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OF LEGISLATURE OF 1911

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ISSUED BY THE
DEPARTMENT OF PUBLIC INSTRUCTION

GEO. B. COOK
State Superintendent of Public Instruction

LB 2529

A 82
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DEMOCRAT PRINTING & LITHOGRAPHING CO.

ACT 115.

AN ACT to amend Section 7681 of Kirby's Digest:

SECTIONS

1. Amends section 7681 of Kirby's Digest.
2. Takes effect on its passage.

Be It Enacted by the General Assembly of the State of Arkansas:

Be It Enacted by the People of the State of Arkansas:

SECTION 1. That section 7681 of Kirby's Digest be and the same is hereby amended so as to read as follows: "The board of directors shall organize by choosing from their own number a president, who shall hold his office until the last Saturday in May, and the said board shall at the same time choose a secretary who may also be clerk of the board, and said secretary may be chosen from persons other than members of the board, and he shall hold his office until the last Saturday in May, and annually on that day the said board shall meet and elect a president and secretary in the same manner as provided above.

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed, and this Act shall take effect and be in force from and after its passage.

Approved March 24, 1911.

ACT 116.

AN ACT to provide for the consolidation of adjacent school districts and prescribing the powers and duties of such consolidated districts.

SECTIONS

1. Consolidation of school districts.
2. Election for consolidation.
3. Manner of holding elections.
4. County court to declare result of election.
5. Election of directors.
6. Powers and duty of board.
7. Directors to buy building sites, furniture, etc.
8. Titles to real estate vested in consolidated district.
9. Consolidated district vested with corporate powers.
10. Board of directors to pay all debts.
11. Penalty for failure to perform duty by directors.
12. Sections 7693 and 7694 of Kirby's Digest to apply.
13. To borrow money
14. Disposition of funds.
15. Transportation of pupils.
16. Certain laws to apply.

Be It Enacted by the People of the State of Arkansas:

SECTION 1. Any two or more school districts in this State may be organized into and established as a single consolidated school district in the manner and with the powers hereinafter specified.

SECTION 2. The board of directors of each school district proposing to enter into the consolidation may, and, upon the written petition of ten per cent of the electors of the district shall, at any annual election or at a special election to be held for that purpose, which

special election shall be held not less than thirty nor more than sixty days from the date of the presentation of the petition, submit the question of consolidation to the electors of the district.

SECTION 3. The board of directors of the district shall give notice that the question of consolidation is to be voted on by posting notices in at least five public places in the school district, and by posting a notice at the school house of the district, at least five days before the day of election. If a special election is held it shall be held by the officers and in the manner provided in Section 7591 of Kirby's Digest. The ballots shall have written or printed on them, "For Consolidated School District" and "Against Consolidated School District." The returns of said election shall be made to the clerk of the county court.

SECTION 4. If a majority of the qualified voters of each school district proposing to enter into the consolidation shall vote "For Consolidated School District," it shall be the duty of the county court on the first day on which the court may be in session after the returns of the election have been filed with the county clerk, to make an order dissolving said school districts and creating out of the same territory a new district to be designated "Consolidated School District No. —." Said order shall designate the place of holding the annual and special elections of the consolidated district, which shall be held at the time and in the manner now provided by law.

SECTION 5. Between the date of the consolidation and the first annual election the said consolidated school district shall be governed by a board of directors composed of all the directors of the several school districts

entering into the consolidation, but after the first annual election the consolidated school district shall be governed by a board of six directors to be elected in the manner provided in Section 7591 of Kirby's Digest by the qualified voters of the consolidated district. At the first annual election after the consolidation the six candidates receiving the highest number of votes shall serve, two for three years, two for two years, and two for one year, and they shall determine by lot which shall serve for these respective periods. At each succeeding annual election two directors shall be elected to serve for a term of three years and until their successors are elected and qualified. Vacancies in the board shall be filled as provided in Section 7682 of Kirby's Digest.

SECTION 6. Said board of directors shall organize as provided in Section 7681 of Kirby's Digest, and shall hold regular meetings, and have the powers and discharge the duties prescribed in Section 7683 of Kirby's Digest.

SECTION 7. Said board of directors shall have the power to purchase or lease school house sites; to build, purchase or lease school houses, and keep them in repair; to purchase or acquire the use of the necessary desks, seats, furniture, fixtures, apparatus, books, stationery and school equipment; to provide water, light and heat for school buildings, fence school grounds, erect out-houses, and make any and all improvements necessary or proper for the health, comfort or convenience of pupils; to provide records, blank books and stationery for the board of directors, and registry blanks and stationery for teachers; to procure insurance on any property belonging to the district; to hire the necessary teachers, officers and employees; to provide ample facilities and

establish and maintain a sufficient number of grades in one consolidated school to accommodate all the pupils in the consolidated district, if practicable; and, if not, to provide, equip and maintain other schools in the district; to determine the branches to be taught and the text-books to be used, in accordance with the laws governing special school districts; to admit pupils from other school districts, upon such terms as may be agreed upon with their parents or guardians, or with the district from which they come; to procure for pupils living in the district the privilege of attending school in other districts upon terms to be agreed upon with such districts, and to pay the charges therefor; to examine, from time to time, the books and accounts of the county treasurer, so far as they relate to the several funds belonging to the district; and to appoint a committee of three to serve during the pleasure of the board of directors, whose duty it shall be to visit the school or schools of the district. The board of directors shall also have power, when in the judgment of a majority of said board the interests of the district demand it, to sell, exchange or lease any property, real or personal, belonging to the consolidated district, or which belongs to any district merged into the consolidated district, and a deed or bill of sale executed by the president of said board of directors pursuant to a resolution of the board shall pass all the right, title and interest of the district to the purchaser or buyer.

SECTION 8. The title to all the real estate and other property belonging to the several school districts entering into the consolidated school district shall vest absolutely in the consolidated school district.

SECTION 9. Each consolidated school district formed under this Act shall be a body corporate, and

by its corporate name may sue and be sued, contract and be contracted with, purchase, acquire, lease, hold, sell and exchange property, and receive grants, gifts and bequests, and shall generally possess and enjoy all the corporate powers usually possessed by bodies corporate of like character.

SECTION 10. The board of directors of a consolidated school district shall pay and discharge all the debts and liabilities lawfully incurred by the several districts entering into the consolidated school district.

SECTION 11. Any person elected a director of a consolidated school district who shall fail to perform the duties of such director, shall suffer the penalty named in Section 7691 and Section 7692 of Kirby's Digest.

SECTION 12. Section 7693 and 7694 of Kirby's Digest shall apply to consolidated school districts formed under this Act.

SECTION 13. Consolidated school districts shall have the power to borrow money for the purposes and in the manner provided in Sections 7696, 7697 and 7698 of Kirby's Digest, In addition to such power, the board of directors shall have the power to borrow money for building purposes, if authorized by a vote of a majority of the electors of the district at any annual election. Such vote may be "For Building Fund" or "Against Building Fund," and shall state the amount of the building fund tax which the voter desires levied. If a building fund is voted, the amount of such tax shall be determined by taking the largest amount or rate of taxation voted for by a majority of the voters and if no rate shall have received such majority, then all the votes cast for the highest rate shall be counted

for the next highest and so on, till some rate voted for shall receive a majority of all the votes cast. If a majority of the votes cast are "For Building Fund" it shall be equivalent to voting a building tax of the amount or rate as determined by this section for each succeeding year until the money borrowed by the board of directors, pursuant to such vote, together with all interest thereon, shall have been fully paid. When a building fund has been specially voted for, as provided in this section, the board of directors may borrow money, and mortgage the real property of the district as security therefor, under such conditions and regulations as to amount, time and manner of payment as the board of directors shall determine, and may, from time to time, renew or extend any evidence of indebtedness or mortgage issued or executed hereunder. All moneys borrowed under this provision shall be placed in the county treasury to the credit of the building fund of the district, and the board of directors shall issue to the person, firm or corporation advancing or lending such money a certificate, signed by the president and secretary of said board, in the following form:

This is to certify that at the annual election held on the.....day of....., 19...., in Consolidated School District No..... County, Arkansas, a majority of the electors of said district cast their votes "For Building Fund," and fixed the amount or rate at.... mills; and that pursuant to the provisions of an Act approved on the.....day of....., 19...., the board of directors of said consolidated school district have borrowed from..... the sum of \$....., for a period of..... years, which amount, with interest at the rate of..... per cent per

annum from this date until paid, is to be paid from funds arising from a tax of mills to be levied annually upon the property in said district.

Witness our hands, as directors of said consolidated school district, on this the day of 19

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The said certificate shall be executed in triplicate and signed by a majority of the board of directors. One copy shall be retained by the board, another shall be delivered to the lender, and the third shall be filed by the board of directors with the clerk of the county court. Upon the filing of said certificate, it shall be the duty of the county court to levy each succeeding year a building tax, of the amount or rate voted for, against the property in said district, until the amount thus borrowed, with the interest due thereon, has been fully paid. It shall be the duty of the county treasurer to pay to the holder of said certificate, upon demand, any funds to the credit of the building fund of said district, applying the same first to the payment of the interest due.

Provided, That whether the vote be "For Building Fund" or "Against Building Fund," this shall not prevent the electors from voting for a building tax as now provided by law.

Provided, further, That the county treasurer shall receive no commission on the building funds of consolidated school districts handled by him.

SECTION 14. All funds to the credit of the several school districts dissolved and consolidated under this Act shall be transferred to the credit of the consolidated school district, and all outstanding debts of the dissolved school districts shall be charged to and paid by the consolidated school district.

SECTION 15. The board of directors shall have power to provide such transportation for the pupils of the districts as the board may deem advisable, and may purchase, rent or hire conveyances for this purpose; or the board of directors may enter into contracts with others for transportation service, requiring proper bonds for the faithful performance of the terms of said contracts. Such transportation shall be comfortable and safe, and shall be governed by such rules and regulations as the board of directors may prescribe. The cost of transportation shall be paid out of the school funds to the credit of the consolidated school district.

SECTION 16. The provisions of the general school laws of the State and the provisions of the special act for the regulation of schools in cities and towns which are now or may hereafter be in force, so far as applicable and not inconsistent with or repugnant to this Act, shall apply to consolidated school districts created under this Act, but those provisions which are inconsistent with or repugnant to the provisions of this Act shall not apply to consolidated school districts; and this Act shall take effect and be in force from and after its passage.

Approved March 24, 1911.

ACT 169.

AN ACT to provide for the manner of holding elections in special or single school districts in any county in the State of Arkansas other than incorporated towns and cities, and for other purposes.

SECTION

1. Annual school election required.
2. Manner of holding election.
3. Time of election.
4. Returns.
5. Certificates of election.
6. Property ownership vested in district.
7. Rural special school districts; corporations.
8. Same; authorized to borrow money.
9. General laws not inconsistent apply.

Be It Enacted by the People of the State of Arkansas:

SECTION 1. That on the third Saturday in May of each year after any special or single school district shall have been organized, according to the provisions of Act No. 321, of the General Assembly of the year 1909, approved May 31, 1909, and annually thereafter, an election shall be held at a school house or other convenient place in said school district to be selected by the board of directors of said district and designated and advertised by them in their notice of the annual school election required by this Act. Said election shall be for the purpose of electing two directors who shall serve for three years or until their successors are elected and qualified. The ballot of the voter, in addition to the name

of the persons voted for as directors, shall have written or printed on it the words, "For Tax" and "Against Tax," and the rate, if any, the voter desires levied.

SECTION 2. When any special or single school district has been organized as provided by Act No. 321, of the General Assembly of 1909, the board of directors shall give notice of each annual election at least fifteen days previous to such election by posting notices in at least five public places in said district. The annual district election shall be held by three members of the board of directors as judges and two members as clerks, to be selected for such purpose by the president of said board; *provided*, if any of the directors, so selected to hold said election, shall fail to attend, the assembled voters may choose judges and the judges may choose clerks in the place of those not attending and the judges and clerks shall take the oath prescribed for judges and clerks by the general election law.

SECTION 3. The judges shall cause the polls to be opened at nine o'clock and closed at sunset.

SECTION 4. The returns of said election shall be made to the county clerk, who shall declare the result of the votes for and against tax and certify the same to the county court on the first day of the term fixed by law for levying county taxes, and the rate of taxes so certified shall be levied by the court as other school taxes.

SECTION 5. The judges of said school election shall within five days thereafter give to each of the two persons securing the highest vote for director a certificate of election, and each of said persons shall,

within ten days after receiving said certificate, take the oath of office prescribed by law for directors, and file the same, together with his certificate of election, with the county clerk of his county and enter at once upon the duties of his office.

SECTION 6. The title to all real estate and other property for school purposes to any such special or single school district shall vest, and hereby is vested in said school district, and shall be under the management and control of the board of school directors of said district as fully and completely as other school property belonging to said district.

SECTION 7. All school districts formed under the provisions of Act No. 321, of the General Assembly of 1909, and governed by the provisions thereof and the provisions of this Act, shall be known and designated as Rural Special School District No. . . . , in the order of the formation thereof which said number shall be designated by the county court in its order for an election as provided in said Act of 1909, looking to the formation of such district; *provided* such districts as have heretofore been formed under said act shall retain and be known and designated by any name or number which such district may have assumed; and by such name such district may sue and be sued, contract and be contracted with; purchase, acquire, hold and sell property, receive gifts, grants and bequests, and generally shall possess and enjoy all the corporate powers usually possessed by bodies corporate of like character. The style of the board of directors for such school districts shall be, "Board of School Directors."

SECTION 8. Rural special school districts shall have the power to borrow money for the purposes and in the manner provided in sections 7696, 7697 and 7698, of Kirby's Digest. In addition to such power, the board of directors shall have the power to borrow money for building purposes if authorized by a vote of a majority of the electors of the district at any annual election. Such vote may be "For Building Fund," or "Against Building Fund," and shall state the amount of the Building Fund Tax which the voter desires levied. If a building Fund is voted, the amount of such tax shall be determined by taking the largest amount or rate of taxation voted for by a majority of the voters, and if no rate shall have received such majority, then all the votes cast for the highest rate shall be counted for the next highest and so on till some rate voted for shall receive a majority of all the votes cast. If a majority of the votes cast are "For Building Fund," it shall be equivalent to voting a building tax of the amount or rate as determined by this section for each succeeding year until the money borrowed by the board of directors, pursuant to such vote, together with all the interest thereon shall have been fully paid. When a building fund has been specially voted for, as provided in this section, the board of directors may borrow money, and mortgage the real property of the district as security therefor, under such conditions and regulations as to amount, time and manner of payment as the board of directors shall determine, and may, from time to time, renew or extend any evidence of indebtedness or mortgage issued or executed hereunder. All moneys borrowed under this provision shall be placed in the county treasury to the credit of the building fund of the district, and

the board of directors shall issue to the person, firm or corporation advancing or lending such money, a certificate, signed by the president and secretary of said board, in the following form:

This is to Certify that at the annual election, held on the.....day of.....19...., in Rural Special School District No....., County, Arkansas, a majority of the electors of said district cast their votes "For Building Fund," and fixed the amount or rate at.....mills; and that pursuant to the provisions of an Act approved on theday of....., 19.., the board of directors of said Rural Special School District have borrowed from.....the sum of \$....., for a period of..... years, which amount with interest at the rate of..... per cent per annum from this date until paid, is to be paid from funds arising from a tax of..... mills to be levied annually upon the property in said district.

Witness our hands as directors of said Rural Special School District, on this the.....day of19....

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The said certificate shall be executed in triplicate and signed by a majority of the board of directors. One copy shall be retained by the board, another

shall be delivered to the lender, and the third shall be filed by the board of directors with the clerk of the county court. Upon the filing of said certificate, it shall be the duty of the county court to levy each succeeding year a building tax of the amount or rate voted for, against the property in said district, until the amount thus borrowed, with the interest due thereon, has been fully paid. It shall be the duty of the county treasurer to pay to the holder of said certificate upon demand, any funds to the credit of the building funds of said district, applying the same first to the payment of the interest due.

Provided, that, whether the vote be "For Building Fund," or "Against Building Fund," this shall not prevent the electors from voting for a building tax, as now provided by law.

Provided, further, that the County Treasurer shall receive no commission on the building funds of rural special school districts handled by him.

SECTION 9. All general laws of this State relating in any wise to special or single school districts in incorporated towns and cities and not inconsistent with this Act nor Act 321 of the General Assembly of 1909, shall apply with the same force and effect to rural special or single school districts as mentioned in this Act, as to special or single school districts in incorporated cities and towns.

Approved April 7, 1911.

ACT 206.

AN ACT to Amend Section 7615 of Kirby's Digest.

SECTION

1. Amendment of 7615 of Kirby's Digest, stated.
2. Laws in conflict repealed. Act in effect from passage.

Be It Enacted by the General Assembly of the State of Arkansas:

Be It Enacted by the People of the State of Arkansas:

SECTION 1. That section 7615, of Kirby's Digest be amended so as to read as follows:

Section 7615. They shall hire for and in the name of the district only such teachers as have been licensed according to law, and employ no person to teach in any common school of their district unless such person shall hold, at the time of commencing his school, a certificate and license to teach, granted by the county examiner or state superintendent; and they shall make with such teacher a written contract in triplet form, specifying the time for which the teacher is to be employed, the wages to be paid per month, and any other agreement entered into by the contracting parties, and shall furnish the teachers with a duplicate of such contract, keep the original and immediately file an exact copy of such contract in the office of the county treasurer of the county in which the contract is to be enforced; and the county treasurer shall not pay the warrants of any school district until a copy of all such contracts have been filed with him.

SECTION 2. That all laws and parts of laws in conflict with this Act are hereby repealed and this

Act to take effect and be in full force from and after its passage.

Approved April 24, 1911.

ACT 231.

AN ACT to Regulate and Enforce Attendance at the School of the State of Arkansas.

SECTION

1. Children between ages 8 and 16 to attend school.
2. Books to be provided indigent children.
3. Attendance officers to be appointed.
4. School for incorrigible children.
5. Penalty for refusal to comply with Act.
6. Synopsis of Act to be published by school board.
7. Prosecutions under Act. Fines to school funds.
8. Act in effect from passage.

Be It Enacted by the People of the State of Arkansas:

Be It Enacted by the General Assembly of the State of Arkansas:

SECTION 1. Every parent, guardian or other person in the State of Arkansas, having charge and control of any child between the ages of (8) and (16) years, shall cause such child to attend regularly some day school, public, private, parochial or parish, not less than one-half of the entire time the public school said child attends in session during any one year, or shall provide such child at home with such regularly daily instruction during the usual hours as shall be in the judgment of court or school board having competent jurisdiction, substantially equivalent to at least the

instructions given the children of like age and advancement at the day public school in the locality in which said child resides; *provided*, that every parent, guardian or other person in the State of Arkansas, having charge and control of any child between the ages of sixteen and twenty years, who is not actively and regularly and lawfully engaged in some useful employment or service, shall cause said child to attend school as hereinbefore provided for children from eight to sixteen years.

SECTION 2. Any child between the ages aforesaid may be excused temporarily from complying with the provisions of this Act in whole or in part, if it be shown to the court of competent jurisdiction, or school board of said district, that said parent or guardian, or person having charge of or control of said child, is not able through extreme destitution, to provide proper clothing for said child, or that said child is mentally or physically incapacitated to attend school for the whole period required or any part thereof, or that there is no public school taught within two and one half miles of the residence of said child by the nearest traveled road, or that the labor of said child is absolutely necessary for the support of the family, or that said child has completed a common school course including seven (7) grades, and has certificate of same from the school said child attended. If any child or children are unable to attend school as hereinbefore required by not being able to procure books, on satisfactory proof of same, the respective board shall purchase said books out of the general school fund of said district.

Up to and including the fourth grade. *Provided*, that the school board of any one district shall not ex-

pend in any one year a sum exceeding in the aggregate fifteen dollars in making purchases of books for the pupils of any one school in the district, and such books when so bought shall become the property of the school district and at the close of the term they shall be turned over to some person to be named by the board who shall safely keep them until they shall be needed for some future term.

SECTION 3. The board having charge of a public school in a city or district shall appoint for a period of one year, one or more attendance officers to enforce the provisions of this Act. The fees of said attendance officers shall be the same as that of peace officers for similar service, and said fees shall be paid from the public school funds of the city or district. The attendance officer shall serve written or printed notices upon the parents or guardians, or persons who have charge and control of any child or children as aforesaid who violates the provisions of this Act, and shall, when reasonable doubt exists as to the age of any child, require properly attested birth certificate or an affidavit stating such child's age, the date of birth, and physical characteristics; and shall have the right to visit and enter any office or factory or business house employing children as aforesaid; and the right to require a properly attested certificate of any child or children at such day school; and power to arrest without warrant, all truants and non-attendants as aforesaid; and place them in some public school unless the parents, guardians, or persons in charge and control of said children, respectively, shall at once place them in some other day school as aforesaid. Such attendance officer shall serve the legal notices and subpoenas of the court, without further fee or compensation than that paid

by the board as aforesaid, and he shall carry into effect such other regulations as may lawfully be required by the board appointing him.

SECTION 4. The board having charge of the public schools of any city or district having 10,000 or more population by the last census, may establish and maintain from the public schools in such city or district, or any school board may, at its discretion, purchase lands and maintain such school, either within or without their own school district, for children who are between the ages of 8 and 16 years, and who are either habitual truants from any day school in which they are enrolled as pupils, or who, while in attendance at any school, are incorrigible, vicious, or immoral, or loiter about public places without lawful employment and such children shall be deemed juvenile disorderly persons, and may be by said board through its officers, assigned to, and required and compelled to attend such truant or parental school or any department of the graded schools as such school board or court may direct.

SECTION 5. Any person or guardian, or persons having charge and control of any child between the ages of 8 and 16 years, violating any of the provisions of this Act shall be warned as aforesaid, as soon as possible after the beginning of the public school term of the city, town or district in which said child resides, and also at any time thereafter by the attendance officer herein provided for, or by the clerk of district where no attendance officer is provided for, to place and keep said child in regular attendance at some day school, within ten days, from the service of the said written or printed notice of warning, and upon failure to comply with this Act, after the lapse of ten days

from the date of service of said notice of warning, said parent, guardian or other person having charge or control of said child shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than ten (\$10.00) dollars, and not more than twenty-five (\$25.00) dollars, provided such fine may be suspended and finally remitted by the court trying the case with or without payment of cost, at discretion of the court, if the child be immediately placed in regular attendance in some day school as aforesaid, and if such fact of regular attendance is proven subsequently to the satisfaction of said court by attested certificate of attendance by the superintendent or teacher of said day school.

SECTION 6. Every board having charge of the public schools of any city, town or district in the State of Arkansas, shall each year publish a synopsis of this Act ten days prior to the opening of school, in a newspaper published in the town or city or district in which the members thereof reside or shall post copies thereof in five or more conspicuous places in said district, city or town.

SECTION 7. Prosecution under this Act shall be brought in the name of the State of Arkansas, before any court having competent jurisdiction, and the fines collected shall be paid over to the county treasurer and be credited to the general school fund of the respective city, town or district. No bond for cost shall be required by any court or officer in prosecution under this Act; *provided*, the following counties shall be exempted from the provisions of this Act: Baxter, Cleburne, Polk, Madison, Franklin, Jefferson, Sebastian, Yell, Independence, Scott, Drew, Little River, Lonoke, Woodruff, Boone, Bradley, Calhoun, Desha,

Lafayette, Lincoln, Marion, Monroe, Phillips, Ashley, Dallas, Columbia, Montgomery, Chicot, Hot Spring, Saline, St. Francis, Benton, Lee, Ouachita, Pope, Union, Crittenden, Pulaski, Prairie, Hempstead, Howard.

SECTION 8. This Act shall take effect from and after its passage, and all laws in conflict are hereby repealed.

Approved May 28, 1911.

ACT 275.

AN ACT to amend sections 13, 14 and 16 of Act 399 of the Acts of the General Assembly of 1907, approved May 27, 1907, being "An Act creating the office of County Superintendent fixing his salaries and defining his duties."

SECTION

1. Five days' institute to be conducted by superintendent.
2. Salary of county superintendent.
3. Fees paid to superintendent for license to teachers.
4. Laws in conflict repealed. Act in effect from passage.

Be It Enacted by the General Assembly of the State of Arkansas:

Be It Enacted by the People of the State of Arkansas:

SECTION 1. That section 13 of Act 399 of the Acts of the General Assembly of 1907, be and the same is hereby amended so as to read as follows: "The County Superintendent shall conduct a five

days' institute during the month of June under the same directions and requirements as is now required of county examiners."

SECTION 2. That section 14 of said act be and the same is hereby amended, so as to read as follows: Section 12. "The compensation of the county superintendent shall be paid out of the general school fund of their respective counties and shall be drawn by a warrant signed by the county clerk and allowed by the county court or judge of his county. Said compensation shall be as follows: Each superintendent shall receive the same salary as the county judge of his county, but no superintendent's salary shall exceed twelve hundred (\$1,200.00) dollars a year, nor in any case be less than six hundred (\$600.00) dollars a year; *provided*, that county superintendents shall receive the fees paid in each county for examination for license to teachers, in addition to the salary specified herein; and, *provided further*, that the salary for the last quarter of each year of his service shall not be paid until the county treasurer shall see in person that the proper records for the year have been filed among the permanent records of the county superintendent's office."

SECTION 3. That section 16 of said act be and the same is hereby amended, so as to read as follows: "The fees paid for examination for license to teachers as provided in section 7567 of Kirby's Digest, shall be set aside and paid to the county superintendent of each county, as now paid to the county examiner, in addition to the salary specified in above section."

SECTION 4. That all laws and parts of laws in conflict herewith be and the same are hereby re-

pealed, and this Act, being for the immediate protection of the health, peace and safety of the people, the same shall take effect and be in force from and after its passage.

Approved May 19, 1911.

ACT 328.

AN ACT to create a State High School Board, to provide State aid to High Schools and for other purposes.

SECTION

1. State High School Board established. Members indicated, terms of office of third member of said board. No compensation for board except expenses.
2. Organization of said board.
3. Said board authorized to classify high schools and establish normal training department in four year high schools.
4. Said board to have charge of the placing of normal departments and supervise their operation.
5. Conditions for aid to schools by said board.
6. Certificates to be issued to graduates of normal departments entitling them to teach in State.
7. Grammar school graduates entitled to enter high school receiving State aid in their county.
8. Grammar school graduates of any county eligible on certificate.
9. Teachers admitted without charge.
10. Tuition for non-residents of county paid by their school board, exception.
11. Time of payment of such tuition.
12. Specific duties of State High School Board.
13. Conditions as to numbers for granting State aid.
14. Amount designated for aid of several classes of high schools.

15. Appropriation for general high school purposes and normal training.
16. Manner of payment of moneys expended under this Act.
17. Laws in conflict repealed. Act in effect from passage.

Be It Enacted by the General Assembly of the State of Arkansas:

Be It Enacted be the People of the State of Arkansas:

SECTION 1. A board consisting of the State Superintendent of Public Instruction, the President of the University of Arkansas, and a city superintendent of schools or a high school principal of this State, said superintendent or high school principal to be appointed by the Governor, is hereby established, said board shall be known as the State High School Board, and shall perform any duties hereinafter prescribed until such time as a State Board of Education is created by the Legislature. When said State Board of Education is created the duties hereby conferred upon the State High School Board shall devolve upon said State Board of Education. The city superintendent, or high school principal, constituting the third member of said board as herein provided, shall hold his office for a period of four years and until his successor is appointed and qualified, unless a State Board of Education is created before the expiration of said four years. When said State Board of Education is created, said State High School Board shall turn over its records and all unexpended funds held by it together with all other property to the State Board of Education. The members of the State High School Board, as provided for herein shall not receive any compensation for their services on said board other than traveling and necessary expenses incident to the

performance of their duties in carrying out the terms of this Act. *Provided*, the State Superintendent of Public Instruction shall receive no compensation for any expenses as a member of said board.

SECTION 2. Said State High School Board shall organize by electing one of its members chairman and one secretary. It shall adopt such rules and regulations for the conduct of its business as it may deem expedient.

SECTION 3. It shall be the duty of said State High School Board to classify the high schools of the State, receiving aid as provided herein, into four year high schools, three year high schools and two year high schools and establish normal training departments in such four year high schools as provided herein.

SECTION 4. The State High School Board shall designate the four year high schools in which normal training departments shall be established and shall prescribe the courses of study to be adopted and taught in said schools in connection with the regular high school courses. Said board shall determine by proper examination, the qualifications of all teachers employed in said normal departments and approve their selection. The object of said normal department is to instruct teachers in the best methods of organization, teaching and managing the common schools of the State.

SECTION 5. The State High School Board shall not aid more than one high school in any one county for normal training purposes; shall not designate for normal training purposes any four year high

school having fewer than three teachers devoting their entire time to high school instruction, in addition to the normal training teacher. Any school receiving aid from the State High School Board, for the training of teachers, as herein provided shall provide, at its own expense, a professional library for said school to be approved by the State Superintendent of Public Instruction. No student shall be graduated from the normal training department of said school who has not completed the full four years' course prescribed for high schools, including the normal school work. All money received from the State in aid of high schools having a normal training department shall be expended for teaching in the normal training department.

SECTION 6. The Superintendent of Public Instruction shall issue to graduates of normal training departments, as herein provided, who are of good moral character, a certificate, entitling them without further examination to a license to teach in any of the common schools in this State for a period of two years. After twelve months of successful teaching, said certificate may be raised to a full normal training school certificate, without further examination of the holder thereof, which shall entitle him to teach in any of the common schools of the State for a period of six years; *provided*, the holder of said certificate shall pursue the professional course of reading prescribed by the State Superintendent of Public Instruction. Authority is hereby conferred upon said State Superintendent of Public Instruction to revoke for good cause shown, any certificate issued in pursuance of the terms and provisions of this Act.

SECTION 7. All children of any county, in which is located a high school receiving State aid as herein

provided, who shall have finished the elementary course of study as prescribed by the State Superintendent of Public Instruction, shall, on application, be admitted to said high school free of tuition, as provided herein.

SECTION 8. Any pupil, whether of the county in which said high school is located, or other county, desiring to avail himself of the provisions of this Act shall present to the principal of said high school a certificate from the principal of the school in which he finished his elementary course, showing that he has completed same. Said certificate shall be approved by the county examiner, or county superintendent, of the county from which said pupil comes. Said certificate shall also show that said pupil is of good, moral character. If the principal of said high school is not satisfied with the evidence produced as to the qualifications and character of said applicant, he may require said applicant to submit to further examination.

SECTION 9. All teachers of common schools in any county of this State, regardless of their age, in which is located a high school, receiving State aid, as provided herein, shall without charge, be admitted to said schools. Any teacher, desiring to take advantage of this Act, shall present to the principal of said school a certificate from the county examiner, or county superintendent, of the county in which said school is located, showing that he is a teacher in the common schools of the county and entitled to free tuition under this Act.

SECTION 10. The tuition of students who are residents of a county having no high school, desiring to attend high school, shall be \$1.50 each month in

advance. It shall be the duty of the district from which a pupil comes, to pay said tuition out of the common school fund belonging to the district; *provided*, said district is financially able to maintain its common school or schools six months during each year. In the event said district has not sufficient funds to maintain its school or schools six months in the year, then the pupil applying for admission in said high school shall pay the tuition herein specified.

SECTION 11. It shall be the duty of the school board of any district under obligation to pay the tuition provided for under this Act, having a pupil or pupils attending the high school, to draw its warrant in favor of the school board of said high school attended by said pupil upon receipt of bills from the secretary of the school board of said high schools.

SECTION 12. The State High School Board shall supervise the distribution of all funds derived in aid of high schools; prescribe rules and regulations governing the distribution of all funds received; require annual reports from all high schools receiving state aid; prepare and publish courses of study for said schools and require general conformance to such courses of study as may be prescribed for said schools and provide for the inspection of said high schools. Authority is hereby conferred upon the State High School Board, in its discretion to withdraw aid from any and all schools failing to comply with the terms and conditions of this Act.

SECTION 13. No State Aid for general school purposes shall be granted to a school in any city or town having over 3500 inhabitants, as shown by the last census; *provided*, that this restriction shall not apply to state aid for the encouragement of normal

training. State aid shall not be granted to a high school with fewer than twenty-five high school students; *provided*, State aid may, at the discretion of the State High School Board, for a period not to exceed two years, be extended to rural high schools having not fewer than fifteen high school students. The funds received for State aid to high school shall be expended in the payment of the salaries of high school teachers only and State aid shall be granted to no school for whose support the district, in which said school is located, does not expend upon its high school department an amount equal to the aid extended by the State.

SECTION 14. In the distribution of State Aid for general high school development, the board may, at its discretion, grant to any four year high school in any one year, in sums not to exceed eight hundred (\$800.00) dollars; to a three year high school in any one year, any sum not to exceed six hundred (\$600.00) dollars; to a two year high school in any one year, any sum not to exceed four hundred (\$400.00) dollars; *provided*, said board shall not grant to the schools of any one county more than five per cent of the total funds provided by this Act for aid to high schools. In distributing aid for normal training the board may not appropriate annually to any one high school over one thousand (\$1,000.00) dollars; *provided further*, that no high school shall receive annually for general high school development and normal training an amount in excess of one thousand (\$1,000.00) dollars.

SECTION 15. For the purpose of defraying the expense of said board and carrying out the terms and conditions of this Act in developing and aiding high schools, as herein provided, the sum of forty thousand (\$40,000.00).

dollars, or so much thereof as may be necessary is hereby appropriated out of the common school fund of the State, each year; and for the purpose of normal training in normal training departments to said high schools, as provided herein, the sum of ten thousand (\$10,000.00) dollars, or so much thereof as may be necessary is hereby appropriated out of the common school fund of the State, each year.

SECTION 16. All moneys expended by the State High School Board, under the terms of this Act shall be by certificate to the State Auditor, signed by the chairman and secretary of said board. The State Auditor on presentation of said certificate, properly signed, shall issue his warrant on the State Treasurer for the amount named in the certificate and it shall be the duty of the State Treasurer to pay the county treasurer of the county wherein the high school, receiving the State aid specified in the certificate, upon which said warrant was issued, is situated, the amount thereof, out of any unexpended balance of money appropriated by this Act, remaining in the State Treasury. The county treasurer, receiving money under the terms of this Act shall place same to the credit of the district in which is situated the high school receiving such State aid and such money for the purposes as herein provided, may be drawn from the county treasury upon the warrants of the directors of said school district, as provided by law. *Provided*, no officer shall receive any commission or per cent for handling any of the funds appropriated or disbursed under the terms of this Act.

SECTION 17. All laws and parts of laws in conflict with this Act are hereby repealed, and this Act

being for the protection of the public peace, health and safety shall go into effect and be in force from and after its passage.

Approved May 30, 1911.

ACT 375.

AN ACT to provide for the incorporation of institutions of learning and prescribing the powers of such institutions; and for other purposes.

SECTION

1. Sets out what constitutes a body corporate for an institution of learning.
2. Unlawful to use means for any purpose except that specified in Articles of Association of said corporation.
3. Meeting and organization of corporation.
4. Trustees; organization and terms of office.
5. Perpetual succession of said corporation; powers of same; duties of board of trustees.
6. Gifts to said institutions to be applied to no other purpose; exception.
7. Incorporated colleges or universities empowered to confer degrees and grant diplomas.
8. Conditions for bestowing said degrees or diplomas. Penalty for violation of said condition.
9. Procedure for securing legal existence, by act of incorporation of such institution.
10. Act applies to all present institutions existing by charters in State.
11. Procedure for changing name of institution.
12. Approval of State Board of Education of such change.
13. Compensation provided for Secretary of State for recording charters and changing names of institutions.

14. Laws in conflict, particularly sections herein named, repealed.
Act in effect from passage.

Be It Enacted by the People of the State of Arkansas:

*Be It Enacted by the General Assembly of the State of
Arkansas:*

SECTION 1. That any number of persons, the multiple of three, not less than six, nor more than thirty-three, who have associated or shall associate, according to the provisions of this Act, under any name assumed by them, for the purpose of founding or maintaining any institution of learning, and who shall comply with the provisions of this Act, shall, with their successors, constitute a body corporate under the name assumed by them in their articles of association; providing the name so assumed shall not be the same as that of any other educational institution in the State.

SECTION 2. The purpose for which every such corporation shall be established shall be distinctly specified in said articles of association, and it shall not be lawful for said corporation to divert or appropriate its funds or property for any other purpose unless authorized to do so by the person or persons, or conference, or convention, association, synod or other body under whose auspices the institution may have been established, or for whose benefit it may be maintained, or by which it may be controlled.

SECTION 3. When the requisite number of persons shall have associated according to the provisions of this Act, any three of them may call the first meeting of the corporation by giving notice thereof to each member of the association by written or printed

circulars, at least ten days before the time of such meeting, when they shall elect the necessary officers, and the majority of said members shall constitute a quorum.

SECTION 4. The persons thus associated shall be the trustees of the proposed institution; unless they otherwise provide in their charter, they shall elect annually their officers from their number; and, unless otherwise provided by their charter, one-third of the whole number of said trustees shall be annually retired from their office, said number to be determined by lot, and others, or the same persons, be elected to fill the vacancies, and said trustees shall hold their office as such until their successors have been elected in manner provided above.

SECTION 5. Unless otherwise provided in its charter, or by the governing body of the church or denomination under whose control the institution is organized and maintained, the corporation thus formed shall have perpetual succession, and be empowered to fill all vacancies occurring in the same by removal, death, resignation or expiration of term of office; and any such corporation shall have power to sue and be sued, to contract and be contracted with, to make and to use a common seal, and to alter same at pleasure; to buy and to sell real and personal property and to take by gift, conveyance, devise, or bequests, real and personal property, and to hold the same, and shall have power to enter into co-operative relations with other educational institutions for the establishment and maintenance of such departments or schools as they may agree to correlate; and to make such rules for the government of such departments or schools

as they may deem proper. The board of trustees of said corporation shall be charged with the government of the institutions established by its agency, and the appointment of all officers and instructors therefor and the compensation of the same, and may delegate their powers of government to the president and faculty of any such institutions, or to an executive committee composed of three or more of its members.

SECTION 6. No gift, bequest or devise made to any such institution for a particular purpose shall be applied to any other, unless it is impossible or impracticable for the original purpose to be executed.

SECTION 7. All institutions incorporated as colleges or universities shall have power to confer the customary degrees, and grant the usual diplomas and honors conferred by reputable institutions of like grade.

SECTION 8. No degree or diploma of any kind shall be conferred by any educational institution that has not been duly incorporated in the manner provided by law, and no educational institution shall confer degrees upon students for mere correspondence courses, or upon any student who has not studied in residence at said institution for one scholastic year; and no purely honorary degree shall be conferred except by institutions maintaining standard collegiate or university courses with at least six full professors and a body of genuine college or university students in residence. Any president, professor or other officer of any institution who shall violate the provisions of this section shall be deemed guilty of a misdemeanor

and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than one thousand dollars, and it is hereby made the duty of the State Board of Education to enforce this section.

SECTION 9. To secure legal existence by act of incorporation, the persons desiring to become a corporation as trustees of a [college] or university or other institution of learning, shall prepare such charter for the proposed institution as may be desired by them, and shall present the same to the State Board of Education, which, until otherwise provided by law, shall be composed of the Governor and the Secretary of State and the Superintendent of Public Instruction. If said charter be found to be in accord (with) the provisions of the laws of Arkansas, the said board of education shall issue to said trustees a certificate, appended to a copy of said charter, with the seal of the State attached, said certificate stating that the accompanying charter is granted to the said trustees, they having complied with the provisions of law, and that they are hereby constituted a board of directors of said institution, and invested with all the powers prescribed in said charter, it being understood that the course of study shall be equal or equivalent to the customary courses of similar institutions, and a majority of the said board of education, in session duly called according to the rules to be adopted by said board, shall have authority to grant such charter. A copy of said charter and certificate shall be filed with the Secretary of State, and recorded by him in a book to be kept for that purpose. The trustees of academies and seminaries may be incorporated as herein provided, but shall not be authorized to confer collegiate or university degrees, but

may issue certificates showing the amount and kind of work done. The said board of education shall have power, after giving thirty days notice in writing to the trustees of any institution to show cause why such action should not be taken, to revoke the charter of any institution whenever the board shall find, after proper investigation, that any such institution is conferring degrees or diplomas without requiring sufficient work therefor, or in violation of any of the provisions of the laws of this State relative thereto.

SECTION 10. The provisions of this Act shall apply to all institutions at present existing under [or] by virtue of charters in the State of Arkansas.

SECTION 11. Whenever the trustees of any corporate institution of learning are desirous of changing its name or the provisions of its charter, they may meet at their regular place of transacting business, and change the name of such institution or the provisions of its charter; *provided*, that a majority of all the trustees shall consent to such change and that no such change shall be made without due notice of such meeting and the intention thereof given to the several trustees at least ten days before the time of such meeting.

SECTION 12. When such change of name or of the provisions of such charter shall be made, such change of name or of provisions of such charter shall not be effective until the same is approved by the State Board of Education, and when so approved a copy of the resolution of the board of trustees providing for such a change, together with a certificate of the State Board of Education as to its approval thereof,

shall be filed in the office of the Secretary of State and by him recorded in a book to be kept for such purposes.

SECTION 13. For filing and recording a charter of any educational institution the Secretary of State shall receive the sum of fifteen dollars, and for filing and recording any certificate as to change of name or of the provisions of any such charter, the Secretary of State shall receive the sum of five dollars, which fee shall be paid by the board of trustees of the institution incurring same.

SECTION 14. That all laws and parts of laws in conflict herewith, and particularly Sections 915, 916, 917, 918, 919, 920, 923, 924, 925 and 926 of Kirby's Digest of the laws of Arkansas, be and they are hereby repealed and this Act shall be in force and effect from and after its passage.

Approved May 31, 1911.

ACT 376.

AN ACT to amend Act 331 of the General Assembly of the State of Arkansas, approved May 31, 1909, entitled, "An Act to authorize school districts in this State to exercise the power of eminent domain and to take and use private property for school purposes."

SECTIONS

1. Proposed amendments of said Act stated hereinafter.
2. Power of eminent domain and condemnation of private property given to school districts.
3. Condemnation of said property; compensation therefor.

4. In case of disagreement as to compensation, condemnation proceedings in circuit court.
5. Jury to fix said compensation.
6. Time of payment of compensation; Act applies only to counties herein named.
7. Acts in conflict repealed. Act in effect from passage.

Be It Enacted by the People of the State of Arkansas:

Be It Enacted by the General Assembly of the State of Arkansas:

SECTION 1. That Act 331 of the Acts of the General Assembly of the State of Arkansas, approved May 31, 1909, be amended so as to read as follows:

SECTION 2. The school districts in this State are hereby authorized to exercise the power of eminent domain and to condemn, take and use private property for the use of said school districts for school houses or necessary play grounds or other necessary uses incidental thereto.

SECTION 3. Whenever any such district shall deem it desirable or necessary to condemn, take or use any private property for the purposes mentioned in section 1, it may condemn the same, first offering just compensation therefor.

SECTION 4. In case the owners of such property and the authorized board of directors of the school district shall not be able to agree on the price to be paid for such property, the said school district may file, in the circuit court of the county where such property is situated, condemnation proceedings, in which they shall set out specifically the description of the property desired, the purposes for which

it is desired, and that the said district and the owner have not been able to agree upon a price therefor, and may, if the use or enjoyment of the property is needed forthwith for the construction of any building or proper carrying on of any school, request the court, or the judge thereof, at a convenient day, notice of such application being given such owner, to fix a proper sum of money to be deposited as security for the payment of such damages as may be assessed, whereupon they shall have authority to take immediate possession of such premises for uses as set up in their petition.

SECTION 5. If the damages or proper compensation for such property are not agreed upon before the case is called for trial in its regular order, a jury shall be empaneled who, after hearing all the testimony, shall fix the compensation to be paid by such district, not exceeding the actual value of the land taken, without taking into consideration either detriment or benefit on account of school use to said property or any adjacent property.

SECTION 6. After the compensation is so fixed by the jury, as in the preceding section provided, the school district shall, within sixty days thereafter, pay to the owner of said property, or to the clerk of the court wherein such verdict was rendered, the amount of such verdict, and the court shall thereupon enter an order condemning said property and vesting the title in the same for school purposes in said district; *provided*, either party shall have the right of appeal from any such order or judgment.

The provisions of this Act shall apply to the following named counties only: Jackson, Faulkner,

Logan, Arkansas, Woodruff, Cross, Madison, Desha, Pulaski, Pope, Polk, Yell, Searcy, Sevier, Mississippi, Miller, Crittenden, Baxter, Craighead, Montgomery, Cleburne and Sebastian.

SECTION 7. All acts or parts of acts, in conflict herewith are hereby repealed, and this Act shall be in force and from after its passage.

Approved May 31, 1911.

ACT 423.

AN ACT to appropriate and apportion to the public schools and the public road funds money paid into the State treasury for these purposes by the Federal Government from the revenues from the Forest Reserve within this State.

SECTION

1. Provision for appropriation of said money.
2. Three-fourths appropriated to public schools, remaining one-fourth to public roads.
3. Report of State Treasurer and Auditor to Board of Education concerning amount for school funds; their action in the matter.
4. State Treasurer to turn over road funds to respective county treasurers.
5. Laws in conflict repealed. Act in effect from passage.

Whereas, It is provided by act of Congress Vol. No. 35, part 1, page 260, that twenty-five per cent of all revenue received from the Forest Reserves shall be paid into the State treasury at the close of each fiscal year, beginning with the year which closed

June 30, 1908, and that such money shall be apportioned to each county from which it was received for the benefit of the public schools and the public roads of such county or counties in such manner as may be determined by enactment of the General Assembly.

Whereas, The Federal Government is paying this money into the State treasury in considerable sums, now amounting to nearly \$5,000.00, and this revenue will continue and greatly increase; and,

Whereas, This money will lay in the State treasury without benefit to the public schools or the public roads for the next two years, unless action is taken by the present General Assembly; therefore,

Be It Enacted by the General Assembly of the State of Arkansas:

Be It Enacted by the People of the State of Arkansas:

SECTION 1. That all money paid into the State treasury by the Federal Government from the revenue derived from the Forest Reserves within this State for the benefit of public schools and public roads, as provided by Congressional Act, to the amount of \$50,000.00, or as much thereof as may be so paid in, shall be hereby appropriated as follows:

SECTION 2. Three-fourths of the money received by the State treasury from the Federal Government from the revenues derived from the Forest Reserves within this State shall be apportioned to the public schools, and the remaining one-fourth to the public roads of the respective counties from which such money was derived.

SECTION 3. The State Treasurer and the State Auditor shall report to the State Board of Education the amount of said funds on hand for each county in the State on September 1, each year; and the State Board of Education shall add to the State apportionment of common school funds the amount due each county for the public schools, which amounts shall be paid out to the respective counties and apportioned to the several school districts in the same manner as other funds apportioned by the State to the public schools.

SECTION 4. The State Treasurer, on the first Monday in September each year, shall draw his warrant in favor of the county treasurer in each county, having any funds from the said Forest Reserve revenue for the remaining one-fourth of said money; and the county treasurers shall add the same to the fund of their respective counties for the improvement of the public roads.

SECTION 5. All laws and parts of laws in conflict herewith are hereby repealed and this Act being for the immediate protection for the public peace, health and safety, shall take effect and be in force from and after its passage.

Approved May 31, 1911.

ACT 431.

AN ACT to create a State Board of Education and prescribe the powers and duties thereof.

SECTION

1. State Board of Education created and constituted.
2. Oath of office.

3. Terms of office. Vacancies.
4. Meetings.
5. Organization.
6. No remuneration to members of board. Appropriation for expenses.
7. Management and investment of common school fund by said board.
8. Procedure to secure delinquent school money.
9. Report of condition of school fund to board by State Auditor.
10. State Auditor to draw warrant on treasurer for payment of State school fund.
11. State Treasurer to deposit in treasury purchase money for securities.
12. Settlement of account of school fund and ratification of apportionment of said funds by said board.
13. Powers and duties of said board.
14. Application of teachers holding first grade county certificates to State Superintendent for examination to secure state-wide certificate.
15. Issuance of State licenses to teachers, based upon out-of-state certificates, diplomas or degrees. Fees therefor.
16. Said board to have general supervision of public schools in State; provision.
17. Filing of records of said board.
18. Seal of said board.
19. Laws in conflict repealed. Act in effect from passage.

Be It Enacted by the General Assembly of the State of Arkansas:

Be It Enacted by the People of the State of Arkansas:

SECTION 1. A State Board of Education, to be composed of the State Superintendent of Public Instruction and one member from each congressional district, is hereby created. The State Superintendent of Public Instruction shall be ex-officio chairman of

said board. The members of said board, other than the State Superintendent of Public Instruction, shall be appointed and commissioned by the Governor, subject to confirmation by the Senate.

SECTION 2. The members of said board, other than the State Superintendent of Public Instruction, shall take and subscribe to the oath of office as provided in section 5763, Kirby's Digest.

SECTION 3. The term of office of the appointed members shall be seven years, and until their successors are appointed and qualified; *provided*, that in the appointment of the first State Board of Education, one member shall be appointed for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years. If a vacancy shall occur on said board, the vacancy shall be filled by appointment, as provided in section 1, and said member so appointed shall serve out the unexpired term of the member in whose place he is appointed.

SECTION 4. The State Board of Education shall meet annually on the first Monday of September of each year, in the office of the State Superintendent of Public Instruction; *provided*, the State Superintendent of Public Instruction, as chairman of the State Board of Education, may convene said board at any time upon five days written notice to the members thereof; *provided, further*, that the chairman of said board shall call a meeting thereof at any time upon the written petition of four members of said board.

SECTION 5. As soon as practicable, after the appointment and qualification, the members of said

board shall meet in the office of the State Superintendent of Public Instruction and elect one of their number secretary, perfect the organization of said board and adopt such rules and regulations as they may deem advisable for the performance of the duties of said board as hereinafter set forth.

SECTION 6. The appointed members of said board shall serve without remuneration, other than their actual traveling and hotel expenses when attending the meetings of said board, such expenses to be paid upon the certificate of the chairman and secretary of said board to the Auditor of State, who shall issue his warrant upon the State treasury in payment of same. The sum of *two thousand (\$2,000.00) dollars, or so much thereof as may be necessary is hereby appropriated out of any moneys in the general revenue fund to cover the expenses of said Board for the ensuing two years.

SECTION 7. The State Board of Education shall have the management and investment of the common school fund belonging to the State, and shall, from time to time, as the same may accumulate, securely invest the said funds in bonds of the United States or the State of Arkansas.

SECTION 8. All moneys required by law to be paid into the treasury to the credit of the common school fund may, if the same be not paid within thirty days after they shall have become due and payable, be recovered, with interest due thereon, by action in any court having jurisdiction; and such action shall be prosecuted by the Attorney General of the State, or by the prosecuting attorney of any judicial district within this State, when so directed by said board.

SECTION 9. The State Auditor shall annually, on the first Monday in September, transmit to the State Board of Education a report of the condition of the school fund on the first day of September, with an abstract of the accounts thereof in his office.

SECTION 10. The State Auditor shall, under the direction of the State Board of Education, draw warrants on the State Treasurer for the payment of all or any portion of the common school fund belonging to the State, for the purchase of bonds or other securities in which the same is by law invested.

SECTION 11. The State Treasurer shall, by virtue of such warrant, pay from the uninvested common school fund the purchase money for said securities, and shall receive and deposit the same in the State treasury for safe-keeping, and receipt to the State Superintendent of Public Instruction, as chairman of said board, for the kind and amount of such securities.

SECTION 12. Said board shall, at their annual meeting, settle with the State Treasurer all accounts of the common school fund not before settled; and shall ratify the apportionment of the common school funds by the State Superintendent of Public Instruction, as provided by section 7521 of Kirby's Digest.

SECTION 13. The powers and duties now imposed upon the Governor, Secretary of State and the State Superintendent of Public Instruction, as a board for the chartering of educational institutions, as provided in section 924 of Kirby's Digest, shall hereafter devolve upon the State Board of Education. Said board shall have the sole power to grant charters

to academies, colleges, universities, and all other higher institutions of learning; determine what institutions may confer degrees and under what conditions; inspect all chartered institutions, and to revoke their charters, for failure to maintain such standards as may be required. All charters heretofore granted shall be examined by the board and it shall have authority to issue new or revised charters, if necessary, to bring all into conformity to the rules of said board. In dealing with charters, the Attorney General shall be consulted and no rule shall be adopted or order issued without his approval.

SECTION 14. Any, teacher holding a first grade county license in any county in this State, desiring to have said license made state-wide, may apply to the State Superintendent of Public Instruction for an examination. It shall be the duty of the State Superintendent of Public Instruction, under the supervision of the State Board of Education, to examine said applicant and to determine whether or not his license shall be made state-wide. Said examination shall be made by said Superintendent of Public Instruction by an examination of the papers, the questions propounded by the county examiner or county superintendent, and the answers of the applicant thereto, at any regular quarterly examination before said county examiner or county superintendent, at the time said first grade certificate was granted and issued to said applicant, and such further evidence as the State Superintendent of Public Instruction may desire. It shall be the duty of the county examiner or county superintendent, at the request of any teacher, holding a first grade certificate and desiring to take the examination, as herein stated, to transmit

to the State Superintendent of Public Instruction the questions propounded by him, and the answers of the applicant thereto, at the regular quarterly examination at which said first grade certificate was granted to said applicant, the cost of transmission to be paid by said applicant. If the State Superintendent of Public Instruction shall be satisfied from an examination of the applicant, as aforesaid, that he is of good moral character and qualified to teach and to hold a first grade certificate, he shall issue to said applicant a certificate of the same grade as that held by said applicant, and said certificate shall authorize said applicant to teach in any county of this State, without further examination, for the period of time specified in the certificate originally issued to him by the county examiner or county superintendent. A fee of one dollar shall be charged and collected from said applicant for said examination, the same to be paid into the State treasury and credited to the institute and library fund, as now provided in case of fees for State and professional licenses. The expense of grading said papers shall be paid out of the said institute and library fund upon the requisition of the State Superintendent of Public Instruction to the State Auditor, who shall issue his warrant upon the State treasury in payment of said expense. In no case, however, shall the cost of any examination exceed the fees paid by the applicant for same.

SECTION 15. The State Superintendent of Public Instruction, under the supervision of the State Board of Education, may issue state or professional licenses based upon state teachers' certificates granted in other states, or based upon normal school diplomas, or degrees from educational institutions, if it be shown

to the satisfaction of said superintendent and board that the examination required of said applicant, or course of study pursued by him, was of the standard required for the issuance of state or professional licenses. All applicants for such licenses shall pay the same fee and in the same manner as is now prescribed by law for professional and state licenses. In the issuance of all certificates, said superintendent and board shall require satisfactory evidence of the good moral character and successful teaching experience of the applicant. Said superintendent, under the supervision of said board, shall have the power and authority to revoke, for good cause shown, any certificate or license, granted under authority conferred by this Act to teach in the public schools.

Provided, any county examiner or county superintendent may issue county license based upon state teachers' certificate granted in other states, or based upon normal school diplomas or degrees from educational institutions, for which he shall receive the fee now provided for county license; *provided*, license from the State, or diploma from the normal school, or degree from the educational institution issuing the State license, diploma or degree upon which the county license is based, has been recognized and accredited by the State Board of Education, but if license from State issuing said certificate, or school issuing said diploma or degree has not been passed upon by the State Board of Education, it shall do so at the request of any county examiner or superintendent, at its next regular meeting; *provided*, the diploma, degree or state license, with other proper data, be filed with the State Board of Education, when it shall place the same, or refuse to place the same upon the accredited list.

SECTION 16. The State Board of Education shall have general supervision of the public schools of the State; may prepare and distribute plans and specifications for the construction and equipment of school buildings, when called upon to do so; provide courses of study for rural, elementary, graded and high schools; prescribe plans for the organization and conduct of teachers' institutes; prescribe rules and regulations for the sanitary inspection of all school buildings, and for the examination of pupils in order to detect contagious and infectious diseases and physical defects, and shall take such other action as may by said board be deemed necessary and expedient to promote the physical welfare of the school children; shall classify and standardize the public schools, prescribe the requirements for accrediting graded and high schools; provide for new forms of educational efforts; and shall, in general, take such action as may be necessary to promote the organization and increase the efficiency of the educational system of the State.

Provided, that nothing in this Act shall be so construed as to give to the State Board of Education, herein provided for, or to the State Superintendent of Public Instruction any power or authority to recommend or prescribe any text book to be adopted or used in any public school or schools of the State and that this Act does not repeal any statutes regarding the adoption and use of text books and shall not be construed to curtail or limit the powers of the directors of any school district in the State.

SECTION 17. Said State Board of Education shall keep a complete record of all its proceedings and the same shall be filed with the permanent records of the

State Superintendent of Public Instruction; shall prepare a report which shall be incorporated with the report of the State Superintendent of Public Instruction each biennial term.

SECTION 18. The seal of the State Superintendent of Public Instruction shall be adopted and used by the State Board of Education.

SECTION 19. All laws and parts of laws in conflict herewith are hereby repealed, and this law shall go into effect and be in force from and after its passage.

Approved, except item in section 6, June 1, 1911.

ACT 450.

AN ACT to provide for the formation of School Districts; when such Districts are situated in two or more adjoining counties; to provide for the administration of the affairs of such Districts; and for other purposes.

SECTION

1. Formation of common, consolidated or special school districts (by an election).
2. Powers and privileges of districts formed. Board of directors. Terms of office.
3. Reports to be made to the officer of county in which the greater part of district lies.
4. Tax; the certification of amount and collection of same; laws applicable to districts of like kind are applicable to districts formed under this Act.
5. Title of all the property of several districts vested in said new district.
6. Laws in conflict repealed. Act in effect from passage.

Be It Enacted by the General Assembly of the State of Arkansas:

Be It Enacted by the People of the State of Arkansas:

SECTION 1. Whenever a majority of the electors of any number of school districts, which are contiguous, situated in two or more adjoining counties petition the county court of the respective counties for the formation of a common school district, a consolidated school district, or a special or single school district, the county court, within fifteen days after the filing of such petition, together with a map showing the total amount of territory to be embraced in said proposed district and written description of the boundaries of the same showing all districts and parts of districts so embraced, shall order an election, and specify the time for holding the same in each district so petitioning.

The directors in each district shall serve as the judges of said election, together with two clerks selected by the judges, who shall hold said election and shall make returns of the election to the county clerk of the county in which such district is located. Notices of such special election shall be posted in at least three public places in each district at least ten days before such special election and such special election shall be held in each district at the regular voting place.

The ballot of said special election shall be, "For Common School District," "Against Common School District," "For Consolidated School District," "Against Consolidated School District," or, "For Special School District," "Against Special School District"—as the kind or class of said proposed district may have been designated in said petitions.

If a majority vote of such election in each district be for the formation of said proposed district, the county court of the county in which such district is located at its regular next time of meeting, shall make an order of transfer of such districts or parts of districts to said proposed district. *Provided*, in such transfer herein mentioned no district shall be reduced to less than 35 persons of scholastic age.

In the event however, a majority vote in any district be against the formation of said proposed district, then the district or part of district affected shall not be made a part of said proposed district.

SECTION 2. Whenever a district is formed under the provisions hereinbefore set forth, such district shall possess and have all the powers and privileges now given to districts of the kind or class designated in said petition, as provided in section one of this Act.

When such district shall be formed as provided in this Act, there shall be appointed by the county court of the county in which the largest area of territory of such district is situated a board of three, or six directors, as the case may be according to the kind or class of district so formed, from the electors of all the districts affected. Said board of directors shall serve until the next annual school election, at which election a board of directors shall be elected in said district. *Provided*, that in the case of common school districts there shall be elected a board of three directors, one to serve one year, one to serve two years, and one to serve three years; and in the case of consolidated, or special school districts, there shall be elected a board of six directors, two to serve for one year, two to serve for two years, and two to serve for three years, and annually there-

after an election shall be held in said district, as provided by statutes for annual school elections for districts of the kind or class of the respective districts formed under this Act.

SECTION 3. For the purpose of administration of the affairs of said district, such as making the annual and enumeration reports, certifying the election of directors, and any and all other reports now required to be made by directors and teachers, said district shall be considered a part of the county in which the largest area of territory of said district is located, and all such reports as are required to be made to the respective officer of such county. *Provided*, that the teacher or teachers of said district is considered a part for the administration of its affairs. *Provided, further*, that persons living in any part of said district shall have the same right to vote and to hold office as those persons living in any other part of the district.

SECTION 4. The tax, amount and kind, voted in said district shall be reported by the directors to the county clerk of each county in which any part of said district is located in order that such tax may be levied and collected in the county in which any part of said district is located.

The tax, when so certified by the directors of said district to the county clerk, shall be levied and collected in the same manner as is now prescribed by law, and such tax, when collected shall be placed to the credit of said district. *Provided*, that all polls and penalties assessed and collected within said district shall be credited to said district by the county court of the county in which said polls and penalties are col-

lected. *Provided further*, that all moneys of whatsoever character, placed to the credit of said district in each county wherein any of the territory of said district is situated, shall be paid out by the treasurer of the county where same is held in the same manner as is now prescribed for paying out school moneys, upon the warrants of the directors of said district, when such warrants are properly drawn.

All laws applicable to districts of like kind or class shall be made applicable to all districts formed under the provisions of this Act.

SECTION 5. The title to all real estate and other property belonging to the several districts and all school property within the parts of districts entering into said new district shall vest absolutely in said new district. *Provided*, that all terms of school in session at the time said district is formed and all contracts with teachers in the several districts forming said new district may not be interrupted or annulled, but such terms shall continue to the end and such contracts be fulfilled.

SECTION 6. All laws and parts of laws in conflict herewith are hereby repealed and this Act, being for the immediate protection of the public peace, health, and safety, shall take effect and be in force from and after its passage.

Approved June 2, 1911.

ACT 458.

AN ACT to prescribe the number of directors for all Special School Districts, to provide the method of their appointment or election and for other purposes.

SECTION

1. If any special school district has less than six directors the county court hereby authorized to appoint a sufficient number to make a total of six.
2. Time of such appointment.
3. Annual election of directors for term of three years; Act applies only to counties named.
4. Act does no repeal section 7682 Kirby's Digest.
5. Emergency declared; Act in effect from passage.

Be It Enacted by the General Assembly of the State of Arkansas:

Be It Enacted by the People of the State of Arkansas:

SECTION 1. That in all cases where any special school district in this State has been organized, either under the general laws, or under any special law, with a less number of directors than six, it shall be lawful and is hereby made the duty of the county court of the county in which such special school district is situated, or the judge thereof in vacation to appoint a sufficient number of directors to make a total of six from electors of the district having the qualifications required by law, to act as directors of such special district until the next school election and until their successors are elected and qualified.

SECTION 2. Such appointment, if made in vacation, shall be in writing, dated and signed by the judge of the county court of the county in which the special district is situated, and filed with the clerk of the county court. If made in term time the appointment shall be made in open court and recorded on the records of the court, and in every case of such appointment by the county court, or the judge thereof in vaca-

tion, the director, or directors, thus appointed shall take the oath of office in the manner and within the time now or hereafter prescribed by law.

SECTION 3. In all school elections for directors of special districts after such appointment, the directors shall be so voted upon and elected that the terms of two directors shall expire annually and that all shall hold for a term of three years as soon as the terms of the directors are thus adjusted so as to permit terms of this length. *Provided*, the provisions of this Act shall apply to Sevier and Newton Counties only.

SECTION 4. This Act shall not be construed to repeal section 7682 of Kirby's Digest.

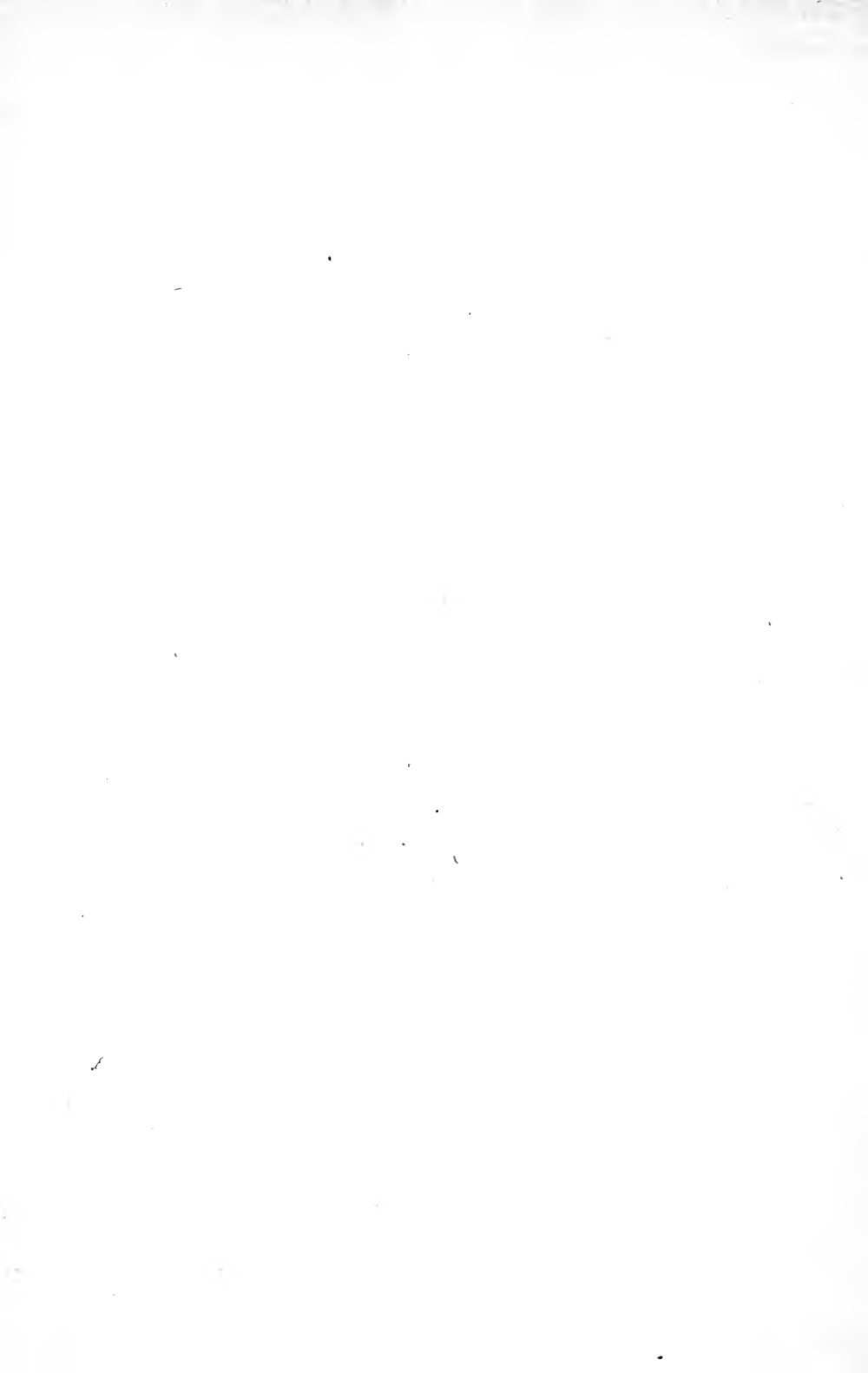
SECTION 5. It being necessary for the peace, health and safety of the State that this Act take effect at once, an emergency is hereby declared, and the same shall take effect from its passage.

Approved June 2, 1911.

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