meetings for the farmers and their wives of the county for instruction and demonstration work. All of the work herein required and all other work of the "County Farm-life School" shall be under the general supervision of the county superintendent of public instruction, and the school shall in all respects be an organic part of the county public school system.

1911, c. 84, s. 13.

5584. Admission of students from other counties. The board of trustees of the "County Farm-life School" of any county is hereby authorized and empowered to admit students from other counties of the state to said school upon payment of such rate of tuition as said board of trustees may fix; but all students who are residents of the county in which said school is located shall be admitted to said school without charge for tuition, except as otherwise provided in this article; and said board of trustees shall fix all other charges in said school at actual cost.

1911, c. 84, s. 14.

5585. Treasurer of county farm-life school; compensation. The treasurer of the county shall be the treasurer of the "County Farm-life School," and shall receive and disburse all funds therefor, keeping and rendering annually to the board of trustees of said school a separate account of such receipts and disbursements. If he be employed on salary, he shall receive no additional compensation for his services; and if employed on commission, he shall receive as compensation not to exceed one per cent on all disbursements and nothing on receipts. The official bond of said treasurer shall be responsible and held liable for all funds coming into his hands for said school to the same extent as it is liable for other funds received by him as treasurer of said county.

1911, c. 84, s. 15.

5586. Incorporation and powers. The board of trustees of said "County Farm-life School" and their successors in office shall be and are hereby constituted a body corporate by the name and style of "The Board of Trustees of the County Farm-life School of County," and by that name may sue and be sued, contract and be contracted with, purchase, hold, and sell real estate and personal property, receive donations by gift or otherwise, and exercise such other rights and privileges as are conferred by law upon corporate bodies so far as such powers are necessary or convenient to the attainment of the objects of the school or to the performance of the duties of the board. The title to all lands and other property of the "County Farm-life School" shall vest in said board of trustees.

1911, c. 84, s. 16.

5587. Appropriation of state funds; number of schools. Upon satisfactory evidence furnished by the state board for vocational education to the state board of education that all the provisions of this article for the establishment, maintenance, and equipment of a "County Farm-life School" have been complied with in any county, the said state board of education shall order the state superintendent of public instruction to issue a requisition upon the state auditor for the sum of two thousand five hundred dollars annually for the maintenance of said school, and the state auditor shall issue his warrant in favor of the county treasurer of said county for said amount, which shall be paid out of the state treasury and the money placed to the credit of the "County Farm-life School" of said county; and sufficient moneys to pay said warrants are hereby appropriated out of the state public school fund, if the amount of that fund is sufficient, after meeting all of the requirements of article 11 of this chapter, otherwise the appropriation shall be made out of the state funds not otherwise appropriated.: Provided, however, that there shall not be established more than ten such schools in any one year, and that not more than one such school shall be established in any county.

1911, c. 84, s. 17; 1919, c. 257, s. 8.

5588. County board may supplement funds. If the funds available for the maintenance and support of any county farm-life school shall be insufficient to provide for the proper maintenance and support of said school, the county board of education of any county is hereby empowered to add to its annual budget for the maintenance and support of such school, an amount not greater than one thousand dollars, provided that this amount shall not be duplicated out of the state public school fund.

1919, c. 181.

ART. 25. FARM-LIFE INSTRUCTION IN COUNTY HIGH SCHOOLS

5589. County high schools may maintain departments of instruction in agriculture and domestic science. There may be maintained in one or more of the public high schools of any county of the state complying with the provisions of this article, as hereinafter set forth, a department of agricultural instruction and a department of training in domestic science and home economics in order to better prepare the boys and girls of said county for farm life and home-making.

1911 (Pub.-Local), c. 449, s. 1; 1913, c. 105.

5590. Board of trustees of such school. The said school or schools shall be under the control and management of a board of trustees, consisting of the members of the board of education of the county and the chairman and secretary of the board of trustees of each high school in which such departments are established.

1911 (Pub.-Local), c. 449, s. 2; 1913, c. 105.

5591. Selection and location of school. After due advertisement inviting bids from the public high schools of the county now in existence or hereafter created, the county board of education of the county shall designate the place or places at which such agricultural or domestic science work shall be established. In designating a school, the county board of education shall take into consideration the financial aid offered for maintenance and equipment, desirability and suitability of location. But no such department shall be established in a school which is located in a town of more than one thousand inhabitants, nor within two miles of the corporate limits of any city or town of more than five thousand inhabitants.

1911 (Pub.-Local), c. 449, s. 3; 1913, c. 105.

5592. Maintenance of schools; buildings and equipment. For the maintenance of such school or schools, the county board of education of the county wherein the school is established shall provide annually out of the public school fund, or by donation or local tax, not exceeding twenty-five hundred dollars. The present average school term of the county shall not be shortened, however, by the appropriation herein designated.

Any school applying for the benefit to be derived under this article shall first provide a building, with recitation rooms, laboratories, and apparatus necessary for efficient instruction in the prescribed courses of study, and such dormitory buildings as the county board of education may require, and a farm of not less than ten acres of good arable land, said land to be situated not more than one mile from the school buildings.

Before the county board of education shall designate any school as a place at which the agricultural and domestic science work shall become a part of

the school curriculum, it shall first submit to the state superintendent of public instruction for his inspection and approval the equipment provided for the school.

1911 (Pub.-Local), c. 449, s. 4; 1913, c. 105.

5593. Purpose of school and course of study. The purposes of said school or schools are to give to the boys and girls such preparation as is now given in the said county public high schools, and, in addition to that, to give to the boys training in agricultural pursuits and farm life, and to prepare the girls for home-making and home-keeping. The course of study for the school or schools shall be subject to the approval of the state superintendent of public instruction and an advisory board of farm-life schools to be appointed by him.

1911 (Pub.-Local), c. 449, s. 5.

5594. Faculty and schedule of work. The teacher or teachers of the public high school, the teacher of agriculture, and the teacher of domestic science shall constitute the faculty of the county high school, who shall arrange the weekly schedule of work and submit such weekly schedule to the county superintendent of education of the county for his approval.

1911 (Pub.-Local), c. 449, s. 6; 1913, c. 105.

5595. Authority of high school principal. Nothing in this article shall be construed to lessen the power and authority of the principal of the high school, but the instructors in the various departments shall be considered members of the faculty of which the high school principal is head.

1911 (Pub.-Local), c. 449, s. 8.

5596. Qualifications of teachers. No person shall be employed as teacher in agriculture or domestic science in the school or schools herein provided for unless the applicant has furnished to the trustees satisfactory evidence of a liberal English education, and, in addition thereto, special preparation and fitness for the specific branches to be taught, said qualifications to be passed upon by the county superintendent of the county, and, if approved, submitted to the state superintendent for his approval. In addition to the above requirements, the person shall hold a high school teacher's certificate on all required subjects except Latin, Greek, and Modern Languages.

1911 (Pub.-Local), c. 449, s. 9; 1913, c. 105.

5597. Students from other counties. The board of trustees of the school or schools herein provided for is authorized and empowered to admit students from other counties of the state to said school or schools, upon payment of such tuition charges as said board of trustees may fix, but all students who are residents of the county complying with the provisions of this article shall be admitted to any of said schools without charge for tuition. There shall be no discrimination against students coming from other counties in the charges fixed for board and incidentals.

1911 (Pub.-Local), c. 449, s. 10; 1913, c. 105.

5598. Agricultural farm life and extension work. It shall be part of the duty of the teachers of agriculture and domestic science to conduct agricultural farm life and extension work in the county in coöperation, as far as possible, with such work carried on in said county by the state department of agriculture, the North Carolina State College of Agriculture and Engineering; and the United States department of agriculture; to hold township and district meetings in various parts of the county from time to time, for farmers

and farmers' wives; to cooperate with the county superintendent of education of said county and with the commissioner of agriculture, if such officer exists, in stimulating, directing, and supervising practical farm-life work in the public high school and the elementary schools of said county, and in providing instruction through the teachers' association and through a special short course of study at the schools where agriculture and domestic science instruction is given for the public school teachers of the county.

1911 (Pub.-Local), c. 449, s. 11; 1913, c. 105.

5599. Appropriation by state. Upon its being made to appear to the state board of education that any county has complied with all the provisions of this article for establishment, maintenance, and equipment of an agricultural department and a domestic science department in connection with one or more of the public high schools of the county, it shall appropriate and pay to the county board of education of the said county for such purpose an amount equal to that appropriated and furnished by the county for said work. Said appropriation by the state board of education shall not exceed the sum of twenty-five hundred dollars annually for the maintenance of said work in the county, to be paid by the state treasurer out of the funds appropriated for the maintenance of county farm-life schools under article 24 of this chapter.

1911 (Pub.-Local), c. 449, s. 7; 1913, c. 105, s. 2.

5600. Share of state appropriation for agriculture and domestic science education to be paid to county adopting this plan. All money that is now or may hereafter be appropriated by the general assembly, the state board of education, or other state authority for agricultural and domestic science education, a part of which appropriation would, except for this article, be appropriated to the county complying with the provisions of this article absolutely, or upon a contingency or contingencies, then and in that event such appropriation which would go to said county shall be turned over to the county board of education of that county to aid in carrying out the provisions of this article. Compliance with the provisions of this article by the authorities of such county shall be sufficient to entitle said county to its proportion of any appropriation of money already made or which may hereafter be made for training in the science of agriculture or domestic science. The state superintendent of public instruction shall issue a requisition on the state auditor for the amount so apportioned to said county, and he shall issue his warrant to the county treasurer of the county, and the money shall be placed by the treasurer to the credit of the school or schools of the county in which the agricultural or domestic science work is being conducted. All moneys thus placed to their credit shall be used exclusively for the purpose of instruction in agriculture and domestic science.

1911 (Pub.-Local), c. 449, s. 7; 1913, c. 105, s. 2.

5601. County appropriations; limitation. The amount annually set aside out of the public school fund by any county for maintenance of such farm-life departments shall not operate to increase the amount to which the county would have been entitled from the state public school fund, if said public school apportionments for farm-life departments had not been set aside. Such apportionments shall be included in the necessary expenses for a six months school term for which a tax is required to be levied under section 5486.

1915, c. 236, s. 7.

ART. 26. KINDERGARTENS

5602. Election as to kindergartens and special tax. Upon a petition by the board of directors or trustees or school committee of any school district, endorsed by the county board of education, the board of county commissioners, after thirty days notice at the courthouse door and three other public places in the district named, shall order an election to ascertain the will of the people within said district whether there shall be levied in such a district a special annual tax of not more than fifteen cents on the one hundred dollars worth of property and forty-five cents on the poll for the purpose of establishing kindergarten departments in the schools of said districts. The election so ordered shall be conducted under the rules and regulations for holding special tax elections in special school districts, as provided in article 18 of this chapter.

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

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

1915, c. 234, ss. 1, 2, 3.

5603. Qualifications of kindergarten teachers. That no teacher or instructor shall be employed to teach in the kindergartens of the state who has not taken at least a two years course in kindergarten training in and received a diploma from a recognized normal training school approved by the state board of examiners; Provided, first, that in lieu thereof they may offer an equivalent of training satisfactory to the state board of examiners; second, that all rules and regulations for examination, qualification, and admission of teachers and instructors in the free public school kindergartens in this state shall be prescribed and approved by the state board of examiners; third, that no kindergarten teacher shall be allowed to teach a kindergarten department larger than would result from an enrollment of twenty pupils.

1915, c. 234, s. 4.

ART. 27. CHILDREN AT ORPHANAGES

5604. Children in orphanages permitted to attend public schools; expenses. Children living in and cared for and supported by any institution established or incorporated for the purpose of rearing and caring for orphan children shall be considered legal residents of said district in which the institution is located, and a part or all of said orphan children shall be permitted to attend the public school or schools of said district, and the extra expenses of teaching said children for six months in the public school or schools of said district shall be borne as follows:

Three-fourths of the extra expense for a term of six months of every year, as a result of the attendance of said children, shall be paid out of the state public school fund and one-fourth out of the county fund, unless otherwise provided.

1919, c. 301, s. 1.

5605. County board to provide for expense in budget. The county board of education is hereby authorized to provide in the county school budget for the extra expense that may be incurred by said school as the result of the attendance of said orphan children, and the county superintendent shall set forth, in blanks prepared by the state superintendent of public instruction, the number of such children that may attend, in what grades or classes they will be enrolled, and how many extra teachers will be required as the result of the operation of this article. The salaries of such extra teachers for six months shall be provided for in the county budget as provided in the preceding section.

1919, c. 301, s. 2.

5606. After six months, tuition fees may be charged. The board of trustees in special tax or special chartered districts may charge such tuition fees as may be agreed upon between the authorities of said institution and the board of trustees for the attendance of such orphan children for the remainder of the school term, after the constitutional provision for six months school has been complied with.

1919, c. 301, s. 3.

ART. 28. INSTRUCTION OF ILLITERATES

5607. School for adult illiterates; appropriation. The state board of education is authorized to provide rules and regulations for conducting schools to teach adult illiterates, and such schools when provided for shall become a part of the public school system of the state and shall be supported as is provided for other public schools of the state.

1919, c. 161, s. 1.

5608. Funds provided. The county board of education shall, upon direction from the state superintendent of public instruction, provide annually in the county school budget, unless otherwise provided, a sum necessary to teach the adult illiterates in accordance with such rules and regulations, and a like sum shall be appropriated from the state public school fund.

1919, c. 161, s. 2.

5609. Expenses of organization and direction. The state board of education is authorized to use annually a sum not to exceed five thousand dollars of the state public school fund for the organization and direction of said work of teaching illiterates under the direction of the state superintendent of public instruction.

1919, c. 161, s. 3.

ART. 29. CONTRACTS WITH PRIVATE SCHOOLS

5610. Contract between school committee and teacher of private school. In any school district where there may be a private school regularly conducted for at least six months in the year, unless it is a sectarian or denominational school, the school committee may contract with the teacher of such private

school to give instruction to all pupils between the ages of six and twenty-one years in the branches of learning taught in the public schools, as prescribed in this chapter, without charge and free of tuition.

Rev., s. 4151.

5611. Teacher may be paid out of school funds. By agreement arranged between the committee and the teacher, the school committee may pay the teacher for services out of the public school fund apportioned to the district.

Rev., s. 4151.

5612. To have certificate and to report. Every teacher of the public school branches in such private school shall obtain a certificate from the state board of examiners covering the class of work to be done before beginning his or her work, and shall from time to time make such reports as are required of other teachers under this chapter.

Rev., s. 4151 ; 1919, c. 254, s. 8.

5613. County superintendent to employ and dismiss. The county superintendent shall have the same authority in respect to the employment and dismissal of teachers under this article, and in every other respect, as is conferred in other articles.

Rev., s. 4151.

5614. Contract to designate minimum term. All contracts made under this article shall designate the minimum length of the public school term, which shall not be less than the average length of the public school term of the county of the preceding year.

Rev., s. 4151.

5615. Limit on amount paid school under contract. The amount paid such private school for each pupil in the public school branches, based on the average daily attendance, shall not exceed the regular tuition rates in such school for such branches of study.

Rev., s. 4151.

5616. Aided schools to be public schools. Every school to which aid shall be given under this article shall be a public school, to which all children living within the district, between the ages of six and twenty-one years, shall be admitted free of charge for tuition.

Rev., s. 4151.

5617. Tuition for higher instruction; adult pay students. In case of contract with the teacher of a private school, under this article, tuition may be charged for instruction in higher branches not mentioned in the section of this chapter specifying the branches to be taught in all public schools, if the apportionment of funds for the public schools of the district would, in the opinion of the county board of education, be insufficient to provide instruction in these higher branches of study if the public school were taught separately. The committee may admit pay students over twenty-one years of age.

Rev., s. 4151.

ART. 30. RURAL LIBRARIES

5618. How established. When the patrons and friends of any free public school in which a library has not already been established by aid of the state shall raise by private subscription and tender to the treasurer of the county school fund for the establishment of a library to be connected with the school

the sum of ten dollars, the county board of education shall appropriate from the general county school fund the sum of ten dollars for this purpose. After any school district shall have had a library for ten years or longer under the provisions of this section, said school district shall be entitled to receive a second library in accordance with the foregoing provisions of this section.

Rev., s. 4172; 1901, c. 662, s. 6; 1903, c. 226, s. 1; 1905, c. 381; 1915, c. 236, s. 1 (d).

5619. Management. The county board of education shall appoint one intelligent person in the school district the manager of the library, and shall also appoint one competent person, well versed in books, to select books for such libraries as may be established under these provisions from lists of books approved by the state superintendent of public instruction.

Rev., s. 4172; 1901, c. 662, s. 6; 1903, c. 226, s. 1; 1905, c. 381.

5620. Donation by state board. As soon as the county board shall have made an appropriation for a library in the manner prescribed, the county superintendent shall inform the secretary of the state board of education of the fact, whereupon the state board shall remit to the treasurer of the county school fund the sum of ten dollars additional for the purchase of books.

Rev., s. 4173; 1901, c. 662, s. 7; 1903, c. 226, s. 2; 1905, c. 381, s. 2.

5621. Books and bookcases. Within thirty days after the payment of the money to the treasurer of the county school fund, the person appointed to select the books shall submit the list of books to be purchased and prices of same to such treasurer, who shall order the books at once. The treasurer shall receive no compensation except his regular commission. The county board shall furnish, at the expense of the general county school fund, a neat bookcase, with lock and key, to each library, upon application of the county superintendent.

Rev., s. 4174; 1901, c. 662, s. 8; 1903, c. 226, s. 3; 1905, c. 381, s. 3.

5622. Rules by state superintendent. The local manager of every library shall carry out such rules and regulations for the proper use and preservation of the books as may be established by the state superintendent of public instruction, and shall, on or before June thirtieth of each year, make to the state superintendent such reports as he shall require.

Rev., s. 4175; 1901, c. 662, s. 9; 1903, c. 226, s. 4; 1905, c. 381, s. 4.

5623. Exchange of libraries. The local managers of two or more libraries may, by agreement, exchange libraries; but no exchange shall be made oftener than once in six months, and no part of the expense of exchanging libraries shall be paid out of the public funds.

Rev., s. 4176; 1901, c. 662, s. 10; 1903, c. 226, s. 5; 1905, c. 381, s. 5.

5624. Enlargement of libraries. When the patrons and friends of any free public school in which a library has been established under the provisions of this article shall raise by private subscription and tender to 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 general school fund the sum of five dollars, and the state board of education shall remit to the treasurer of the county school fund 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.

Rev., s. 4177; 1903, c. 226, s. 6; 1905, c. 381, s. 6; 1907, c. 835, s. 1 (k).

5625. Limitation on number of libraries. Not more than six new libraries, in addition to those already established, shall be established biennially in any county under the provisions of the preceding sections, and not more than six libraries already established in any county shall be entitled biennially to the benefits provided for the enlargement of libraries.

Rev., s. 4178; 1901, c. 662, s. 12; 1903, c. 226, s. 8; 1905, c. 381, ss. 8, 9.

5626. New libraries established regardless of previous number with funds previously appropriated. After November thirtieth, nineteen hundred and six, and after November of every second year thereafter, if any of the aforesaid biennial appropriation for the years ending on such date shall still be in the hands of the state treasurer, any free public school which shall fulfill the conditions set forth in the preceding sections of this article shall be entitled to receive the benefits of this article, regardless of the number of libraries already established in the county in which the school is located, until the aforesaid balance of each biennial appropriation available for the purpose is exhausted.

Rev., s. 4178; 1901, c. 662, s. 12; 1903, c. 226, s. 8; 1905, c. 381, ss. 8, 9.

5627. General appropriations of additional state funds. The sum of seven thousand five hundred dollars of the appropriation for the public schools of the state is hereby biennially appropriated and set apart to be expended by the state board of education under the provisions of this article. Of each biennial appropriation a sum not exceeding five thousand dollars may be expended by the state board of education in the establishment of new libraries and a sum not exceeding two thousand five hundred dollars may be expended by the state board in the enlargement of libraries according to the provisions of this article. Any balance of the biennial appropriation of two thousand five hundred dollars for the enlargement of libraries remaining in the hands of the state treasurer at the end of each biennial period shall be used for the establishment of new libraries in accordance with the provisions of this article.

Rev., s. 4179; 1901, c. 662, s. 11; 1903, c. 226, s. 7; 1905, c. 381, s. 7; 1909, c. 525, s. 7.

5628. Exclusion of cities and towns from benefits of article. No school district in any incorporated town with a population exceeding one thousand persons shall receive any moneys under the provisions of this article.

Rev., s. 4178; 1905, c. 381, s. 9.

ART. 31. SCHOOL EXTENSION WORK

5629. Moving pictures for rural communities; cost. It shall be the duty of the state superintendent of public instruction to provide for a series of rural entertainments, varying in number and cost and consisting of moving pictures selected for their entertaining and educational value, which entertainments may be given in the rural schoolhouses of the state as herein provided. The cost of such entertainment shall be borne one-third by the state and two-thirds by the board of education or the rural school community desiring said entertainment.

1917, c. 186, ss. 1, 2.

5630. State superintendent to supply information and provide for entertainments; community deposit. It shall be the duty of the state superintendent of public instruction to inform the various county boards of education

of the number, character, and cost of the entertainments provided by him under the provisions of this article; and upon application of any county board of education, agreeing to pay two-thirds of the cost of any such entertainments, it shall be the duty of the state superintendent of public instruction to provide for the giving of such entertainments in the rural schoolhouse or houses designated in the application. Any rural school community shall be entitled to the benefits of this article by depositing with its county board of education two-thirds of the cost of entertainments desired, and in all cases it shall be the duty of the county board of education receiving such deposits to make immediate application to the state superintendent of public instruction as herein provided.

1917, c. 186, s. 3.

5631. Health and agricultural authorities to cooperate. The state board of health and the commissioner of agriculture are hereby authorized and directed to cooperate with the state superintendent of public instruction in arranging for the entertainments provided for by this article to the end that the entertainment may, if it is deemed advisable, include the subjects of public health and agriculture.

1917, c. 186, s. 4.

5632. Appropriation. In order to carry out the provisions of this article the sum of twenty-five thousand dollars per annum is hereby appropriated out of the general funds of the state not otherwise appropriated, to be expended by the state board of education under the direction and supervision of the state superintendent of public instruction.

1917, c. 186, s. 5.

SUBCHAPTER V. TEACHERS, TRAINING, CERTIFICATION, EMPLOYMENT, DUTIES, AND SALARIES

ART. 32. STATE BOARD OF EXAMINERS AND INSTITUTE CONDUCTORS

5633. Board constituted; membership; terms; vacancies. There shall be and is hereby constituted a state board of examiners and institute conductors, which shall consist of six members—three men and three women—of recognized ability, character, professional training, and successful experience in teaching or in supervising schools, to be designated as institute conductors. They shall be appointed by the governor, three for a term of two years, three for a term of four years, and their successors for a term of four years. All vacancies occurring in the membership of the board by death or resignation or otherwise shall be filled in the same manner for the unexpired term.

1917, c. 146, s. 1.

5634. Chairman and secretary ex officio. The state superintendent of public instruction shall be ex officio chairman of the board, and the state supervisor of teacher-training and superintendent of the state normal schools.

1917, c. 146, s. 1.

NOTE.—See art. 21 above and Salaries and Fees, sec. 21, note.

5635. Salaries of members. The salary of each institute conductor shall be fixed by the state board of education, upon the recommendation of the ex-

ecutive committee of the North Carolina teachers' assembly, at a sum not to exceed three thousand dollars per year, exclusive of expenses.

1917, c. 146, s. 1; 1919, c. 247, s. 5.

5636. Removal of members; appeal. For immoral conduct, incompetency, failure to perform duty, or other good and sufficient cause, the state board of education may remove from office any member of said board of examiners and institute conductors, after due notice in writing to said member of the charges, who shall be given at least five days to appear and answer and offer evidence, and who shall have the right of appeal from the action of the state board of education to the courts of the state.

1917, c. 146, s. 1.

5637. Supervision of teacher-training. In cooperation with the supervisor of teacher-training and superintendent of the state normal schools for the colored race and for the Cherokee Indians, the board of examiners and institute conductors shall plan, direct, and supervise the work of those schools, and shall have general direction and supervision of the work of all teachers' associations and reading circles and of such other work as may be deemed necessary for professional training and home study for teachers.

1917, c. 146, s. 7.

5638. County teachers' institutes. The board of examiners and institute conductors shall plan, direct, and the six members of the board designated above as institute conductors shall conduct, biennially in each county in North Carolina, a county teachers' institute for not less than two weeks for the public school teachers of that county, at such time and place therein as may be designated by the board, having due regard in fixing the time and place to the convenience of the teachers and the recommendations of the county board of education and county superintendent.

1917, c. 146, s. 8.

5639. Substitute for two weeks institute authorized. The state board of examiners and institute conductors is authorized to provide in lieu of the two weeks county institute, teacher-training courses in public high schools, county summer schools for teachers, or such other means for increasing the efficiency of the teachers in the schools of the state, and to make all needful rules and regulations governing the same: *Provided*, that not more than one-half of the cost of maintaining the same shall be paid out of the state public school fund.

1919, c. 102, s. 12.

5640. Attendance of teachers required; penalty for failure. All public school teachers of the state, urban and rural, including all public high school teachers, principals, supervisors, and superintendents, are hereby required to attend biennially some county institute continuously for two weeks or some summer school for teachers accredited by said board, continuously for one entire term of such summer schools, unless excused from attendance by said board for sickness evidenced by the certificate of a physician, or for other cause adjudged by the board to be providential. Failure to attend such institute or accredited summer school, unless so excused, shall debar any person so failing from teaching or supervising in any public school, high school, urban or rural, until such person shall have attended some county institute or summer school as herein required; and the board is authorized

to cancel the certificate of any person failing to comply with the provisions of this section.

1917, c. 146, s. 8.

5641. Separate and joint institutes; negro assistants. The board of examiners and institute conductors shall provide for separate county institutes for the teachers of each race, and is further authorized to provide for joint county institutes for two or more counties for the teachers of either race, and to provide for holding the county institute of any county in which an accredited summer school is conducted in conjunction with said summer school. The board is hereby authorized to employ competent negro teachers to assist in conducting the county institutes for negro teachers and to fix their compensation, which shall be paid out of the funds provided in this article.

1917, c. 146, ss. 8, 11.

5642. Schedule of institutes. The schedule of institutes shall be arranged annually so as not to interrupt the regular session of the public schools, rural or urban, in any county, except with the consent of the county board of education or the trustees of urban schools operated under special charters.

1917, c. 146, s. 8.

5643. Examinations, accrediting, and certificates. The board of examiners and institute conductors shall have entire control of examining, accrediting without examination, and certificating all applicants for the position of teacher, principal, supervisor, superintendent, and assistant superintendent in all public elementary and secondary schools of North Carolina, urban and rural. The board shall prescribe rules and regulations for examining, accrediting without examination, and certificating all such applicants for the renewal and extension of certificates and for the issuance of life certificates.

1917, c. 146, s. 2.

5644. Certificate prerequisite to employment. No person shall be employed or serve in the public schools as teacher, principal, supervisor, superintendent, or assistant superintendent who shall not be certificated for such position by the board of examiners and institute conductors in accordance with the law.

1917, c. 146, s. 2.

5645. Teacher must be eighteen. No certificate to teach shall be issued to any person under eighteen years of age.

Rev., s. 4163.

5646. Second and third grade certificates. The examination and certification of all applicants for second and third grade certificates shall be under the control of the county superintendent of each county or of the town or city superintendent of each town or city system operated under any special acts or charter.

1917, c. 146, s. 2.

5647. Approval of certificates; refusal of approval; appeal and review. No certificate issued by the board shall be valid until approved and signed by the county superintendent of the county or the city superintendent of the city in which the examination of the holder of said certificate was held, or in the schools of which the holder of said certificate, if issued without examination, applies to teach. Any certificate when so approved by said county or city superintendent shall be of state-wide validity, and in case such county or city

superintendent shall refuse to approve and sign any such certificate, he shall notify the secretary of the state board of examiners and institute conductors and state in writing the reasons for such refusal. The said board of examiners and institute conductors shall have the right, upon appeal by the holder of said certificate, to review and investigate and finally determine the matter.

1917, c. 146, s. 2.

5648. Certificates heretofore granted; renewals. All state high school certificates, five-year state elementary school certificates, and first grade county certificates in force on March fifth, nineteen hundred and seventeen, shall continue in force until the date of their expiration as stated in each certificate, after which the present holders of such certificates shall be subject to such rules and regulations as the state board of examiners and institute conductors may adopt in regard to the issuance or renewal, with or without examination, of certificates of the same class.

1917, c. 146, s. 3.

5649. Temporary and permanent certificates to superintendents and assistants. The board of examiners and institute conductors shall issue to all city superintendents, to all county superintendents, and to all assistant superintendents in service on March fifth, nineteen hundred and seventeen, temporary superintendents' or assistant superintendents' certificates without examination, and prescribe rules and regulations for the renewal and extension of the same. In cases of undoubted fitness, competency, and progressive efficiency, evidence of which shall be submitted in writing to said board, it shall issue to all such superintendents and assistant superintendents a permanent certificate without examination, under such rules and regulations as it may adopt.

1917, c. 146, s. 3.

5650. Teachers to be listed July 1, 1917; may be certified. On or before July first, nineteen hundred and seventeen, the superintendent or other supervising officer of every city, town, or other specially chartered school that now has power and authority to elect teachers without a county or state certificate shall file with the state board of examiners and institute conductors a complete list of the names of all teachers, principals, and supervisors in service in the school or schools under his supervision during the school year ending June thirtieth, nineteen hundred and seventeen, together with a certified statement from them and from said superintendent or supervising officer of the qualifications, preparation, professional training, and teaching experience of each, and the recommendation of said superintendent or supervising officer as to the grade of certificate to which each is entitled. Whereupon the state board of examiners and institute conductors may authorize and cause to be issued to such teachers, principals, and supervisors, without examination, a permanent certificate of the grade recommended, subject, however, to the rules and regulations of said board for keeping permanent certificates in force.

1917, c. 146, s. 3.

5651. Questions for examination; lists printed and distributed. The state board of examiners and institute conductors shall prepare questions for the examinations authorized under this article, and the state superintendent of public instruction shall cause lists of the questions so prepared to be printed, and shall, before the date of such examination, send in sealed packages, not to be opened until the day of the examination, to each superintendent or other

person appointed to conduct said examinations in the various counties or cities of the state, a sufficient number of such lists.

1917, c. 146, s. 4.

5652. Dates for examinations; special examinations. The second Tuesday in April, July, and October of each year is hereby designated for said examinations, which may be continued from day to day for three successive days, under such rules and regulations as said board may adopt; but no examination shall commence on any other day than the first day of each period mentioned in this section, and no examination shall be held at any other time. The board may in its discretion provide for special examinations to be conducted by such persons as it may appoint.

1917, c. 146, s. 4.

5653. Conduct of examinations; transmission of papers. The examinations shall be conducted by the county superintendent of each county for all applicants in his county, and in cities and towns of two thousand or more inhabitants the examinations for applicants for positions in the schools under their supervision may be conducted by the licensed superintendents of the schools in such cities and towns. All examinations of applicants for superintendents' certificates shall be conducted by the state board of examiners and institute conductors under such rules and regulations as it may adopt therefor. All examination papers shall be promptly transmitted to the secretary of the state board of examiners and institute conductors.

1917, c. 146, s. 4.

5654. Temporary local certificates. Upon the recommendation of the superintendent concerned, said board may grant a temporary certificate or permit, valid in the county or city designated, to any teacher who, at the time of the last preceding examination, was not in the state, or who at such time was prevented by illness from taking the examination, as evidenced by the certificate of a physician. Such temporary certificate or permit, however, shall be valid only from the date of issuance to the date on which the state board of examiners and institute conductors shall make their report upon applicants at the next meeting succeeding regular examination, and no such temporary certificate or permit shall be renewed.

1917, c. 146, s. 4.

5655. Assistants to board; stenographer; printing. The board may, with the approval of the state board of education when adjudged by it absolutely necessary, employ competent persons to assist in the reading and grading of examination papers, and shall fix the compensation of such persons not to exceed five dollars a day for the time employed, to be paid upon the requisition of the chairman of the board out of the funds provided under this article. The board is authorized to employ a stenographer at such compensation as it may fix, and to have done as public printing by the state printer all printing necessary for its work.

1917, c. 146, s. 5.

5656. Employment of persons without certificate unlawful; appropriation withheld; salaries not paid. After July first, nineteen hundred and seventeen, it shall be unlawful for any board of trustees or school committee of any public school that receives any public school money from county or state to employ or keep in service any teacher, superintendent, principal, supervisor, or assistant superintendent that does not hold a certificate in compli-

ance with the provisions of the law. Upon notification by the state board of examiners and institute conductors to the state board of education or to the county board of education that any school committee or board of trustees is employing or keeping in service a teacher, supervisor, principal, superintendent, or assistant superintendent in violation of the provisions of this section, the state board of education shall withhold from such county any and all appropriations from the state treasury for such school, and said county board of education shall withhold from said school any and all appropriations from the county school fund until compliance with the law.

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

1917, c. 146, s. 6.

5657. Classes of first-grade certificates. There shall be the following classes of first grade certificates: (1) Superintendents' and assistant superintendents'; (2) High school principals'; (3) High school teachers'; (4) Elementary school teachers'; (5) Elementary supervisors'; and (6) Special. The state board of examiners and institute conductors may subdivide and shall define in detail the different classes of first grade certificates, determine the time of their duration and validity, prescribe the standards of scholarship for same, and the rules and regulations for the examination for them and for their issuance, and their renewal or extension.

1917, c. 146, s. 9.

5658. Misdemeanor to tamper with examination questions. Any person who purloins, steals, buys, receives, or sells, gives, or offers to buy, give, or sell any examination questions or copies thereof of any examination provided and prepared by law before the date of the examination for which they shall have been prepared, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court.

1917, c. 146, s. 10.

ART. 33. TEACHERS' HEALTH CERTIFICATE

5659. Health certificate required for teachers. Any person teaching in the public schools of the state, or occupying the position of superintendent of public instruction in any county in the state, after the first day of October, one thousand nine hundred and nineteen, shall secure each year before assuming his or her duties a certificate from the county physician, or other reputable physician of the county, certifying that the said person has not an open or active infectious state of tuberculosis, or any other contagious disease.

The physician shall make the aforesaid certification on a form supplied by the North Carolina state board of health, and without charge to the teacher applying for the certification.

1919, c. 177, ss. 1, 2.

5660. Violation of article a misdemeanor. Any person violating any of the provisions of this article shall be guilty of a misdemeanor and subject

to a fine of not more than fifty dollars nor more than thirty days imprisonment.

1919, c. 177, s. 3.

ART. 34. EMPLOYMENT OF TEACHERS

5661. School committee employs and dismisses; hearing before dismissal. The school committee shall have authority to employ and dismiss teachers, but no teacher shall be dismissed until charges shall have been filed in writing with the county superintendent, and after a hearing shall have been had before the committee of the district in which the teacher is teaching, after two days notice to the teacher.

Rev., s. 4161; 1907, c. 835, s. 1 (h).

5662. Committee meeting before employment. The committee shall meet at convenient times and places for the employment of teachers for the public schools and no teacher shall be employed by any committee except at regularly called meeting of such committee, due notice of such meeting having been given at three public places by the committee. The county board of education shall fix annually a day and place in each township for the meeting of the township or district committeemen of said townships. The committeemen, thereupon, in conference with the county superintendent, with whom applications must have been previously filed by all applicants, select the teachers for their respective schools.

Rev., 4161; 1913, c. 149, s. 1 (f); 1919, c. 254, s. 18.

5663. Ineligibility of members of committee. No person while serving as a member of any township or district committee or county board of education shall be eligible to be elected as a teacher of any school, and should such person be elected said election is hereby declared null and void.

1919, c. 254, s. 7.

5664. County superintendent must approve election and sign salary vouchers. No election of any teacher or assistant teacher shall be deemed valid until such election has been approved by the county superintendent. The county superintendent must sign all vouchers for teachers' salaries. No voucher for the salary of a teacher of any school shall be signed by any county superintendent unless a copy of such teacher's contract has been filed with him as herein provided, and unless he shall have received satisfactory evidence that such teacher has been elected in strict accordance with the law.

Rev., s. 4161; 1913, c. 149, s. 1 (f).

5665. Limitation on period and amount of teacher's contract. No contract for teachers' salaries shall be made during any year to extend beyond the term of office of the committee, nor for more money than accrues to the credit of the district for the fiscal year during which the contract is made.

Rev., s. 4161.

ART. 35. DUTIES OF TEACHERS

5666. To maintain order and encourage virtue; to dismiss pupils. It shall be the duty of all teachers of free public schools to maintain good order and discipline in their respective schools; to encourage morality, industry, and neatness in all of their pupils, and to teach thoroughly all branches which they are required to teach. Pupils who wilfully and persistently violate the

rules of the school and any of immoral life and character shall be dismissed by the teacher.

Rev., s. 4166; 1901, c. 4, s. 63.

5667. Records and reports of teachers. 1. Every teacher or principal of a school to which aid is given under this chapter shall keep such record and classification of pupils as shall be prescribed by the state superintendent of public instruction or the county board of education.

2. At the end of every term of a public school the teacher or principal of the school shall exhibit to the school committee a statement of the number of pupils, male and female, the average daily attendance, the number of pupils completing the elementary grades, the length of term and the time taught. But monthly, and, if required by the county superintendent, weekly, statements and reports shall be made by the teacher to the committee and to the county superintendent.

3. At the end of every term, and when requested at other times, every teacher or principal shall report to the county superintendent in such form and manner and on such blanks as shall be furnished by the county superintendent or state superintendent. The report shall contain a statement as to the length of term of the school, the race for which it was taught, the number, the sex, and average daily attendance of the pupils, and the number of the district in which the school is taught; the number of children on census blank not attending any school, number of children under seventeen years of age not attending any school, stating some causes why they did not attend; how many families having children of school age who did not send any of their children to school; how many families did, stating what personal effort has been made to get the children to attend school. The county superintendent shall not approve the final voucher for the salary of any teacher or principal until all reports have been made according to law and until the register has been properly filled out and filed with him.

4. The principal or superintendent of every school or institution of learning supported in whole or in part by public funds shall report to the state superintendent at such time and in such form as he may direct.

Rev., ss. 4164, 4165; 1911, c. 135, s. 1 (f); 1913, c. 149, s. 1 (e).

ART. 36. SALARIES OF TEACHERS

5668. Salaries to be paid each class. Teachers with first grade certificates may receive such compensation as shall be agreed upon. Teachers with second grade certificates shall receive not more than forty-five dollars per month out of the public fund. Teachers with third grade certificates shall receive not more than twenty dollars per month, but no third grade certificate shall be renewed, and no holder of a third grade certificate shall be employed except as an assistant teacher. No teacher shall receive any compensation for a shorter term than one month, unless providentially hindered from completing the term. Twenty school days of not less than six hours nor more than seven hours each day shall be a month. The school term shall be continuous, as far as practicable. The county board of education shall fix, within the limits above prescribed, the maximum salary to be paid to teachers in each school in the county.

Rev., s. 4163; 1911, c. 135, s. 1 (e); 1919, c. 254, s. 15.

5669. Payment of salaries. If the committee is satisfied that the provisions of this chapter have been complied with, they shall give an order on

the treasurer of the county school fund, payable to such teacher, for the full amount due for services rendered. Orders on the treasurer shall be valid when signed by two members of the committee and countersigned by the county superintendent. The county board of education of every county is authorized and directed to provide for the prompt payment of all teachers' salaries due at the end of each school month.

Rev., s. 4164; 1913, c. 149, s. 1 (j).

NOTE.—Salary vouchers must be signed by the county superintendent, see above, sec. 5664.

SUBCHAPTER VI. SCHOOL BUILDINGS; LOANS AND BONDS THEREFOR

ART. 37. BUILDING, REPAIRING, AND CONTRACTS FOR SCHOOLHOUSES

5670. Contracts for schoolhouses; county board to pay one-half cost. The building of new schoolhouses shall be by contract with the county board of education. The board shall pay not exceeding one-half of the cost of the same out of the fund set aside for building, under section 5487 of this chapter, and the school district in which any schoolhouse is erected shall pay the other part, and upon failure of such district to provide its part by private subscription or otherwise, the board is directed to take it out of the apportionment to that district; but the board shall not be authorized to invest any money in any new house that is not built in accordance with plans approved by the state superintendent of public instruction. All contracts for buildings shall be in writing, and all buildings shall be inspected, received, and approved by the county superintendent of public instruction before full payment is made therefor.

Rev., s. 4124; 1903, c. 435, s. 4.

ART. 38. LOANS FOR SCHOOLHOUSE BUILDING

5671. Made by state board from state literary fund. The state board of education, under such rules and regulations as it may deem advisable, not inconsistent with the provisions of this chapter, may make loans from the *state literary fund* to the county board of education of any county for the building and improving of public schoolhouses or dormitories for rural high schools and teacherages and buildings for county farm-life schools in such county; but no warrant for the expenditure of money for such purposes shall be issued by the auditor except upon the order of the state superintendent of public instruction, with the approval of the state board of education.

Rev., s. 4053; 1903, c. 567, ss. 1, 2, 8; 1913, c. 149, s. 1 (g); 1919, c. 254, s. 1.

5672. Appropriation from loan fund for free plans and inspection of school buildings. The state board of education may annually set aside and use out of the funds accruing to the interest of said state loan fund a sum not exceeding two thousand dollars, to be used for providing plans for modern school buildings to be furnished free of charge to districts, for providing proper inspection of school buildings and the use of state funds, and for such other purposes as said board may determine, to secure the erection of a better type of school buildings and the better administration of said state loan fund.

1919, c. 254, s. 21.

5673. Terms of loans. Loans made under the provisions of this article shall be payable in ten installments, shall bear interest at four per centum, payable annually, and shall be evidenced by the note of the county board of education, executed by the chairman and secretary thereof, and deposited with the state treasurer: The first installment of such loan, together with the interest on the whole amount then due, shall be paid by the county board on the tenth day of February after the tenth day of August subsequent to the making of such loan, and the remaining installments, together with the interest, shall be paid, one each year, on the tenth day of February of each subsequent year till all shall have been paid.

Rev., s. 4054; 1903, c. 567, s. 3.

5674. How secured and paid. At the January meeting of the county board of education, before any installment shall be due on the next tenth day of February, the county board shall set apart out of the school funds an amount sufficient to pay such installment and interest to be due, and shall issue its order upon the treasurer of the county school fund therefor, who, prior to the tenth day of February, shall pay over to the state treasurer the amount then due. And any amount loaned under the provisions of this law shall be a lien upon the total school funds of such county, in whatsoever hands such funds may be; and upon failure to pay any installment or interest, or part of either, when due, the state treasurer may deduct a sufficient amount for the payment of the same out of any fund due any county from any special state appropriation for public schools, or he may bring action against the county board of education of such county, any person in whose possession may be any part of the school funds of the county, and the tax collector of such county; and if the amount of school fund then on hand be insufficient to pay in full the sum so due, then the state treasurer shall be entitled to an order directing the tax collector of such county to pay over to the state treasurer all moneys collected for school purposes until such debt and interest shall have been paid.

Rev., s. 4055; 1903, c. 567, s. 3.

5675. Loans by county boards to school districts. The county board of education, from any sum borrowed under the provisions of this article, may make loans to any district in such county for the purpose of building schoolhouses in such district, and the amount so loaned to any district shall be payable in ten annual installments with interest thereon at four per centum, payable annually. At the January meeting of such county board it shall deduct from the apportionment made to any district which has borrowed under the provisions of this article the installment and interest then due, and shall continue to deduct such amount at each annual January meeting until the whole amount shall have been paid, together with interest.

Rev., s. 4056; 1903, c. 567, s. 5.

ART. 39. BONDS FOR SCHOOLHOUSES IN COUNTIES, TOWNSHIPS, AND SCHOOL DISTRICTS

5676. Election upon petition of county board. The board of county commissioners of any county in the state shall, upon the petition of the county board of education, order an election after thirty days notice at the courthouse door and a publication of four weeks in some newspaper published in the county, to be held in any county, township, or school district which em-

braces an incorporated town or city, or in which there is maintained a public high school, to ascertain whether the voters in said county, township, or school district are in favor of issuing bonds for the purpose of building, rebuilding and repairing schoolhouses and furnishing the same with suitable equipment.

1915, c. 55, s. 1.

5677. Contents of petition and order of election. The amount of bonds to be issued and the rate of interest they are to bear, which shall not be more than six per cent per annum, payable semiannually, and the length of time the bonds are to run, which shall not be more than twenty years, and the maximum tax that may be levied, which shall not exceed thirty cents on the one hundred dollars and ninety cents on the poll, shall be set forth in the petition of the county board of education and in the order for the election made by the board of county commissioners.

1915, c. 55, s. 1.

5678. Limit of amount of bonds. In no case shall the bonds authorized under this article for an entire county exceed the sum of one hundred thousand dollars, nor for a township or school district the sum of twenty-five thousand dollars, but the bonds for a township or school district may be in addition to the bonds for the entire county.

1915, c. 55, s. 1.

5679. Petition for second election. Upon petition of one-fourth of the resident freeholders in any county, township, or school district in which one election has previously been held and carried for a bond issue and tax under this article, a second election for increasing the bond issue and tax therefor, in said county, township, or school district for the purposes herein specified, not to exceed the maximum bond issue and tax herein fixed, shall be called and held in the manner herein prescribed for holding the first election.

1917, c. 142.

5680. Law governing election; ballots. The election for an entire county shall be held under the rules and regulations governing general elections as near as may be, and if for a township or school district, then under the rules and regulations governing elections in special-tax districts as prescribed under article 18 of this chapter, entitled Special Tax in Special School District; but whether the election be for a county or for a township or for a school district a new registration shall be ordered. At said election those favoring the issuance of bonds and the levying of a special tax shall vote a ballot on which shall be printed the words "For Schoolhouse Bonds," and those who are opposed shall vote a ballot on which shall be printed the words "Against Schoolhouse Bonds." The expenses of holding such elections shall be paid out of the general school fund of the county.

1915, c. 55, s. 2.

5681. Issuance of bonds and levy of special tax. If a majority of the qualified voters shall vote "For Schoolhouse Bonds," then it shall be the duty of the board of county commissioners to issue bonds not exceeding the amount specified in the order of election as the county board of education may request, and shall thereafter annually levy a sufficient tax not exceeding the amount specified in the order of election to pay the interest on said bonds and create a sinking fund sufficient to pay the principal and interest on said bonds when they fall due.

1915, c. 55, s. 3.

5682. County board to sell bonds; disposal and investment of funds. The said bonds when so issued shall be delivered to the county board of education, who shall sell the same for not less than par and hold the proceeds for the benefit of the county building fund if the election be for the entire county or for the benefit of the township or school district in which the election was held. The said fund shall be paid out upon the order of the committee or trustee of the township or school district to which the fund belongs, and upon order of the board of education if the fund belongs to the entire county. The sinking fund provided for by this article shall be invested by the county board of education in safe securities, or may be deposited in the bank that will pay as much as four per cent per annum compounded quarterly, and will give a sufficient bond for the safety of such deposit. The funds derived from the sale of bonds for the benefit of any school district having a bonded treasurer shall be deposited with said treasurer to the credit of such district: Provided, however, that no treasurer handling the funds derived from the sale of bonds voted under the provisions of this article shall receive any commission therefor.

1915, c. 55, s. 4; 1917, c. 285, s. 7.

5683. Collection of taxes; liability of officers. The taxes levied hereunder shall be collected by the sheriff or other officer charged with the collection of other taxes, and they shall in respect thereto be liable officially as well as personally to all requirements of the law now or hereafter to be prescribed for the faithful collection and payment of other county taxes.

1915, c. 55, s. 5.

ART. 40. BONDS FOR SCHOOLHOUSES IN CITIES AND TOWNS

5684. Authorities to issue bonds. Whenever the board of aldermen or other duly constituted authority of any incorporated town or city in the state, which is in charge of the finances, shall deem it necessary to purchase lands or buildings or to erect additional buildings for school purposes, the said board of aldermen or other authority is authorized and empowered to issue for said purposes, in the name of the town or city, bonds of such amount as the board of aldermen or other authority shall deem necessary in such denominations and forms as the board of aldermen or other authority may determine.

1915, c. 81, s. 1.

5685. Maturity of the bonds; interest. The time of payment of the principal of these bonds shall not be more than thirty years from the date thereof. The bonds shall be serial bonds, the proportionate parts thereof being payable annually during the term for which they are issued. The bonds shall bear interest at no greater rate than six per cent per annum, payable semiannually.

1915, c. 81, ss. 1, 2.

5686. Authentication; sale of bonds; exempt from taxation. The bonds shall be signed by the mayor, attested by the town or city clerk or treasurer, and sealed with the corporate seal of said town or city, and shall bear the signature of the town or city clerk and treasurer written, engraved, or lithographed. The bonds shall be sold at either public or private sale, with or without notice, as the said board of aldermen or other authority may determine. In no case shall the bonds be sold, hypothecated, or otherwise dis-

posed of for less than their par value. The purchaser of said bonds shall not be bound to see to the application of the purchase money. Said bonds and their coupons shall be exempt from town or city taxation until after they become due, and the coupons shall be receivable in payment of town or city taxes.

1915, c. 81, ss. 2, 3.

5687. Special tax for payment of interest and principal. The board of aldermen or other proper authorities of said towns and cities is authorized to levy and collect each year, in addition to all other taxes in said city, an ad valorem tax upon all the taxable property and polls, observing the constitutional ratio, in said city, sufficient to pay the interest on said school bonds as the same become due, and also at or before the time when the principal of said bonds become due a further uniform ad valorem tax upon all taxable property and polls, observing the constitutional ratio, in said city, sufficient to pay the same or provide for the payment thereof. Such taxes shall be levied and collected at the same time and in the same manner as other taxes are levied and collected in said city. The taxes collected under this section for the payment of said bonds and coupons shall be used for no other purpose, and it shall be the duty of the clerk and treasurer of the town or city, as the coupons are paid off and taken up, to cancel the same and report not less than twice a year to the board of aldermen or other proper authority the numbers and amounts of the coupons so canceled.

1915, c. 81, s. 4; 1917, c. 130, s. 1.

5688. Bond issue submitted to election. The question of the issue of said bonds shall be submitted to a vote of the qualified voters of each town or city at such time as the board of aldermen or other proper authority of the town or city shall determine under the rules and regulations prescribed for the election of the mayor and members of the board of aldermen of said city; the said board of aldermen or other authority shall cause a notice of said election and the purpose of same to be published in some newspaper of said town or city for thirty days before said election, and the clerk of the superior court of the county in which said town or city is located shall cause to be prepared and distributed at various polling places in the said town or city a sufficient number of printed ballots favoring the issue of said bonds and a like number against the same; the said board of aldermen or other authority shall cause to be prepared and delivered at each polling place in the said town or city a ballot box indicating the purpose of the bond issue to be voted therein, as follows: "School bonds, \$....." (stating the amount authorized by the said board of aldermen or other authority). All qualified voters wishing to vote in favor of the issuing of said bonds and levying the taxes herein provided for, shall vote a written or printed ticket with the words "For School Bonds," and those wishing to vote against issuing said bonds and the levying of the taxes herein provided for shall vote a printed or written ticket with the words thereon "Against School Bonds." If a majority of said qualified voters shall vote "For School Bonds" on the proposition submitted for issuing bonds for the purpose aforesaid, then it shall be deemed and held that the proposition receiving a majority of such qualified votes is favored and approved by the majority of the qualified voters of such town or city, and the said board of aldermen or other authority of such town or city shall cause bonds to be prepared and issued for the purpose so approved of

by a majority of the qualified voters of said town or city, and levy taxes in accordance with the provisions of this article.

1915, c. 81, s. 5.

5689. Registration for election. The registration for the election shall be, if the board of aldermen or other authority shall so order, the same as that which is or may be provided for the election of the mayor or other officers of said town or city; or the said board of aldermen or other authority may, in their discretion, order a new registration in the manner provided by law for new registration for election of said mayor and other officers, which new registration may be especially for said bond election.

1915, c. 81, s. 6.

5690. Application and construction of article. This article shall apply to towns or cities which have powers under special acts or charters as well as to those who derive their powers from the general law. This article shall not be deemed or construed to repeal or abridge any powers, rights, or privileges heretofore or hereafter granted by any special acts to any town or city, but shall be construed to grant additional powers where no such powers have been granted, or coördinate powers where such powers have already been or shall be granted.

1915, c. 81, ss. 7, 8.

SUBCHAPTER VII. TEXT-BOOKS

ART. 41. TEXT-BOOK COMMISSION AND SUBCOMMISSION; SUBJECTS; ADOPTION

5691. Commission created; duty. The state board of education is hereby constituted a state text-book commission, whose duty it is, acting conjointly with the subcommission, to select and adopt a uniform series or system of text-books for use in the elementary public schools of the state, and who shall serve without compensation. The governor shall be ex officio president of such commission and the superintendent of public instruction its secretary.

Rev., s. 4057; 1901, c. 1, ss. 1, 2, 7, 20; 1911, c. 118, s. 1 (a).

5692. Term of office; powers; term of contracts. The commission shall maintain its organization during the five years of the continuance of the contract now in force. It may from time to time make any necessary regulations, not contrary to the provisions of this article, to secure the prompt distribution of the books herein provided for, and the prompt and faithful performance of all contracts. At any time within six months before the expiration of the contracts now in force for furnishing books to the public schools, the commission may advertise for new bids or proposals, as required by this article, and enter into such contracts as they may deem best for the interest of the patrons of the public schools of the state. Any contract entered into or renewed shall be for the term of five years.

Rev., ss. 4058, 4059; 1901, c. 1, s. 14; 1911, c. 118, ss. 1 (b), 1 (c).

5693. Appointment of subcommission; compensation. It shall be the duty of the governor and the state superintendent of public instruction to appoint a subcommission of six members, to be selected from among the teachers or county superintendents actually engaged in school work in this state; and members of the subcommission actually serving shall be paid a per diem of four dollars per day during the time that they are actually engaged in such

service, and in addition shall be repaid all money actually expended by them in payment of necessary expenses, to be paid out of the public funds of the state treasury, and they shall make out and swear to an itemized statement of such expenses.

Rev., s. 4063; 1907, c. 835, s. 1 (b); 1911, c. 118, s. 1 (f).

5694. Oath of subcommissioners. Each member of the subcommission, before entering upon the discharge of his duties, shall take and subscribe an oath to act honestly, conscientiously, and faithfully, and that he is not now, has not within two years prior to his appointment, been agent or attorney for or in the employment of or interested in any book or publishing house, concern, or corporation making or proposing to make bids for the sale of books, pursuant to the provisions of this article, and that he will carefully and faithfully examine all books submitted, and make true report thereon, as herein directed and prescribed. Such oath shall be filed in the office of the secretary of state.

Rev., s. 4064; 1901, c. 1, s. 5.

5695. Examination of books by subcommission. To the subcommission shall be referred all books sent to the state text-book commission as specimen copies or samples upon which bids are to be based; and it shall be the duty of the subcommission, in executive session, to examine and report upon the merits of the books, irrespective of the price, taking into consideration the subject-matter of the books, their printing, their material, and their mechanical qualities, and their general suitability and desirability for the purposes for which they are desired and intended.

Rev., s. 4065; 1901, c. 1, s. 3.

5696. Report of subcommission. The subcommission shall report to the commission at such time as the commission shall direct, arranging each book in its class or division, and reporting books in the order of their merit, pointing out the merits and demerits of each, and indicating what book it recommends for adoption first, what book is its second choice, and its third choice, and so on, pursuing this plan with the books submitted upon each branch of study; and if the subcommission shall consider different books upon the same subject or of the same class or division of approximately even merit, all things being considered, it shall so report, and if it considers that any book offered is of such class as to make it inferior and not worthy of adoption, shall in its report to designate such book. In its report it shall make such recommendations and suggestions to the commission as it shall deem advisable and proper to make.

Rev., s. 4065; 1901, c. 1, s. 4.

5697. Opening and filing report. The report of the subcommission shall be kept secret and sealed up and delivered to the secretary of the commission, and shall not be opened up by any member of the commission until the commission and the subcommission shall meet in joint executive session to open and consider the bids or proposals of publishers or others desiring to have books adopted by the commission; and when the commission shall have finished with the report it shall be filed and preserved in the office of the superintendent of public instruction and shall be open at all times for public inspection.

Rev., s. 4066; 1901, c. 1, ss. 4, 6; 1911, c. 118, s. 1 (g).

5698. Character and requisites of books adopted. The uniform series of text-books to be selected by the commission and the subcommission shall include the following branches of study, to wit: Orthography, defining, reading, writing, drawing, arithmetic, geography, grammar, language lessons, history of North Carolina containing the constitution of the state, history of the United States containing the constitution of the United States, physiology, hygiene, nature and effect of alcoholic drinks and narcotics, elements of civil government, elements of agriculture. None of such text-books shall contain anything of a partisan or sectarian character, and all shall be written or printed in English.

Rev., s. 4060; 1901, c. 1, ss. 2, 8; 1911, c. 118, s. 1 (d).

5699. Selection and adoption of books. The commission and subcommission in their selection and adoption of a uniform series of text-books shall consider the merits of the books, taking into consideration their subject-matter, the printing, binding material, and mechanical quality, their general suitability and desirability for the purposes intended, and the price; and shall give due consideration to the report and recommendation of the subcommission. The text-book commission and the subcommission shall select and adopt such books as will, in their judgment, best accomplish the ends desired; and in case any books are deemed by them suitable for adoption and more desirable than other books of the same class or division submitted, and in case they consider the price at which such books are offered to be unreasonably high, and that the same should be offered at a smaller price, they are hereby authorized and directed to notify immediately the publishers of such books of their decision, and request such reduction in price as they deem reasonable or just; and if they shall agree on a price with such publishers they may adopt such books; but upon failure to agree upon price, they shall use their sound judgment and discretion as to the adoption of those or of other books deemed by them to be the next best in the list submitted.

Rev., s. 4067; 1901, c. 1, s. 6; 1911, c. 118, s. 1 (h).

5700. Exclusive use of books adopted. The books adopted by the commission and subcommission as a uniform system of text-books shall be introduced and used as text-books, to the exclusion of all others, in all the free public schools in the state for a period of five years from the date of adoption; and it shall not be lawful for any school officer, director, or teacher to use any books upon the same branches other than those adopted by the commission. Nothing herein shall prevent the use of supplementary books, but such supplementary books shall not be used to the exclusion of the books prescribed or adopted under the provisions of this article; nor shall anything herein prevent the teaching in any school any branch higher or one more advanced than is embraced in the section prescribing the character and requisites of books to be adopted, nor the use of any book upon such higher branch of study, but such higher branch shall not be taught to the exclusion of the branches enumerated in the second preceding section.

Rev., s. 4061; 1901, c. 1, s. 16; 1911, c. 118, s. 1 (e).

5701. Teacher allowing other books dismissed. If any teacher shall wilfully use or permit to be used in his school any text-book upon the branches embraced in this article, where the commission has adopted a book upon that branch, other than the one so adopted, the county board of education shall discharge and cancel the certificate of such teacher or school superintendent;

but they may use or permit to be used such book or books as may be owned by the pupils of the school at the time of the adoption until such books are worn out, not exceeding one year from the date of adoption.

Rev., s. 4062; 1901, c. 1, s. 18.

5702. Provision for purchase when contractor fails to supply. Nothing herein shall prevent or prohibit the patrons of the public schools throughout the state from procuring books in the usual way, in case no contract shall be made or the contractor fails or refuses to furnish the books provided for in this article at the time required for their use in the respective schools.

Rev., s. 4062; 1901, c. 1, s. 17.

5703. Advertisement for bids. At any time within six months before the expiration of the now existing contracts the commission shall advertise, in such manner and for such a length of time and at such places as may be deemed advisable, that at a time and place fixed definitely in the advertisement sealed bids or proposals will be received from the publishers of school text-books for furnishing books to the public schools in the state of North Carolina, through agencies established by the publishers in the several counties, and in the several places in the counties of the state as may be provided for in such regulations as the commission may adopt and prescribe. The advertisement shall also state in substance the requirements of the section providing how bids are to be made and their contents, and shall reserve the right to the commission to reject all bids.

Rev., s. 4068; 1901, c. 1, ss. 1, 7, 11, 14; 1911, c. 118, s. 1 (j).

5704. Form and contents of bids. The bids or proposals shall be for furnishing books for a period of five years, and no longer, and no bid for a longer period shall be considered. The bids shall state specifically and definitely the price at which books are to be furnished and the exchange price at which such books are to be furnished, and shall be accompanied by ten or more specimen copies of each and every book proposed to be furnished. It shall be required of each bidder to deposit with the treasurer of the state a sum of money, such as the commission may require, not less than five hundred nor more than twenty-five hundred dollars, according to the number of books each bidder may propose to supply, and such deposits shall be forfeited absolutely to the state if the bidder making the deposit of any sum shall fail or refuse to make and execute such contract and bond, as is hereinafter required, within such time as the commission shall require. All bids shall be sealed and deposited with the secretary of state, to be by him delivered to the commission when in executive session, for the purpose of considering the same, when they shall be opened in the presence of the commission. It shall be the duty of the secretary of state to carefully preserve in his office, as the standard of quality and excellence to be maintained in such book during the continuance of the contracts for furnishing the same, the specimen or sample copies of all books which have been the basis of any contract, together with the original bid or proposal.

Rev., s. 4069; 1901, c. 1, ss. 7, 9, 10.

5705. Bids and proposals may be rejected. The commission shall have and reserve the right to reject any and all bids or proposals if of the opinion that any or all should for any reason be rejected; and in case it fail from among the bids or proposals submitted to select or adopt any books upon any of the branches prescribed by this article, may readvertise for sealed bids or

proposals, under the same terms and conditions as before, and proceed with its investigations in all respects as in the first instance and as required by the terms and provisions of this article; and the commission shall have and reserve the same rights in cases of advertisement for and presentation of bids and proposals for manuscripts and unpublished books hereinafter provided for in this article.

Rev., s. 4070; 1901, c. 1, s. 11.

5706. Adoption of manuscripts and unprinted books. In the event that the commission rejects the bid for furnishing any book, or in case it fail to adopt any books of the classes required, it may advertise for sealed bids or proposals from authors or publishers of text-books who have manuscripts of books not yet published, for prices at which they will publish and furnish in book form such manuscripts for use in the public schools of North Carolina, proceeding in like manner as in bids for furnishing books; but the state itself shall not under any circumstances enter into any contract binding it to pay for the publication of any book, but in the contract with the owner of the manuscript it shall be provided that he shall pay the compensation to the publisher for the publication and putting in book form the manuscript, together with the cost and expense of copyrighting the same.

All such bids or proposals shall be accompanied with a cash deposit of from five hundred to twenty-five hundred dollars, as the commission may direct, and as heretofore provided in this article; and it is expressly provided that any person now doing business or proposing to do business in this state shall have the right to bid for the contract to be awarded hereunder in manner as follows: In response to the advertisement such person may submit his written bid to edit or have edited, published, and supplied for use in the public schools in this state any book provided for hereunder. Instead of filing with the bid or proposal a sample or specimen or copy of each book proposed to be furnished, he may exhibit to the commission, in manuscript or printed form, the matter proposed to be incorporated in any book, together with such a description and illustration of the form and style thereof as will be fully intelligible and satisfactory to the commission, or he may submit a book the equal of which in every way he proposes to furnish, and he shall accompany his bid or proposal with the cash deposit hereinbefore required. All such books and manuscripts shall be examined and reported upon by the subcommission before being adopted.

Rev., s. 4071; 1901, c. 1, s. 11.

5707. Commission to deliver sample books to subcommission. It shall be the duty of the commission to meet at the time and place designated in the advertisement and take out the sample or specimen copies submitted, upon which the bids are based, and refer and submit them to the subcommission, as provided for and directed in this article, with instructions to the subcommission to report at a time specified, with the classification and recommendation, as provided in this article.

Rev., s. 4072; 1901, c. 1, s. 8.

5708. Adoption of books. When the report of the subcommission is submitted it shall be the duty of the commission and the subcommission to meet in joint executive session to open and examine all sealed proposals submitted and received in pursuance of the notice or advertisement provided for in this article. It shall be the duty of the commission and the subcommission to

examine and consider all such bids or proposals, together with the report and recommendation of the subcommission, and determine, in the manner provided in this article, what books, upon the branches hereinabove mentioned, shall be selected for adoption, taking into consideration the size, quality as to the subject-matter, material, printing, binding, and the mechanical execution and price, and the general suitability for the purpose desired and intended.

Rev., s. 4073; 1901, c. 1, s. 8; 1911, c. 118, s. 1 (k).

5709. Award of contract. After the selection or adoption shall have been made, the commission shall award the contracts, and shall by registered letter notify the publishers or proposers to whom the contracts have been awarded. But the commission shall not, in any case, contract with any person for the use of any book which shall be sold to patrons for use in any public school in the state in excess of the price at which such book is to be furnished by such person, under contract, to any state, county, or school district in the United States, under like conditions as those prevailing in this state and under this article.

Rev., s. 4073; 1901, c. 1, s. 9.

5710. Execution of contract. Upon the awarding of the contracts it shall be the duty of the attorney-general to prepare the same in accordance with the terms and provisions of this article. On behalf of the state the contracts shall be executed by the governor and secretary of state, and the seal of the state shall be set thereto. All such contracts shall be executed in triplicate, of which one shall be kept by the secretary of the commission, one shall be filed in the office of the secretary of state, and one shall be retained by the contracting party. All contracts entered into or renewed under the provisions of this article shall be for the term of five years.

Rev., s. 4074; 1901, c. 1, ss. 8, 14.

5711. Stipulations in contract. It shall be stipulated in each contract that the contractor has never furnished, and is not now furnishing under contract, any state, county, or school district in the United States where like conditions prevail as are then prevailing in this state and under this article, the same books as are embraced in the contract at a price below that stipulated in the contract; and the commission is hereby authorized and directed, at any time that it may find that any books have been sold at a lower price under contract to any state, county, or school district, to sue upon the bond of the contractor and recover the difference between the contract price and the lower price for which books have been sold. It shall also be stipulated in the contract that the contractor shall take up school books in use in this state at the date of such contract, and receive the same in exchange for new books, allowing a price for such old books not less than fifty per cent of the contract price of the new books.

Rev., s. 4075; 1901, c. 1, ss. 9, 10.

5712. Liability of state on contract. It shall always be a part of the terms and conditions of every contract made in pursuance of this article that the state of North Carolina shall not be liable to any contractor in any manner for any sum whatever, but all such contractors shall receive their pay and compensation solely and exclusively from the proceeds of the sale of books, as provided for in this article.

Rev., s. 4076; 1901, c. 1, s. 10.

5713. Power to alter contracts. Nothing in this article shall prevent the commission and any contractor agreeing thereto from in any manner changing or altering any contract, if four members of the commission shall agree to the change and think it advisable and for the best interest of the public schools of the state.

Rev., s. 4077; 1901, c. 1, s. 9.

5714. Books must come up to sample. The books furnished under any contract shall, at all times during the existence of the contract, in all respects be equal to the specimen or sample copies furnished with the bid.

Rev., s. 4078; 1901, c. 1, s. 9.

5715. Bond of contractor. At the time of the execution of the contract the contractor shall enter into a bond in the sum of not less than ten thousand dollars, payable to the state of North Carolina, the amount of the bond within such limits to be fixed by the commission, conditioned for the faithful, honest, and exact performance of his contract, and shall further provide for the payment of reasonable attorneys' fees in case of recovery in any suit upon the same, with three or more good and solvent sureties, actual citizens and residents of this state, or any guaranty company authorized to do business in this state may become the surety on such bond; and it shall be the duty of the attorney-general to prepare and approve such bonds. The commission may at any time, by giving thirty days notice, require additional security or additional bond.

Rev., s. 4079; 1901, c. 1, ss. 8, 9.

5716. Actions on the bond. 1. *Suit by commission.* In case any contractor shall fail to execute specifically the terms and provisions of his contract, the commission is hereby empowered and directed to bring an action upon the bond of such contractor for the recovery of any and all damages. Such action shall be in the name of the state of North Carolina, and the recovery shall be for the benefit of the public school fund of the state and counties, and when collected shall be placed in the treasury of the school fund. The bond shall not be exhausted by a single recovery, but may be sued on from time to time until the full amount thereof shall be recovered.

2. *Suit by county board.* And it is expressly provided that should any party contracting to furnish books, as provided for in this article, fail to furnish them or otherwise break his contract, in addition to the right of the state to sue on the bond hereinabove required, the chairman of the county board of education or any member thereof may sue in the name of the state in the courts of the state having jurisdiction, and recover on such bond the full value of the books so failed to be furnished, for the use and benefit of the school fund of the county. In all such cases service of process may be made on any agent or contractor in the county, or if no agent is in the county, then service may be made on any agent in charge of any depository, and such service shall be and stand in the place of service on the defendant contractor.

Rev., s. 4080; 1901, c. 1, ss. 8, 9, 13.

5717. Deposits by bidders; return and forfeiture. When any person shall have been awarded a contract, and shall have given the bond required, the commission, through its secretary, shall so inform the treasurer of the state, who shall then return to such contractor the cash deposit made by him; and the commission, through its secretary, shall inform the treasurer of the names of the unsuccessful bidders or proposers, and the treasurer shall, upon the

receipt of this notice, return to them the amounts deposited by them in cash at the time of the submission of their bids. Should any person fail or refuse to execute a contract and give the bond, as required by this article, within thirty days after the awarding of the contract to him and the mailing of the registered letter containing notice thereof, which shall be sufficient evidence that the notice was given and received, the cash deposit shall be deemed and it is hereby declared forfeited to the state of North Carolina, and it shall be the duty of the treasurer to place such cash deposit in the treasury of the state, to the credit of the school fund.

Rev., s. 4081; 1901, c. 1, s. 8.

5718. Prices to be printed on books. It shall be the duty of all contractors to print plainly on the back of each book the contract price, as well as the exchange price at which it is agreed to be furnished, but the books submitted as sample or specimen copies with the original bid shall not have the price printed on them before they are submitted to the subcommission; and all books shall be sold to the consumer at the retail contract price, and on each book shall be printed the following: "The price fixed hereon is fixed by state contract, and any deviation therefrom should be reported to your county superintendent of public instruction or to the state superintendent at Raleigh."

Rev., s. 4082; 1901, c. 1, ss. 9, 13, 19.

5719. Selling books at greater than contract price misdemeanor. If any dealer, clerk, or agent shall sell any book adopted by the text-book commission for a greater price than the contract price he shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding fifty dollars.

Rev., s. 3834; 1901, c. 1, s. 19.

5720. Distributing agencies and depositories; penalty failure to have. There shall be maintained in each county in the state not less than one and as many more agencies as the commission, upon recommendation of the county board of education shall order, to be located at such points as the county board may recommend, for the distribution of books to the patrons; or the contractor shall be permitted to make arrangements with merchants or others for the handling and distribution of the books. Parties living in the county where no agency has been established or no arrangement made for the distribution may order the same from one of the contractors, who shall deliver any book so ordered to the person ordering, to his postoffice address, freight, express, postage, or other charges prepaid, at the retail contract price, if the price of the books so ordered shall be paid in advance.

The contractors shall maintain one or more joint state depositories at some convenient distributing point or points in the state, at which shall be kept at all times an ample supply of all adopted books for the convenient and expeditious supply of books to the local depositories in the various counties of the state. Whenever demanded and certified by the county superintendent of public instruction of any county to be necessary to secure and keep on hand an ample supply of books at any local depository, the contractors shall furnish books to such local depository on consignment.

And every contractor shall be required to keep on hand at all times at every established agency in every county an ample supply of books to meet all demands of patrons and purchasers, and upon failure to do so, or upon failure to establish agencies when ordered to do so by the commission, as directed

herein, the contractor shall be liable to a penalty of five hundred dollars for each and every failure to comply with the provisions of this section, to be sued for by the attorney-general in the name of the state in the superior court of Wake county, for the benefit of the school fund of the county injured by such failure; and if any contractor against whom judgment shall be obtained for such penalty shall fail to pay the same within thirty days after the docketing thereof, he shall forfeit his contract, and the commission shall so declare, and shall thereupon proceed to make a new contract for books with some other contractor. The county superintendent shall notify the contractors annually of the date of opening the public schools at least thirty days before they open.

Rev., s. 4083; 1901, c. 1, s. 13; 1903, c. 691, ss. 1, 2; 1911, c. 118, s. 1 (1).

5721. Contract proclaimed by governor; notices by state superintendent.

As soon as the commission shall have entered into a contract for the furnishing or supplying of books for use in public schools, it shall be the duty of the governor to issue his proclamation announcing such fact to the people of the state. And as soon thereafter as practicable the state superintendent shall issue a circular letter to each county superintendent in the state and to such others as he may desire, which letter shall contain the list of books adopted, the prices, location of agencies, and method of distribution, and such other information as he may deem necessary.

Rev., s. 4084; 1901, c. 1, ss. 12, 15.

ART. 42. HIGH SCHOOL TEXT-BOOKS

5722. Unit of adoption the county. The unit for the adoption of high school text-books shall be the county.

1919, c. 201, s. 1.

5723. State superintendent to prepare list of approved text-books. The state superintendent of public instruction shall, within one year from the eighth day of March, nineteen hundred and nineteen, have prepared a list of approved text-books for use in all public high schools of the state, from which list adoptions for each county in each subject of study taught in the high schools of the county shall be made in the manner prescribed in this article; and the state superintendent of public instruction shall have the state list of approved high school text-books printed, showing the wholesale, retail, and exchange prices as agreed upon by contract with the publishers of approved books under the provisions of this article.

1919, c. 201, s. 2.

5724. County committee to recommend books. The county board of education of each county shall, upon the recommendation of the county committee on high school text-books, every four years, except as hereinafter provided, adopt a county list which shall be made up from the state list of approved books provided for in the preceding section; and the said committee to select high school text-books for each county shall be composed of the county superintendent of public instruction, the superintendent of the largest city or town school system of the county, and three high school principals or teachers chosen from the different high schools of the county, to be selected jointly by the two above mentioned county and city superintendents: *Provided*, that in a county where such a committee cannot be secured according to the manner provided above, the state high school inspector shall recommend to the

county board of education of said county the high school books to be used in said county, and the county board of education shall adopt the list of books so recommended; and the county adoptions of high school text-books under this article shall be limited to the state list of approved high school text-books to be selected under the direction of the state superintendent of public instruction and published by him as provided in the preceding section: *Provided*, that nothing in this article shall be so construed as to prevent the county committee on high school text-books from recommending the use of, and the county board of education from adopting, more than one book in a subject for use in the different types of high schools that may require books of greater or less difficulty, nor shall any high school be prevented from using necessary supplementary books.

1919, c. 201, s. 3.

5725. Publishers to submit samples with prices to state superintendent.

The state superintendent of public instruction shall give notice to the publishers of high school text-books in such manner as he may choose, that each publisher wishing to have any book adopted for use in the high schools of North Carolina shall submit six copies of the same (of his regular, standard edition) to the state superintendent of public instruction, together with a statement in writing of the price at which the said publisher will sell such book to properly constituted high school authorities in the state. The publisher shall quote to the state superintendent of public instruction the wholesale, retail, and exchange prices of each book he submits, which prices shall not be higher than are charged for the same book in any other state adopting high school text-books under a plan similar to that prescribed in this article.

1919, c. 201, s. 4 (1).

5726. State committee on high school text-books; duties; reports to state superintendent. The state superintendent of public instruction shall appoint a state committee on high school text-books, consisting of five members, who shall serve without pay except reimbursement out of the state treasury upon the requisition of the state superintendent of public instruction for actual expenses incurred by attendance upon meetings of the committee that may be called by, or under the direction of, the state superintendent of public instruction; it shall be the duty of the state committee on high school text-books to make an examination of each book submitted by any publisher, under the provisions of this article, with a view to determining whether or not the contents, quality, and price of said book are such as to make it suitable and desirable for use in public high schools of this state; and the said state committee on high school text-books shall, every four years, except as herein otherwise provided, submit to the state superintendent of public instruction, on or before the first day of January of each year within which county adoptions are to be made, a report of its findings with recommendations as to the books that shall be placed on the state approved list, which list shall constitute the state adopted list for a period of four years, except as herein otherwise provided.

1919, c. 201, s. 4 (2).

5727. State superintendent approves list. All books recommended for use in the public high schools of the state by the state committee on high school text-books that meet with the approval of the state superintendent of public instruction shall then be placed upon the state list of approved text-

books at the prices agreed upon under contract entered into by him with the publisher of approved high school text-books.

1919, c. 201, s. 4 (3).

5728. State superintendent contracts with publishers. The state superintendent of public instruction shall then enter into a contract with every publisher having books on the state list of approved high school text-books to sell such books to the properly constituted authorities throughout the state in the manner provided for in this article.

1919, c. 201, s. 4 (4).

5729. Bond of Publishers. Each publisher having any book on the state list of approved books shall file with the state superintendent of public instruction a bond payable to the state of North Carolina, with some surety company authorized to do business in the state, as surety thereon, in a sum to be determined by the state superintendent of public instruction, said sum being not less than five hundred dollars and not more than twenty-five hundred dollars, according to the number of books filed; the bond to be conditional as follows:

1. That the publisher will furnish any of the books at the price and under the conditions listed in his contract with the state superintendent of public instruction to the duly constituted high school authorities of the state during the time said contract is continued in force.

2. That the price of any book or books shall not exceed the lowest price the publisher has made elsewhere in the United States under a plan similar to that prescribed in this article, and that he will maintain said price uniformly throughout the state on the books filed and approved under the provisions of this article.

3. That the publisher will reduce such prices automatically, to this state whenever reductions are made elsewhere in the United States, so that at no time shall any book so filed and approved be sold to the high school authorities in the state at a higher net price than is received for any such book elsewhere in the United States, and that upon failure or refusal of any publisher to make such reduction, his contract for such book or books shall become null and void, and his bond forfeited in whole or in part as may be determined to be just and equitable by the state superintendent of public instruction and the attorney-general.

4. That all books on the state list of approved high school text-books offered for sale, adoption, or exchange in the state shall be in equal quality to those filed with the state superintendent of public instruction as regards paper, binding, printing, illustration, subject-matter, and all other particulars that may affect the value of such books.

5. That the publishers shall not enter into any understanding, agreement, or combination to control the prices or restrict competition on the sale of such high school text-books in this state.

6. That such bond shall be approved by the attorney-general, and shall continue in force for a period of not less than five years and not more than six years without renewal after its filing, at or before the expiration of which period a new bond shall be given or the right of selling text-books on the state list of approved high school text-books in the state shall be forfeited.

7. That if any publisher shall comply with the foregoing provisions of this act, and then fail or refuse to furnish any book or books to the duly consti-

tuted high school authorities of any county upon the terms herein provided, said school authorities shall at once notify the state superintendent of public instruction of such failure or refusal, who shall at once cause an investigation of such charge to be made.

If the state superintendent shall find such charge to be true he shall at once notify such publisher and notify the superintendent of schools of each county and of each city whose schools are operated under special charter, that such book or books shall not thereafter be adopted or purchased by any of the public high school authorities of the state; and said publisher shall forfeit and pay to the state such a part of his bond as may be determined to be equitable and just by the state superintendent of public instruction and attorney-general, to be recovered in the name of the state in an action to be brought by the attorney-general in any proper court, the amount when collected to be paid into the treasury to the credit of the state public school fund.

1919, c. 201, s. 4 (5).

5730. Text-books adopted for four years; exceptions. The county board of education of each county at a regular meeting held between the first day of February and the first day of June every four years, beginning with the year one thousand nine hundred and twenty, shall act upon the recommendation of the county committee on high school text-books, and shall adopt a list of high school text-books recommended by the said committee, under the provisions of this article, to be used in the county for the next four years; and when such county adoption shall have been made, no basal book or books, except those on the list adopted for use in the public high schools of the county for the next four years period from the time of an adoption, shall be used by any public high school of the county; *Provided*, that in adopting text-books of history and science, the committee may adopt and the state superintendent of public instruction may make contracts for a period of two years.

1919, c. 201, s. 5.

5731. Local depositories to sell books; commission allowed. In order to facilitate distribution, sale, and exchange of high school text-books adopted under the provisions of this article, in each county the county board of education shall provide for the handling of such books through such local depositories or agencies in the county as it may deem advisable and necessary; and such local depositories or agencies shall be responsible to the county board of education through whom all orders to the publishers for high school text-books, under the provisions of this article, shall be made, except as is hereinafter provided; and said depositories or agencies may be allowed a commission on the sale of high school text-books not to exceed fifteen per cent of the wholesale price of the books as agreed upon by contract entered into by the state superintendent of public instruction with the publishers of approved high school text-books; and any depository or agency that shall charge a higher price than fifteen per cent in addition to the wholesale contract price shall be deprived of the right to handle any high school text-books adopted under the provisions of this article. Nothing in this article shall be construed to prevent the high school officials of any school or school system operated under a special charter from placing their orders directly with the publishers.

1919, c. 201, s. 6.

5732. Students removing from county may sell books; resale. When a pupil in any public high school of one county removes to another county and enters a high school in that county and has regularly adopted high school text-books not used in the high schools of such other county, and wishes to dispose of them the county board of education in the county from which he removes, if requested to do so, shall purchase through any of its depositories or agencies, such books at a fair valuation thereof, depending on the condition of the book, and shall provide for reselling them to other pupils at a profit not exceeding fifteen per cent.

1919, c. 201, s. 7.

5733. State superintendent may make additional rules if necessary. The state superintendent of public instruction may make such additional rules and regulations as he may deem necessary to carry out more effectively the provisions of this article and to facilitate the handling of high school text-books: *Provided*, that all such rules and regulations as he may make shall be in conformity with the provisions of this article.

1919, c. 201, s. 8.

5734. Only disinterested persons to act in selection. It shall be a misdemeanor for any person to serve in any capacity in the selection of text-books for approved lists who is connected in any way with the production or sale of high school text-books.

1919, c. 201, s. 9.

ART. 43. FURNISHING TEXT-BOOKS BY SCHOOL BOARDS

5735. Rental of text-books. The county board of education or the board of trustees of any local tax district or special chartered district is hereby authorized to provide depositories for public school text-books and to rent such books to the children of any school district at a rental price not to exceed fifty per cent of the publisher's contract price with the state; and whenever books are rented that have not been contracted for by the state, the rental price shall not exceed fifty per cent of the publisher's list prices.

1919, c. 134, s. 1.

5736. County and local boards to make rules; to use incidental expense fund. The county board of education or the board of trustees of any local tax district or special chartered district is hereby authorized to make all needful rules and regulations governing the rental of public school text-books and to apply any funds of the incidental expense fund remaining to the credit of the county or the special chartered district to the purpose of this article: *Provided*, that before any amount is appropriated from this fund for these purposes provision shall be made for all needful expenses of said schools.

1919, c. 134, s. 2.

5737. Books for indigent children. County boards of education or the board of trustees any local tax district may set aside an amount not to exceed \$100 from the incidental expense fund to be used in purchasing public school text-books, to be used in the manner designated, namely, that when it shall appear that the education of any child is limited because of the inability of said child to purchase necessary text-books or to pay the rental price, said board or boards may loan free of cost all necessary books to any such child during the term of the school, subject to rules and regulations by the county board of education or the board of trustees of any local tax dis-

trict or special chartered school, and approved by the state superintendent of public instruction.

1919, c. 134, s. 3.

5738. Limitation as to funds; effect of article. No contract made for books or for service in executing the provisions of this article shall make any part of the state public school fund liable save that specified in the two preceding sections, nor shall any section of this article be construed so as to abridge in any way the text-book system now operated by any school committee or local board.

1919, c. 134, s. 4.

5739. State superintendent to inform local school authorities. The state superintendent of public instruction is hereby requested to inform superintendents of county and all local tax schools of the provisions of this article.

1919, c. 134, s. 5.

SUBCHAPTER VIII. SCHOOL CENSUS AND HEALTH

ART. 44. SCHOOL CENSUS

5740. School committee to report annually to county superintendent; contents of reports. The school committee of each township or district must furnish annually to the county superintendent of schools a census report of all the children in the township or district of school age, by name, age, date of birth, sex, and race, and the names of their parents or guardians.

The census report shall show also the number of children of compulsory attendance age, and the committee shall furnish the attendance officer a separate list of all children subject to compulsory attendance, containing the name, age, date of birth, sex, and race of each, and the names of their parents or guardians.

There shall also be reported by race and sex the number and names of all persons between the ages of twelve and twenty-one who cannot read and write, and the number and names, by race and sex, of all persons over twenty-one years of age who cannot read and write.

There shall also be reported, by race and sex, the number and names of deaf and dumb and blind children between the ages of six and twenty-one years of age, and the names and addresses of their parents or guardians.

Rev., s. 4148; 1911, c. 135, s. 1 (d); 1915, c. 236, s. 1 (f); 1919, c. 254, s. 13.

5741. County superintendent to furnish blanks; time for returning report. The blanks upon which the reports of the committee are to be made shall be furnished to the various committees by the county superintendent at least two weeks prior to the beginning of the school term in each district, and the report, duly sworn to by the person taking the census, and signed and approved by the members of the committee, shall be returned to the county superintendent on or before the first day of the school term of each school year.

Rev., s. 4148; 1911, c. 135, s. 1 (d); 1915, c. 236, s. 1 (f).

5742. Committee to designate census taker. The school committee may designate one of the teachers, or some other competent person in each school district, to take the census.

Rev., s. 4148; 1911, c. 135, s. 1 (d); 1915, c. 236, s. 1 (f).

5743. Compensation of census taker. The committeemen, or other person taking the census, shall be allowed a sum not exceeding three cents per name for all names reported between the ages of six and twenty-one.

Rev., s. 4148; 1911, c. 135, s. 1 (d); 1915, c. 236, s. 1 (f).

5744. Committee to furnish copy to teacher; teacher to record. The committee shall furnish to the teacher at the opening of the school year a copy of the census furnished to the county superintendent, which shall be recorded by the teacher in the school register. The census record entered in the register shall show the name, age, date of birth, and sex of each child of school age in that district, together with the names and addresses of the parents or guardians.

Rev., s. 4148; 1911, c. 135, s. 1 (d); 1915, c. 236, s. 1 (f); 1919, c. 254, s. 13.

5745. Committee failing to comply with provisions of article removed. Any committee failing to comply with the provisions of this article, without just cause, shall be subject to removal.

Rev., s. 4148; 1911, c. 135, s. 1 (d); 1915, c. 236, s. 1 (f).

5746. Making false returns misdemeanor. If any person who is a member of the school committee of any district, as such, shall knowingly and willfully take false or inaccurate census, or make a false or inaccurate return or report to the county superintendent of public instruction of the number of children in his district between the ages of six and twenty-one he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined and imprisoned at the discretion of the court.

Rev., s. 3836; 1889, c. 353.

ART. 45. PHYSICAL EXAMINATION OF PUPILS

5747. State board of health and state superintendent to make rules for physical examination. It shall be the duty of the state board of health and the state superintendent of public instruction to prepare and distribute to the teachers in all public schools of the state instructions and rules and regulations for the physical examination of pupils attending the public schools.

1919, c. 192, s. 1.

5748. Teachers to make examinations; state covered every three years. Upon receipt of such instructions, rules, and regulations, it shall be the duty of every teacher in the public schools to make a physical examination of every child attending the school and enter on cards and official forms furnished by the state board of health a record of such examination. The examination shall be made at the time directed by the state board of health and the state superintendent of public instruction, but every child shall be examined at least once every three years. The state board of health and the state superintendent of public instruction shall so arrange the work as to cover the entire state once every three years.

1919, c. 192, s. 2.

5749. Record cards transmitted to state board of health; punishment for failure. The teacher shall transmit the record cards and other blank forms made by him or her to the North Carolina state board of health, and if any teacher fails within sixty days, after receiving the aforesaid forms and requests for examination and report, to make such examination and report as herein provided, the teacher shall be guilty of a misdemeanor and subject

to a fine of not less than ten dollars nor more than fifty dollars or thirty days in prison.

1919, c. 192, s. 3.

5750. Disposition of records; reexamination of pupils. The North Carolina state board of health shall have the records filed by the teacher carefully studied and classified, and shall notify the parent or guardian of every child whose card shows a serious physical defect to bring such child before an agent of the state board of health on some day designated by the state board of health between the hours of nine a.m. and five p.m. for the purpose of having said child thoroughly examined; and if, upon receipt of such notice, any parent or guardian shall fail or refuse to bring said child before the agent of the state board of health without good cause shown, he shall be guilty of a misdemeanor, and shall be fined not less than five dollars nor more than fifty dollars or imprisoned not more than thirty days: *Provided*, that the distance the child must be carried shall not exceed ten miles.

No pupil or minor shall be compelled to submit to medical examination or treatment whose parent or guardian objects to the same. Such objection may be made by a written and signed statement delivered to the pupil's teacher or to any person who might conduct such examination or treatment in the absence of such objection.

1919, c. 192, s. 4.

5751. Treatment of pupils; expenses. Within thirty days after the completion of the examination of the children by the agent of the state board of health, and after written statement of the proper authority hereinafter designated, a sum not exceeding ten dollars per hundred children enrolled in the county or city shall be paid to the state board of health to be used exclusively for the purpose of treating school children for defects other than dental, the same to be paid by the county commissioners of the county, and in cities or towns having a separate school system, to be paid by the city manager, city council, city board of aldermen, or city commissioners. Any funds so paid and not needed in enforcing the provisions of this article shall be returned to the county or city from which it was received.

1919, c. 192, s. 5.

5752. Free dental treatment; appropriation. For the purpose of providing free dental treatment for as many children as possible each year, and to aid the state board of health in making the examinations as provided for in this article, a special appropriation not to exceed fifty thousand dollars per annum shall be set aside from the state public school fund, and shall be paid by the treasurer of the State of North Carolina on properly signed requisition forms to the treasurer of the North Carolina state board of health.

1919, cc. 102, s. 14; 192, s. 6.

ART. 46. SCHOOL PRIVIES

5753. County Board to provide privies. In each county the county board of education shall provide, under rules and regulations to be made by the state board of health and approved by the state superintendent of public instruction, two privies at each public schoolhouse, one for boys and one for girls.

1919, c. 213, s. 1.

5754. Payment for privies. Privies shall be considered an essential and necessary part of the equipment of each public school, and may be paid for in the same manner as desks and other essential equipment of the school.

1919, c. 213, s. 1.

5755. Time allowed for installation. At least twenty-five per cent of the schools of each county shall have the privies herein required, provided on or before September first, one thousand nine hundred and nineteen, a second twenty-five per cent on or before September first, one thousand nine hundred and twenty, a third twenty-five per cent on or before September first, one thousand nine hundred and twenty-one, and the balance on or before September first, one thousand nine hundred and twenty-two.

1919, c. 213, s. 1.

5756. Failure to provide privies a misdemeanor. The county superintendent of public instruction and the county board of education of each county are hereby charged with the execution of the provisions of this article, and failure to fully and completely execute it shall be a misdemeanor and subject the several members of the board and the county superintendent to a fine or imprisonment, or both, in the discretion of the court.

1919, c. 213, s. 1.

5757. Privies to be kept sanitary. The local district or township committeemen are hereby required to keep the privies provided for in this article in a sanitary condition, and shall be governed in this particular by rules and regulations to be prepared by the state board of health with the approval of the state superintendent of public instruction.

Failure of the committeemen to keep privies at public schoolhouses in proper sanitary condition under the rules and regulations aforesaid shall be considered a misdemeanor and shall subject them severally and personally to fine or imprisonment, or both, in the discretion of the court.

1919, c. 213, s. 2.

SUBCHAPTER IX. COMPULSORY ATTENDANCE ON SCHOOLS

ART. 47. GENERAL COMPULSORY ATTENDANCE LAW

5758. Parent or guardian required to keep child in school; exemptions. Every parent, guardian, or other person in the state having charge or control of a child between the ages of eight and fourteen years shall cause such child to attend school continuously for a period equal to the time which the public school in the district in which the child resides shall be in session. The principal, superintendent, or teacher who is in charge of such school shall have the right to excuse the child from temporary attendance on account of sickness or distance of residence from the school, or other unavoidable cause which does not constitute truancy as defined by the state board of education.

1919, c. 100, s. 1.

5759. State board of education to make rules and regulations; method of enforcement. It shall be the duty of the state board of education to formulate such rules and regulations as may be necessary for the proper enforcement of the provisions of this article. The board shall prescribe what shall

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

1919, c. 100, s. 2a.

5760. Attendance officers; reports; prosecutions. The state superintendent of public instruction shall prepare such rules and procedure and furnish such blanks for teachers and other school officials as may be necessary for reporting each case of truancy or lack of attendance to the chief attendance officer referred to in this article. Such rules shall provide, among other things, for a notification in writing to the person responsible for the nonattendance of any child, that the case is to be reported to the chief attendance officer of the county unless the law is immediately complied with. County boards of education and governing bodies of city schools shall have the right to appoint town or district attendance officers when deemed by them necessary, to assist in carrying out the provisions of this article, and the rules and instructions which may be promulgated by the state superintendent of public instruction. But in every case in which it becomes necessary to prosecute for nonattendance the case shall be referred to the chief attendance officer of the county for further action: *Provided*, that in towns or cities having special attendance officers paid out of town or city funds said officers shall have full authority to prosecute for violations of this article.

1919, c. 100, s. 4.

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

5761. Violation of law; penalty. Any parent, guardian, or other person violating the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than five dollars nor more than twenty-five dollars, and upon failure or refusal to pay such fine, the said parent, guardian or other person shall be imprisoned not exceeding thirty days in the county jail.

1919, c. 100, s. 2.

5762. Investigation and prosecution by county superintendent and attendance officer. The county superintendent of public welfare or chief school attendance officer or truant officer provided for by law shall investigate and prosecute all violators of the provisions of this article.

1919, c. 100, s. 3.

ART. 48. COMPULSORY ATTENDANCE OF INDIGENT CHILDREN

5763. Investigation as to indigency of child. If affidavit shall be made by the parent of a child or by any other person that any child between the ages of eight and fourteen years is not able to attend school by reason of necessity to work or labor for the support of itself or the support of the family, then the attendance officer shall diligently inquire into the matter and bring it to the attention of some court allowed by law to act as a juvenile court, and said court shall proceed to find whether as a matter of fact such parents, or persons standing *in locus parentis* are unable to send said child to school for the term of compulsory attendance for the reasons given. If the court shall find, after careful investigation, that the parents have made or are making a bona fide effort to comply with the compulsory attendance act, and by reason of illness, lack of earning capacity, or any other cause which the court may deem valid and sufficient, are unable to send said child to school, then the court shall find and state what help is needed for the family to enable the attendance law to be complied with. The court shall transmit its findings to the county board of education of the county or, in cities, to city school board in which the case may arise.

1919, c. 150.

5764. Aid to indigent child. The county board of education shall in its discretion order aid to be given the family from the incidental expense fund of the county school budget to an extent not to exceed ten dollars per month for such child during the continuance of the compulsory term; and shall at the same time require said officer to see that the money is used for the purpose for which it is appropriated and to report from time to time whether it shall be continued or withdrawn. And the county board of education is hereby authorized in making out the county budget to provide a sum to meet the provisions of this article.

1919, c. 150.

ART. 49. COMPULSORY ATTENDANCE OF DEAF CHILDREN

5765. Deaf children to attend school; age limits; minimum attendance. Every deaf child of sound mind in North Carolina shall attend a school for the deaf at least five school terms of nine months each, between the ages of eight and fifteen years. The parents, guardians, or custodians of such child or children between the ages of eight and fifteen years shall send, or cause to be sent, such child or children to some school for the instruction of the deaf, at least five terms or sessions of nine months each, between said ages.

1907, c. 1007, ss. 1, 2; 1915, c. 14.

5766. Parents, etc., failing to send to school guilty of misdemeanor; provisos. The parents, guardians, or custodians of any deaf children between the ages of eight and fifteen years failing to send such deaf child or children to some school for instruction, as provided in this article, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, for each year said deaf child is kept out of school, between the ages herein provided: Provided, (1) that parents, guardians, or custodians may elect two years between the ages of eight and fifteen years that a deaf child or children may remain out of school; and (2) that this section shall not apply to or be enforced against the parent, guardian, or custodian of any deaf child until such time as the superintendent of any school

for the instruction of the deaf, by and with the approval of the executive committee of such institution, shall in his and their discretion serve written notice on such parent, guardian, or custodian, directing that such child be sent to the institution whereof they have charge.

1907, c. 1007, s. 3; 1915, c. 14.

5767. Duties of census taker and county superintendent. It shall be the duty of the school census taker to report name, age, and sex of each deaf child in his district, and name of parents, guardians, or custodians and their postoffice address to the county superintendent of education, who shall send said report of names and addresses to the superintendent of the North Carolina School for the Deaf located at Morganton, N. C. Upon the failure of the census taker or county superintendent to make such reports he shall be fined five dollars for each white deaf child not so reported.

1907, c. 1007, s. 4; 1915, c. 14.

5768. Fines to school fund. All fines provided in this article, when collected, shall be paid to the public school fund of the county in which such deaf child lives.

1907, c. 1007, s. 5.

ART. 50. COMPULSORY ATTENDANCE OF BLIND CHILDREN

5769. Blind children to attend school; age limits; minimum attendance. Every blind child of sound mind and body living in the state of North Carolina shall attend the State School for the Blind and the Deaf at Raleigh, or some similar school for the education of the blind, for a term of nine months each year, between the ages of seven and seventeen years. The term "blind child" is to be construed as meaning any child whose sight is so defective as to make it impracticable to obtain an education in schools for the seeing. The parents, guardians, or custodians of any blind child or children between the ages of seven and seventeen years shall send, or cause to be sent, such child or children to some school for the instruction of the blind at least eight sessions of nine months each.

Ex. Sess. 1908, c. 141, ss. 1. 2.

5770. Parents, etc., failing to send guilty of misdemeanor; provisos. The parents, guardians, or custodians of any blind child or children between the ages of seven and seventeen years failing to send such child or children to some school for the instruction of the blind shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, for each year that such child or children shall be kept out of school between the ages specified: Provided, (1) that this section shall not be enforced against the parents, guardians, or custodians of any blind child until such time as the authorities of some school for the instruction of the blind shall serve written notice on such parents, guardians, or custodians, directing that such child be sent to the school whereof they have charge; and (2) that the authorities of the State School for the Blind and the Deaf shall not be compelled to retain in their custody or under their instruction any incorrigible person or persons of confirmed immoral habits.

Ex. Sess. 1908, c. 141, s. 3.

5771. Duties of census taker and county superintendent. It shall be the duty of the school census taker to report name, age, and sex of each blind

child in his district, and names of parents, guardians, or custodians and their postoffice addresses to the county superintendent of education, who shall send said report of names and addresses to the superintendent of the State School for the Blind and the Deaf at Raleigh, N. C. Upon the failure of the census taker or county superintendent to make such reports, he shall be fined five dollars for each blind child not so reported.

Ex. Sess. 1908, c. 141, s. 4.

5772. Fines to school fund. All fines provided in this article, when collected, shall be paid to the public school fund of the county in which such blind child lives.

Ex. Sess. 1908, c. 141, s. 5.

5773. Sheriffs to enforce law. The sheriffs of the various counties of the state of North Carolina shall be required to enforce the provisions of this article in all cases of blind children reported to them by the superintendent of the State School for the Blind and Deaf. And they shall have authority to reimburse themselves for such services and expense as are entailed upon them in executing the provisions of this article.

1917, cc. 20, 254, s. 1.

5774. Superintendent of school for blind to have free transportation to enforce law. In order to aid the superintendent of the State School for the Blind and Deaf in securing the attendance of blind children upon the school, the various railroads operating in the state of North Carolina may grant him transportation without charge.

1917, cc. 20, 254, s. 1.

SUBCHAPTER X. COMMERCIAL SCHOOLS

ART. 51. COMMERCIAL SCHOOLS

5775. Licenses for commercial schools. Before any business college or commercial school shall receive or solicit students, or open any business school for the purpose of giving instruction in this state, said school or college shall first secure a license from the state board of examiners to the effect that it has complied with the requirements of this act, which license shall be issued by the state board of examiners upon the payment of an annual fee of ten dollars.

1915, c. 276, s. 1.

5776. Report to be filed before license. Before any such business college or commercial school shall be entitled to receive such license it shall file with the state board of examiners a report setting forth:

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

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

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

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

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

1915, c. 276, s. 2.

5777. **Advertising literature to be filed.** The institutions securing license under this article shall file with the state board of examiners copies of all advertising literature, including catalogue, pamphlets, circulars, etc., and an annual report on or before the first day of July of each year.

1915, c. 276, s. 3.

5778. **Conducting school without license misdemeanor.** Any person who shall open or conduct any business college or commercial school within this state without having first procured the license herein provided for shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned at the discretion of the court.

1915, c. 276, s. 4.

5779. **Blanks for reports and licenses; disposition of license tax.** The superintendent of public instruction is authorized to furnish all necessary blanks for reports and licenses provided for under the provisions of this article, and all funds received from the license tax herein provided for shall be paid to the state treasurer for the expenses of the state board of examiners.

1915, c. 276, s. 5.

5780. **Application of article.** The provisions of this article shall apply to all existing chartered business colleges and commercial schools and all other business colleges and commercial schools now conducted or to be hereafter conducted in this state.

1915, c. 276, s. 6.

CONSTRUCTIONS

OF THE

PUBLIC SCHOOL LAWS

OF

NORTH CAROLINA

BY THE

**STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION**

"The County Board of Education and all other school officers in the several counties shall obey the instructions of the State Superintendent and accept his constructions of the school law." (Section 5392, chapter 95, Consolidated Statutes of North Carolina.)

STATE SUPERINTENDENT'S CONSTRUCTION OF THE COMPULSORY ATTENDANCE ACT

1. **The State Superintendent Has No Authority** to allow a parent or guardian to teach a child at home in lieu of sending such child to school, according to the compulsory school law. (September 8, 1913.)

2. **Attendance Officer** may serve notices by mail on parents as to the absence of children from school. (April 12, 1915.)

3. **Refusal of Parent** to have child vaccinated in accordance with orders of Board of Health does not excuse the withdrawal of the child from school during compulsory period. (November 25, 1913.)

4. **Where Transportation is Provided** for children beyond the two-and-a-half-mile limit, the compulsory law should be made to apply. (December 14, 1914.)

5. **Attendance Under the Compulsory Law** must begin with eighth birthday of child and last until his fourteenth birthday.

6. **Private School Teachers** must keep such records and make such reports of attendance of children under their instruction as will furnish satisfactory evidence that children of compulsory age are receiving satisfactory instruction and are attending regularly during the compulsory period. (November 12, 1913.)

I

DUTIES AND POWERS OF THE COUNTY BOARD OF EDUCATION

1. **Selecting a County Superintendent.**—The board has no more important duty than this, of electing a county superintendent. I beg to urge the observance of the following in the selection of a county superintendent: (1) Without fear, without prejudice, political or sectarian, having before your eyes only the welfare of the children and the success of the public schools, select the most competent man to be had for the money, choosing him from your county if such a man is to be found there, and if not to be found in the county, seeking him wherever he can be found, as the law permits. (2) If your present county superintendent possesses the necessary qualifications for a successful administration of his delicate, difficult, and important duties, as I trust he may, reelect him and give him a chance to show what is in him and to make a greater success of his work, by paying him, if possible, a sufficient salary to justify him in giving all of his time and thought to the work of supervision, and to justify you in requiring him to do this. (3) Take advantage of the law and pay your superintendent as large a salary as your school fund will justify, but be sure that you get *more man and more time for more money*. *The county superintendent's office is the most important office in the county. He need not be a resident of the county when elected. If possible, he should be paid large enough salary to enable him to devote all his time to his work.*

2. **School Term Should be Continuous.**—The purpose of section 5412 is to prevent the division of the school term into two, as was so often done form-

erly, to the detriment of the school. *It simply means that the school term must not be divided and taught during different seasons of the year, unless some epidemic or other providential cause interferes with the regular term. The county board must exercise this control if it would carry out the provisions of the law.*

3. **A Member of a County Board of Education may not also be a director or a trustee of a State Institution neither can he be a member of a county board of elections.**

4. **Expense of County Board in Maintaining Its Authority Authorized.**—Any reasonable expense, including attorney's fees, incurred by the county board of education in maintaining its authority and in executing the school law is authorized by section 5412. The county board, however, sits as a court, and I do not think it would be justified in employing counsel to maintain a position taken by one faction in a district against another faction of the people. The position of the board is and ought always to be a judicial one; but after the board has taken a position upon any question, or has made a ruling, then it would be both lawful and proper for it to employ necessary counsel to sustain it. (April 2, 1909.)

5. **Lease of School Property by County Board.**—The county board of education has no authority to lease a part of the school building to a secret order, or for other purposes, for a period of time extending beyond its term of office. (January 15, 1910.)

6. **School Sites; Power of County Board to Fix, Not Limited.**—The power of the county board of education to fix a school site in any school district, local tax or nonlocal tax, is not limited. (January 17, 1911.)

7. **County Board May Offer Reward for Arrest.**—The county board of education has the authority, under the general provisions outlined in section 5402 of the consolidated statutes to offer a reasonable reward for the apprehension and conviction of the parties who burn a public schoolhouse. (April 12, 1911.)

8. **Member of County Board May be Allowed Compensation for Services as Acting Superintendent.**—In case of a vacancy in the office of county superintendent, pending a *bona fide* effort to fill the vacancy, a member of the county board acting as county superintendent may receive compensation for this service. (June 27, 1911.)

9. **Retiring Member of Board of Education Has No Voice in Selecting Superintendent.**—A retiring member of the county board of education whose term of office expires on the day the county board is to select a county superintendent for the next two years has no voice in the selection of said superintendent. The superintendent should not be chosen until the incoming new member of the board has qualified and has taken his place as a member of board. (July, 1911.)

10. **The County Board of Education has the right to review the decisions of school committees in all cases where controversy arises, and the decision of the county board is binding on all parties until reviewed by the courts.** (March 26, 1913.)

11. **Districts May be Abolished or Consolidated** by county board of education, but provision must be made for each child of school age to attend some school free of tuition. (October 16, 1914.)

12. **Children May be Transferred** by county board of education from a nonlocal-tax district to a local-tax district for the regular school term, provided the consent of committee in local-tax district is given. If such children attend longer than the term provided by the county and State taxes, however, the local committee have a right to charge a reasonable tuition. (October 20, 1914.)

13. **County Board of Education Cannot Compel** committee in a local-tax district to admit children from outside the local-tax district free of tuition. (October 7, 1913.)

14. **If School is Closed** in a special-tax district before all the special-tax funds are used the amount remaining must be left in the hands of the treasurer to the credit of the local committee, and be used by them for teachers' salaries at the succeeding term or terms of the school. (January 18, 1915.)

15. **The Borrowing of Money** by county board of education for the payment of teachers' salaries is specifically authorized and directed in section 5669 of the Public School Law, and the board should exercise the privilege thus granted in securing funds for the prompt payment of teachers' salaries monthly if the funds cannot be secured otherwise.

16. **Duty of the County Board of Education to Pay Teachers' Salaries Promptly.**—Under section 5669 of the Public School Law, it is the duty of the county board of education to borrow the money for the payment of teachers' salaries, if found necessary to do so before the taxes have been collected and turned over to the treasurer. The bank from which the money is borrowed on the note of the county board of education, under the agreement, has the right to hold for its own protection and the protection of the county board teachers' vouchers paid as collateral security in payment of the note until the money is in the hands of the treasurer from the payment of the taxes for the settlement of the note, or for partial payment on the note from time to time, which could be paid in and credited on the note as paid in. When the money from taxes collected is in the hands of the treasurer, and he turns it over to the bank and takes up the note, or any parts thereof, if paid at different times, the bank shall then turn over to the treasurer the teachers' vouchers, and the treasurer will then be entitled to his commissions on such part or all of the amount borrowed as he may have paid, and for which the bank turned over to him the teachers' vouchers as vouchers in his hands for the amount paid to the bank. This item, if outstanding on the first of July, will have to be reported as money borrowed for the payment of teachers' salaries, both by the treasurer and the county superintendent, for the board of education on the financial report of each. (July 24, 1916.)

17. **Member of County Board of Education May Not Vote by Proxy.**—There is no provision in the law by which a member of the county board of education may leave his proxy or power of attorney with another member of the board to vote for him during his absence from the State. (March 28, 1917.)

18. **Meetings of County Boards of Education.**—Under section 5410 of the Public School Law the county board of education is authorized and directed to hold meetings on the first Monday in January, April, July, and October. Each of these meetings may continue in session two days, if necessary. The board may have called meetings of one day each as often as once a month,

if the school business of the county require it. This would authorize one called meeting for each month of the year, if found necessary. The called meetings, therefore, could not exceed one each for each of the twelve months during the year, and could not exceed one in any month. (July 25, 1916.)

19. Compensation of a Member of County Board of Education for Special Services.—A member of the county board of education, by order of the county board, may be paid, in addition to actual expenses, a per diem not to exceed the regular per diem of a member of the board, for extra service, ordered by the county board of education, as the representative of the county board in connection with the work that the law places under the control of the county board and makes the county board responsible for which the county superintendent, as the representative and the agent of the board, cannot attend to. In cases of this sort an extra service calling for extra compensation by members of the county board of education, ordered by the board, should not be ordered except in cases of emergency which the county superintendent cannot look after and in which the interest of the schools, would materially suffer without such extra service of the members of a committee of the board. Such extra service and compensation by members of the board are always subject to criticism and sometimes to abuse, and should be avoided as far as possible. (July 25, 1916.)

II

THE COUNTY SUPERINTENDENT

1. Office Expense for County Superintendent; County Board Must Provide for.—Section 5424 of the Public School Law requires the county board of education to provide the county superintendent with an office at the county seat. I do not think there can be any doubt as to the meaning of these words. Evidently an office without heat would be an unheard-of thing; therefore, I am sure that fuel should be included, also necessary furniture and office supplies.

2. Weekly and Monthly Reports. The law fully authorizes the county superintendent to require such reports from teachers in charge of public schools as to him seem advisable. Voucher for teacher's salary should not be approved at the end of the month till the monthly report has been received. The same rule should be adopted with reference to final reports.

3. May a County Superintendent Teach?—For good and sufficient reasons, a county superintendent will be permitted to teach during the year, provided satisfactory arrangements be made for visiting the schools while in session and otherwise obeying the law. Whatsoever arrangements are made should be submitted to the State Superintendent and the State Board of Education for approval. But it is best, wherever possible, for the superintendent to give his undivided time to the supervision of the schools in his county.

4. The Professional Qualifications for County Superintendent made by section 5425, so far as they refer to experience, mean actual teaching or actual supervision of schools. The chairman of the county board of education could not be considered as a supervisor of schools within the meaning of this act. (November 23, 1914.)

5. Certification of County Superintendent.—The legislature may fix such qualifications as it may please for any legislative office, provided the proposed

incumbent is a voter. The legislature made certification by the State Board of Examiners and Institute Conductors under the rules and regulations of that board a qualification for the office of county superintendent. See report of Attorney General 1916-19, page 133. A county superintendent, then, not properly certificated unlawfully holds a public office from which he may be removed by judgment in an action against him instituted by the Attorney General on his own relation or upon complaint of a private party.

III

DUTIES AND POWERS OF SCHOOL COMMITTEEMEN AND TRUSTEES

1. **Removal of Committeemen from Office.**—Under section 5414 of the Public School Law the county superintendent, when charges are made against committeemen, should report such charges to the county board of education, which board should then formulate the charges and give in writing at least ten days notice to the committeemen of the charges preferred against them. This notice should be served by the proper officer, as directed by section 5418 of the Public School Law, unless the committeemen accept service in a different manner. The county board should appoint a day for the hearing of the charges and thoroughly investigate them, giving the accused committeemen an opportunity to be heard and to offer evidence. After such hearing the board should decide whether the committeemen should be removed or not. A complete record of the entire proceedings should be entered on the minutes of the board.

2. **State Board of Education** has no power to review action of the county board in dismissing a committeeman.

3. **Trusteeship an Office of Trust.**—Under the language of the Constitution and the decisions of our courts, I am constrained to believe that a trustee or committeeman of a school should be regarded as holding a position of trust. (May 3, 1909.) Under section 5539, these positions are declared to be places of profit or trust and not offices in this State.

4. **Retiring Trustees Have No Voice in Choosing Their Successors.**—In the election of new members of a board of trustees of a graded school the retiring members should have no voice in the election of their successors. (May 18, 1909.)

5. **Voucher for More Money Than is to the Credit of the District.**—The law forbids the signing of a teacher's voucher for more money than the district has to its credit. Section 5466.

6. **Trustee or Committeeman Cannot Hold Other Public Office.**—“A public office is an agency for the State, and the person whose duty it is to perform the agency is a public officer.” The first question asked is, Can a party who is school trustee and committeeman, without pay or profit, hold, at the same time, the position of county commissioner? I do not think so.

In the case of *Barnhill v. Thompson*, 122 N. C., 493, it is held that the board of county commissioners and the county board of education each constitute an office, and what is said there in regard to the county board of education, I think, applies with equal force to school trustees or school committeemen.

The fact that no salary was received in one of the places makes no difference. *Walker v. Bledsoe*, 68 N. C., 457.

Second: Can one person be, at the same time, clerk of the Superior Court and a member of a school committee? I do not think he can. A clerk of the court is clearly an officer within the meaning of the Constitution, Article XIV, section 7. See *White v. Murray*, 126 N. C., 156.

A trustee of a graded school operated under a special legislative act may not be a director or trustee of a state institution.

7. Pupils May Not be Debarred from public schools by committee on account of previous immoral conduct, provided the conduct of such pupils at present is not such as to be detrimental to other pupils. (September 18, 1913; December 19, 1914.)

8. Committee May Dismiss Teacher who has tuberculosis or other disease which might be damaging to pupils. (December 26, 1913.)

9. Committeemen Cannot Contract with Teacher for a longer term than the public money will provide; and any contract made for a longer term than can be provided by the public money of the district is not binding on the committee. (January 7, 1914.)

10. Committeemen for Special-tax Districts.—Section 5536 of the Public School Law directs the county board of education to appoint a committee for special-tax districts voted under that section, and I have always ruled that such a committee should be appointed and that their authority in that district supersedes the authority of the township committee. I think there can be no doubt about this. (June 14, 1915.)

11. A Man Who is Not Eligible to Vote May Serve as School Committeeman.—The position of school committeeman or member of the board of trustees of educational institutions is declared to be a place of profit or trust, and not an office, and, therefore, a man is eligible to serve as a school committeeman who has not been in the State two years and is not a voter. These are requisite for holding office, but not for holding a place of profit or trust that is declared by statute not to be an office. (September 25, 1916.)

12. Acts of a School Committeeman Whose Term is About to Expire, Legal. Under section 5458 of the Public School Law, which expressly states that a committeeman shall serve until his successor is elected and qualified, any action of the committeeman in the meantime as school committeeman would be legal. The employment of a teacher and the contract with her, however, would not be legal unless the requirements of section 5665 of the Public School Law were complied with. (August 31, 1916.)

IV

DUTIES, PRIVILEGES AND QUALIFICATIONS OF TEACHERS

1. Road Duty; Teacher Not Exempt.—Under the law no one of road age is now exempt from the provisions of the road law, except by special statute of the General Assembly or by special action of the road supervisors.

2. Compensation for Substitute Teacher.—The question of allowing compensation for a substitute teacher during the illness of the regular teacher is one that appeals to the sense of justice. If the compensation is allowed,

order for the same would have to be made in behalf of the regular teacher, who would then pay the substitute teacher himself. The committee would have no legal right to sign a voucher for the payment of the salary of any teacher who did not hold a teacher's certificate. Of course, the substitute teacher should be acceptable to the committee.

3. Teacher Has Right to Make and to Enforce Rules for Discipline in Schools.—Under section 5666 a teacher in a county school has the right to make and enforce reasonable rules for the maintenance of such discipline as may seem proper to the teacher. Appeal from these rules may be made to the county board of education, who, for sufficient cause, may rescind the rules.

4. Teachers' Right Over Pupils on Way to and from School.—The teacher has a right to make reasonable rules governing the conduct of pupils on the way to and from school, and to enforce same. (April 2, 1912.)

5. Contract with Teacher Binding; When Not.—Contract with teacher is binding in case schoolhouse burns and can be easily substituted for by renting or otherwise. But if suitable place to teach cannot be secured, committee is not bound. (June 9, 1911.)

6. Salary of Second Grade Teacher Cannot Exceed \$45.—Under section 5668 a committee in a special-tax district is not authorized to employ second grade teacher for more than \$45.

7. Thanksgiving Day a Legal Holiday.—Thanksgiving Day is a legal holiday and should be counted as a day in the school month. It would be both unlawful and impious to charge up the day of Thanksgiving against the teachers of the State. (December 4, 1909.)

8. Holidays.—It has been our ruling that Thanksgiving Day should be observed as holiday in the public schools, and that teachers as well as the pupils must be given that day. The observance of other holidays is largely a matter of regulation by the county board of education and the school committee. With our short school term, especially in the rural schools, I should not advise the observance of other holidays—like Washington's birthday—except by special exercises of a patriotic nature in the schools. If other holidays are taken, except under extraordinary circumstances, the teacher should, in my opinion, be required to make up the time at the end of the term. (March 21, 1917.)

9. What Constitutes a School Day?—I presume that in construing the law fixing a school day at not less than six hours nor more than seven hours the committee would have to use the same common sense that they would use in other business. A literal construction of the law would, I presume, require at least six hours of school work. A reasonable construction would probably allow short recesses to be taken out of this time, as the teacher is compelled to remain and have supervision of the children during recesses. If the amount of time taken for recess is excessive, of course, it should not be included in the six hours. You can easily understand how, if the teacher was allowed to count all recesses and to give as much time to recesses as he chose, the number of hours of work might be too greatly reduced. Whether the law ought to be construed to require six hours of actual school work would depend, I think, to some extent, upon the season of the year and the distance of the children living farthest from the school had to walk.

For example, in many places it would be difficult in the winter to begin earlier than 9 a. m. or to close later than 4 p. m. This would give six hours of work, with an intermission of an hour for dinner, but would not include any short recesses between times, which are usually desirable, and which, I think, ought to be included in the six hours.

The trustees of a school operated under a special charter may, in conjunction with teachers, make such regulations as they deem wise.

10. Criminal Charges Against Teachers.—The committee should refuse to sign the voucher of a teacher who falsified in his report as to the number of days he taught, and should report the facts to the county board of education, giving their reasons for refusing to sign. Then, under section 5412 the county board of education could investigate the matter, after written notice of ten days as therein provided, and, if the charges be sustained, could debar the teacher from teaching and cancel his certificate.

11. Teacher Cannot Expect Reimbursement from School Fund for Stolen Property; Cannot Sue Board for Such Loss.—School authorities should not be held responsible for personal property of teacher while in the employ of school, even if property is stolen from public schoolhouse. Trustees can make allowance to teacher for such stolen property if they think proper, but the school fund is not liable in damages for amount by suit. The county board of education is a corporation conducting part of the functions of the State Government, and suit cannot be brought against it in the absence of a statute so providing. (July 3, 1911.)

12. High School Principal Cannot Serve as Member of County Board.—Under section 5409 a principal of a public high school cannot serve as a member of the county board of education. (July 3, 1912.)

13. Salary of Teachers in Special-tax District.—Special-tax funds may be used for the improvement of the special-tax school, such as supplementing the salary of first grade teachers, in order to get better teachers, improving the schoolhouse grounds and equipment, all of which are purposes for which school funds can be legally used, under the Public School Law, and the recommendations of the special-tax committee unless unreasonable, should be approved by the county board of education and the county superintendent. In this matter of improving the school of a special-tax district the main purpose and the main inducement for supplementing the State and county apportionment by local taxation is to improve the district school, not only by extending the term, but by improving the equipment and securing the best teachers possible. (January 31, 1916.)

V

RIGHTS AND OBLIGATIONS OF PATRONS AND PUPILS

1. Rights of Bona Fide Citizens to Patronize School.—Any person moving into a graded school district and becoming a *bona fide* citizen has a constitutional right to send his children of school age to the public graded school of such district without paying tuition, from the time that he becomes a *bona fide* citizen of that district.

2. Bona Fide Residents Entitled to School Facilities.—When a person moves to town for the purpose of making his home there, he at once be-

comes a *bona fide* resident, and, therefore, has a right to send his children to the local public school. But, on the other hand, if he moves to town just for a few months in order to get the benefit of the graded school, then he should not be regarded as a resident, and, therefore, would not be entitled to send his children to the graded school without the payment of tuition. I am of the opinion that an order made by the school board that for one to be entitled to send his children to school he must have been a *bona fide* resident of the town or district for twelve months is an *ultra vires* act on the part of the authorities. This would be in violation of the Constitution providing that all children have an opportunity to go to school four months each year. (January 8, 1910.)

3. Patrons of School District Defined.—The patrons of a public school district are those living in the district who have children or stand *in loco parentis* to children within the school age. (August 5, 1909.)

4. Admission of Pupils Cannot be Refused Because of Overcrowded Conditions.—Graded school trustees or committees have no legal right to refuse, for the reason that the grades are overcrowded, to admit pupils who are of school age and residents of the district. (January 22, 1910.)

5. Public Schools for Indians; County Board Must Provide.—It is the duty of the county board of education to provide public school facilities for the Indian children of the county in which such children may reside. The Indian children should be treated as white and negro children in the apportionment of the school funds of the county, and separate schools, under the law, must be provided for them, if they are tax-payers and the Federal Government has provided no school or inadequate school facilities for them.

6. A Pupil is Not Exempt from road duty if he is a resident of the district. If a nonresident, he is exempt. (November 12, 1913.)

7. Pupils May Not be Required by teacher to make up work on Saturdays which was missed on regular school days. (October 26, 1914.)

8. Studies for High School Pupils.—The course of study for public high schools is prescribed by the State Superintendent of Public Instruction. It is given in detail in the bulletin issued by the office of the Superintendent of Public Instruction. Students of the high schools are required to pursue this course, unless they offer to the teacher and the high school committee valid excuse for deviation from it. Pupils desiring to be excused from taking this course would, of course, have the right of appeal from the action of the teacher and the high school committee to the county board of education. It is the duty of the teacher and of the school committee to enforce the course of study as prescribed, unless the best reasons can be offered by the student for being excused from any part of it. It would be a dangerous precedent to excuse the pupils from any part of the prescribed course for flimsy and insufficient excuses, and would, of course, result in throwing the course of study into chaos. (January 14, 1916.)

9. Corporal Punishment of Pupils by Teachers.—Teachers stand *in loco parentis* and are clothed with certainly a reasonable authority for correcting the pupils placed under their charge. A moderate degree of corporal punishment can be inflicted without violation of the law, if it be done so as not to inflict permanent injury, or without any malicious or evil purpose on the part of the teacher. This question was decided very early in our State by our Supreme Court, 19 N. C. Report, page 365, in the case of

State v. Pendergrast, in which Judge Gaston laid down the rule which seems to have been consistently followed by our courts up to the present time. (March 21, 1917.)

VI

SCHOOL DISTRICTS AND DISTRICT FUNDS

- (a) *Regular.*
- (b) *Special-Tax Districts.*
- (c) *City and Graded School Districts Under Special Charter.*
- (d) *Bonds.*

(a)

1. Fixing Boundaries of Districts Left to Discretion of County Board.—County board of education has authority, under section 5469, to divide the townships and the county into convenient school districts. The formation and consolidation of districts are placed in the discretion of this board. The Attorney-General advises me that in the case of *Howell v. Howell*, in Haywood County, the Supreme Court of North Carolina holds that the laying off of school districts and the fixing of their boundaries is in the discretion of the county board of education, and no appeal therefrom lies to the courts. It is, of course, however, a discretion that should not be exercised arbitrarily, and I feel sure that the county board of education will, as directed in section 5469, always consult the convenience and necessities of the people in fixing the boundaries of the districts, and will give a full hearing to both sides before determining the matter. (June 6, 1910.)

2. To Consolidate Small Districts, Duty of Board.—It is the duty of the county board of education to consolidate districts where the attendance is less than fifteen pupils unless the geographic conditions are such that the children cannot attend some adjoining district without seriously limiting their educational opportunities.

(b)

3. Boundaries of Local-tax Districts, How changed.—County board of education has no authority to take territory from a local-tax district formed by special charter and transfer to another local-tax district. It can change boundary lines between local-tax districts formed under section 5526, but not between one formed under that section and another formed by special act. (September 12, 1911.)

4. Boundaries of Local-tax Districts Cannot be Changed so as to Reduce District After Election is Called.—After an election for a local-tax has been duly called the county board of education has no authority to reduce the size of the district by making changes in the notices already posted, cutting out certain territory. If the election is regularly called and regularly held the tax should be levied on the original district. (December 18, 1911.)

5. Contiguous Territory Defined.—"Contiguous territory" in section 5530 refers to territory adjoining, but not lying within, a special-tax district. (September 12, 1911.)

6. Special-tax District; Commissioners Cannot Levy More Than Maximum Rate; Cannot Reduce Amount to be Voted on After Notice of Election.—The commissioners of a county can never levy more than the maximum

amount of taxes voted for by the people in a special-tax district. But if the maximum amount should be found to be more than the district required, then, upon recommendation of the county board of education, it would be lawful for the commissioners to levy less than the maximum amount voted for. As to the question of reducing the amount of taxes to be voted on after the call and notice of election, I beg to advise that such a reduction would be equivalent to ordering a new election, and the same notice would have to be given after the reduction as if no notice had been issued at all. (April 23, 1910.)

7. Taxation in Local-tax Districts; Commissioners Cannot Change Rate of. The board of county commissioners cannot legally change the rate of taxation in a special-tax district after the tax has been duly voted according to law, in cases where the order for the election specifies the rate and due publication of the notice has been given. (February 1, 1909.)

8. To Call off Special Tax-election.—The County Board of Education has authority to revoke its endorsement of a petition for a special-tax election under section 5526 at any time after the election is called by the county commissioners provided this is done before the election is actually held.

9. Tax List in Special District; Expense of Making Borne by County Commissioners.—Under section 5528 it is the duty of the county commissioners to pay all expenses incident to levying and collecting the tax in a special district. (November 23, 1909.)

10. The School Fund is not liable for any part of the expense of listing the taxes in special-tax districts. Special-tax funds, however, levied and collected under section 5526, are liable for commissions of all legally commissioned officers who collect and disburse such fund. (March 11, 1915.)

11. Control of Special-tax Funds in Hands of Committee.—After the establishment of a special-tax district and the appointment of the committee for that district, the employment of the teacher and the control of the special-tax fund is vested in the committee of the district.

12. Township High School Tax.—Under section 5511 of the Public School Law a township high school tax can be voted, irrespective of the boundaries of any special-tax district that may be included within the township boundaries.

13. When Special-tax Levy May be Made by County Commissioners.—If a special-tax election is held and carried before the levy is actually made by the county commissioners, the levy of the special-tax will be legal. If, however, the election is not carried until after the tax levy has been made by the commissioners for any particular year, it cannot be legally made for that year, after the date that is set by law for making the levy. A special-tax levy shall be made at the same time and in the same manner as other taxes under the law. (June 23, 1916.)

14. Petition for Special-tax Election under section 5526 must be approved by the county board of education in session at a regular or a called meeting. (March 2, 1917.)

15. Freeholder Defined.—One who is not a qualified voter cannot be counted as a freeholder within the meaning of the law. (July 25, 1916.)

(c)

16. Special-tax District; One Town Cannot Invade Corporate Limits of Another Town in Establishing.—Section 5526 does not authorize one town to invade the corporate limits of another town for the purpose of establishing a special school-tax district.

I think that under section 5526 a district can be established containing all the territory within the corporate limits of a town and also include some outlying territory, but I do not think that the corporate limits of another town can be invaded. (March 20, 1911.)

17. Supervisors of all Special Subjects in City Schools Must be paid out of the city school fund or incidental expense fund.

18. Compensation for Disbursement of City School Fund.—Section 2728 of the Revisal of 1905 authorizes the county board of education to fix the compensation of the treasurer at such sum as it may see fit, provided the amount does not exceed two per cent on disbursements. If the special tax is paid to him and then paid by him to the local treasurer, he might have a technical right to claim his commissions upon the amount as a disbursement, though I have always advised that a disbursement of this sort in a lump sum was not such a disbursement as was contemplated by the section named, as it was largely a matter of form, without trouble to the treasurer, and that, therefore, the county board of education should regulate the commission upon it, and either allow the treasurer no commission upon that sum or else allow him a very much smaller commission than was allowed upon other disbursements, the local treasurer receiving the larger part of the commission for disbursement, as he was compelled to have all the trouble in disbursing it in small amounts and keeping the books and accounts. In a word, the matter should be regulated by agreement between the local board of trustees and the county board of education. There certainly should not be double commissions allowed on the same school fund—one to the county treasurer and the other to the local treasurer. The commissions on both certainly should not exceed the maximum fixed by the statute, and, if necessary, it should be divided between them in proportion to the trouble and responsibility of each. In case an equitable agreement cannot be reached, then I would advise an amendment to your school bill, directing the special tax to be paid directly to your local treasurer, who is under bond, without passing through the hands of the county treasurer. The matter is regulated in this way in a number of special school acts of towns and cities.

19. Reports from City Schools.—Section 5383 of the Public School Law requires full reports of the city schools to the State Superintendent, also to the county superintendent, in such form and at such time as may be directed by these officers. No school operating under special charter that is supported wholly or in part by public funds has a right to refuse to make these reports and expect to continue to receive its proper share of public school money.

(d)

20. The Amount of Tax to Levy to Pay Interest and Provide for Sinking Fund for Bond Issue.—The tax levy for bond issue must be limited to the amount actually needed for taking care of the interest of the bond issue and providing for the sinking fund. (June 23, 1916.)

21. **Sufficiency of Notice of Election Called for Bond Issue.**—The order calling for an election for a bond issue under section 5676 must set forth the maximum tax that may be levied, and except it does set forth the maximum tax that may be levied, the order calling the election is not sufficient in this respect. (June 19, 1916.)

22. **Bond Issue in District Lying in Two Counties.**—Under the general statute, where a school district lies in two counties, it is competent to have a bond issue for school building purposes but this must be accomplished by the respective boards of education each petitioning its board of county commissioners to call an election in that part of the district that lies in its county. This holds good even though the district is a specially chartered one.

23. **Bonds May be Issued for Teacherages** as well as for school buildings.

24. **The Sinking Fund for Retiring Bonds of a Specially Chartered District** must be paid out of the city school's funds. The rate at which the county's building fund is apportioned to the city school is fixed by law.

VIII

LOANS AND LIBRARIES

1. **County Appropriations for Libraries.**—The State appropriation for rural libraries is limited to five thousand dollars for two years. The number of new libraries to the county for which this fund is available before November 30th of any biennial period is six. There is no authority in the law for the county board to appropriate any money for rural libraries except the specific authority conferred by the rural library act, and this is conditioned always upon the raising of ten dollars by the community and the appropriation of ten dollars by the State. The same law, therefore, that limits the number of libraries for which appropriation may be made by the State also limits the number for which appropriation may be made by the county during the two-year period. I am of the opinion, therefore, that the county board has no legal authority to make an appropriation for more than six original rural libraries during the two-year period ending November 30th.

(See sec. 1, subsec. d, laws 1915.)

IX

SCHOOL FUNDS

- (a) *General (including Fines, Forfeitures, and Penalties.)*
- (b) *Special Tax.*
- (c) *City Schools Under Special Charter.*

(a)

1. **County Board Has No Power to Designate Bank at Which Treasurer Shall Deposit School Funds.**—The treasurer and the sureties on his bond are responsible for the safe-keeping of the school fund. Being liable on his bond for the safety of the fund, it is proper that the treasurer should have the power to determine where and in what manner the fund shall be kept. The county board of education has no power, therefore, to designate the bank in which the school fund shall be kept. (July 3, 1912.)

2. **Special Poll Tax for Other Than School Purposes.**—The county school fund is not entitled to any part of a poll tax levied by the Legislature for special county purposes other than for schools.

3. **Fines, Forfeitures, and Penalties Must be Recorded and Reported.**—All fines, forfeitures, and penalties must be recorded and reported as required by section 5, Article IX, of the State Constitution. Policemen or other officers cannot legally accept fines and make compromises without judgment.

4. **Fines, Forfeitures, Etc., Cannot be Remitted.**—The county board of education cannot remit by compromise any portion of fines, forfeitures, and penalties due the county school fund and diverted by towns and cities.

5. **Fines, Etc., Imposed in Mayor's Court Must Go to County School Fund.**—All fines, etc., imposed in mayors' courts of towns and cities must be properly reported and paid over to the county school fund, and failure to do so is a misdemeanor. Evasions are illegal.

6. **Fines Imposed by Recorder's Court Must Go to County School Fund.**—Fines imposed by a recorder's court must go to the general county school fund, and not to the graded school fund of the town in which the recorder's court sits. (May 14, 1909.)

7. **Fines Cannot be Remitted by Another Judge.**—Fines imposed by a judge cannot be remitted by another judge. (August 29, 1910.)

8. **All Fines, Forfeitures, and Penalties recovered in city or recorder's court in any criminal action are payable to general school fund of county, for all warrants issued in such cases are issued in the name of the State. The city, however, may sue in civil action in name of the city. Any judgment rendered under such civil action is merely a debt, and the person against whom such judgment is rendered cannot be arrested for nonpayment.** (February 23, 1914.)

9. **Stills, Sale of Materials Taken From, Regarded as Forfeiture.**—The sale of material from stills taken in the enforcement of the prohibition law is considered forfeiture, and the proceeds therefrom should be turned over to the county school fund. (July 6, 1912.)

10. **Levy for Building and Incidental Fund.**—The county board of education can ask for a tax for building and incidental expense purposes and the courts may compel the county commissioners to levy a tax to raise an amount not to exceed 25 per cent of the total teachers salary fund. This is exclusive of all other funds that may be received for these purposes.

If the revenue received for incidental purposes from the specified sources is sufficient for such purposes then the special tax described above will go exclusively to the building fund.

11. **Salary of Whole Time Health Officer.**—There is nothing in the law that would prevent the county board of education paying a part of the salary of a whole time health officer. If the payment is made it would have to be charged to the incidental expense fund.

12. **County is Not Required by article IX, section 5, of Constitution of North Carolina to pay to the school fund amount of fine imposed when fine is worked out on roads or served out in jail.** (January 15, 1914.)

13. **Total State and County Poll Tax cannot exceed two dollars. Not more than one-fourth of this amount can be used for maintenance of the**

poor. At least three-fourths must be appropriated to the public schools. If so much as one-fourth is not used for the maintenance of the poor the balance, whatever it may be, must be turned over to the public school fund. (January 3, 1913.)

14. Publish Annual Statement.—The county board of education under section 5410 is required to publish annually at the close of the fiscal year an itemized detailed statement of the receipts and disbursements. Chapter 123 of the laws of 1911 requires that the statement show each receipt and from whom received and each disbursement and to whom paid.

15. Payment of Fee for Recording of Deeds.—There seems to be no law that exempts the recording of deeds to public school property from the payment of the usual charges for performing this service. I should judge that the board of education would be the proper party to pay the recording charges for deeds to property that belongs to that board. (April 21, 1917.)

X

SPECIAL-TAX ELECTIONS

1. Special-tax Elections Held Within Less Than Thirty Days of Another Election.—After consultation with the Attorney-General, I am of the opinion that the provision in the general election law forbidding the holding of elections within thirty days of another election does not apply to special-tax elections held under section 5526 of the Public School Law, which provides that such elections may be held after thirty days notice, and that there is no recent decision of the Supreme Court touching the matter, so far as we have any information.

2. Sundays Counted in Twenty Days for Keeping Registration Books Open. In counting the twenty days preceding an election for local tax, during which the registration books must be kept open, as provided by section 4323 of the Revisal of 1905, Sundays must be included. (June 9, 1909.)

3. Qualified Voters; Number Determined by Old Registration Books.—The board of county commissioners should use the old registration books as a basis for determining whether or not the requisite number of qualified voters have signed a petition for the repeal of a special tax. Either party to a controversy, however, would have a right to show that some who are now registered have left the district and that other qualified voters have come into the district and become qualified.

4. Ordering Local-tax Election: County Board of Education Has Discretion; County Commissioners Have Not.—The approval of a petition for a local-tax district lies wholly in the discretion of the county board of education, and may not be compelled, but upon a petition of one-fourth of the freeholders endorsed by the county board of education, the county commissioners have no discretion, but *must* order and hold the election, as provided in section 5527. (July 1, 1909.)

5. Taxation in Local Tax District, Authority of Commissioners to Fix Rate of.—If special-tax election was called under the general provisions of section 5526, without specifying in the petition, order, or notice the amount to be voted, levied, and collected, the county board of commissioners can levy and collect a less amount than the maximum fixed in this section, but only upon

recommendation of the committee of the district approved by the county board of education. (June 1, 1911.)

6. How Special Tax May be Repealed.—Section 5531 provides a way by which a special-tax may be repealed without special legislative enactment. An election for this purpose may be called by the board of county commissioners, upon approval by the county board of education of a petition signed by two-thirds of the qualified voters residing in the special-tax district. Such election cannot be held within less than two years from the date of the election at which the tax was voted nor within two years of any previous election for voting off the tax.

7. Persons Not Allowed to Vote Who Moved Into District Within Four Months Preceding Election.—Persons may not be allowed to vote at a special school election who have moved into the district from another part of the same township within four months preceding the date of election. To be entitled to vote, a person shall have resided four months in the precinct, ward, or election district in which he offers to vote next preceding the election. (March, 1913.)

8. Boundaries of a Special-tax District may not be enlarged by the Legislature unless an election is provided for in the territory which has not voted upon the question of a special-tax levy. (February 13, 1915.)

9. To Vote in a Special-tax Election which is held prior to May first, a man must have paid his poll tax for the preceding fiscal year. That is to say, no man can vote in a special-tax election which is held between January first and May first unless he could have voted any time after May first of the preceding calendar year. (March 19, 1915.)

10. The Term "Freeholder" does not include women, infants, and non-residents. (January 29, 1914.)

11. Taxes Must be Levied Equally on all residents living within the confines of a special-tax district, without respect to race. (March 25, 1914.)

12. No Petition to Revoke a special-tax can be approved by a county board of education so long as there is any debt on the building in such district caused by the borrowing of money from the county or the State over and above that to which the district was rightfully due from general building fund. (April 30, 1914.)

XI

SCHOOL PROPERTY

(a) *General—Title to and Control of.*

(b) *Houses and Lands.*

(a)

1. Title to School Property in District Created by Legislature Remains in County Board.—The title to the public school property that may be in a district, when created by legislative enactment, which gives authority to a local school board to manage the school affairs of the district independent of the county board of education remains in the county board of education, and such property may be disposed of by the county board in such manner as it deems equitable and just.

2. Control of School Property Vested in Committee and County Board.—

Under sections 5464 and 5412 the school committee and the county board of education have full power to control the school property and to make rules and regulations for its control in such manner as they deem best for the interest of the public schools and the cause of education. The county board of education unquestionably has the entire control of the property in a district in which the committee has resigned. (April 17, 1908.)

3. Proceeds From Sale of School Property.—It is no violation of the spirit of the law to appropriate the proceeds from the sale of school property for the purpose of purchasing other property in the same or an enlarged district, although the full per cent of the annual fund allowed for building may have been set aside for the district.

4. Condemnation Proceedings, When and How Instituted.—Under section 5416 of the Public School Law the county board of education has authority to select a site for a schoolhouse and secure the same, to the extent of three acres, by condemnation, if it cannot be obtained otherwise. In accordance with this section, appraisers shall be appointed by the clerk of the Superior Court to appraise the value.

5. Land Acquired by County Board Does Not Revert to Heirs.—Land acquired by the county board of education through condemnation proceedings, when it ceases to be used for school purposes, does not revert to the heirs of the original owner, but as the board acquires a title in fee simple, the board can give a title in fee simple. (June 12, 1911.)

6. Property Deeded for School Purposes; When it Reverts to Heirs.—Property deeded for school purposes to school trustees or to the county board of education except by fee simple deed, reverts to the heirs of original owners when it ceases to be used for the purposes set out in the deed. (March 17, 1909.)

(b)

7. Plans for Schoolhouses Must be Approved and Buildings Inspected.—It is true that plans and specifications for schoolhouses are provided at the office of the Superintendent of Public Instruction. Furthermore, the law forbids the erection of any public schoolhouse that is not built in accordance with plans approved by him. Of course, this does not mean that all schoolhouses must be built after the plans and specifications that have been prepared for distribution from this office; but other plans may be submitted for his approval, as is often done. Section 5415 also requires all new schoolhouses to be inspected, received, and approved by the county superintendent before full payment is made therefor.

8. Doors of Schoolhouses Must Open Outward.—Under the provisions of chapter 637, Laws of 1909, the doors of schoolhouses having more than one room, whether in towns or in the rural districts, must be so hung as to open outward. (July 12, 1909.)

9. One-half of the Cost of New Schoolhouses May be Paid by County Board.—Section 5415 clearly means that the county board, out of the building fund, shall not pay exceeding one-half the cost of building any new schoolhouse, the other half of the expense to be borne by the district. But the board has complete control of the whole subject, and may forbid the erection of a schoolhouse in a district which ought not to exist. It must be re-

membered that no house can be built unless it is built in accordance with plans approved by the State Superintendent, and the county board is charged with the duty of carrying into effect this provision to secure neat, comfortable and attractive houses. Pamphlets containing plans of such houses will be approved by the State Superintendent, together with specifications, estimates of cost, and bills for materials, will be furnished by the State Superintendent on application. Using the proceeds of the sale of old school property for new and better property is simply exchanging school property, and need not be accounted for in the annual apportionment of the school fund of the county.

10. Public School Building Not Subject to Statutory Lien.—"A public school building, vested in trustees for public school purposes, is not subject to statutory lien for materials furnished for its contractor, in the absence of a statute indicating a legislative purpose to the contrary." 150 N. C., 680. (December 13, 1911.)

XII

MISCELLANEOUS

1. Contracts With Private Schools Authorized; Contracts with Sectarian or Denominational Schools Forbidden.—Section 5610 of the Public School Law expressly gives authority to the school committee to contract with the teacher of a private school, regularly conducted for at least six months in the year, to use the public school fund in connection with the private school to give instruction to all pupils between the ages of six and twenty-one years in the branches of learning taught in the public schools, under the conditions prescribed in that section. I have ruled that the term *private school* does not include *sectarian* and *denominational schools*. There is, therefore, not only no authority for making any contract with these schools for the use of public school funds, *but contracts with such schools are forbidden*.

2. Compulsory Vaccination; Sanitary Committee May Order.—Section 4347, Volume II, the Revisal of 1905, provides that the sanitary committee of the county may make such regulations and provision for the vaccination of all the inhabitants of the county and impose such penalties as they deem necessary to protect the public health. Sections 3453 and 3455, Volume I, the Revisal of 1905, make any person violating these rules and regulations guilty of a misdemeanor. Therefore, if the sanitary committee of a county legally orders compulsory vaccination for the people of a town, it is the duty of the school authorities and patrons of the schools to obey the order.

It is especially the duty of all teachers and school officers to inculcate in children the spirit of obedience to law. See section 23, chapter 62, Laws 1911.

3. Only Colleges and Universities Can Confer Degrees; Power Given by Legislature.—Only a chartered college or university can issue a diploma or confer a degree. Colleges and universities have no power to confer degrees or grant diplomas unless the power is expressly given by legislative enactment. (February 23, 1909.)

4. Use of Schoolhouse for Religious Purposes.—The school house is the property of all the people, built by the taxes of all the people, and while it is under the control of the county board of education and the school com-

mittee, the continuous use of it for the benefit of only a part of the people consisting of one religious denomination is always subject to criticism from some of the people belonging to other denominations; and for that reason I think it usually unwise to permit a schoolhouse to be used continuously as a church by one sect or denomination. If one denomination is permitted to use it for this purpose, other denominations would have the same right to demand its use, if needed, and all sorts of complications might arise. I think the occasional use of the schoolhouse by any religious denomination for such a good purpose as the promotion of religion among the people is for the elevation of the community and is proper, or the use of it by a denomination while they are building a church, or getting ready to build a church, as an accommodation, it seems to me, ought not to be objected to, with the permission of the county board of education and the school committee.

5. **County Board of Education** does not have right to require individual drinking cups. (February 7, 1913.)

6. **The Chairman of a Board of Trustees** or other governing body has only one vote; that is, he may not vote as a member and also as chairman after his vote as a member has been used to bring about a tie. (May 23, 1913.)

7. **Vaccination Against Smallpox** and other contagious diseases may be required of all school children by board of health of any town, city, or county. (November 25, 1913.)

8. **Legislature Cannot Raise** rate of interest on school bonds without providing for an election by the people in the district affected. (January 28, 1915.)

9. **Position on Sub-Textbook Commission** is not to be considered an office, and a member of the sub-textbook commission may hold office while pursuing his duties as member of such commission. (October 7, 1913.)

10. **If a School Site Has Been Donated** with the provision that it reverts to owner when no longer used for school purposes, the committee have a right to remove or sell the school building, etc., before giving up the site. (July 14, 1913.)

11. **Absent Voters.**—Under the provisions of chapter 23 laws 1917 absent electors may vote in school bond and special tax elections.

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