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EDUCATIONAL BULLETIN

**SCHOOL CODE SUBMITTED
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KENTUCKY GENERAL ASSEMBLY
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JAMES H. RICHMOND
Superintendent of Public Instruction

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A NEW SCHOOL CODE

The pressing need for a new code of school laws in Kentucky has long been recognized by those familiar with educational problems, and has been expressed in no uncertain terms by the Court of Appeals. In a case decided by the Court of Appeals in January, 1933, Chief Justice Dietzman said:

"We may say in conclusion that no body of our statutory law is in a more confused state than our school laws. . . . The Legislature could do a great service in recodifying and clarifying these laws."

This bulletin contains the proposed revision of the Kentucky school laws prepared by the Kentucky Educational Commission in accordance with Section 4383a-7 to 4383a-12 Kentucky Statutes.

This new school code is based on the findings and recommendations contained in the report of the Commission, together with such modifications as seem most practical and desirable in order to meet present needs. Every effort has been made to eliminate vague and conflicting sections, and to put the laws in systematic and logical form, clear and understandable to all. The proposed revision of the school laws is approximately one-seventh as long as the old code, which it is intended to replace. It has been introduced in the House of Representatives as House Bill No. 1 and in the Senate as Senate Bill No. 42.

Briefly put, the program of the Kentucky Educational Commission is two-fold—(1) adoption of this new school code as proposed and (2) a substantial increase in the Common School Fund. The first will not require the expenditure of a single additional dollar, yet it will make possible a better school system, more economically and efficiently operated. The second will prevent the collapse of our school system which is sure to follow a further decline in support, and will help to bring about equality of educational opportunity.

This program has been prepared by Kentuckians to meet the needs of Kentucky schools. It is designed to serve the interest of one group only—our 720,000 school children. It merits the support of every citizen who is genuinely interested in the welfare of those children and in the future progress of our Commonwealth.

JAMES H. RICHMOND,
Superintendent of Public Instruction.

AN ACT providing for a more uniform and efficient system of public schools and colleges throughout the Commonwealth of Kentucky, repealing sections 4363 to 4421, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to a general system of public education in the Commonwealth; also section 4422 to section 4426, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to county teachers, examinations; also section 4426a-1 to section 4500c, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to public education in school districts; also section 4501a-1 to section 4506, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to teachers and certification of teachers; also section 4507 to section 4517, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to county teachers' institutes; also section 4518 to section 4521, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to county teachers' libraries; also section 4522 to section 4526a-5, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relative to public education of colored children; also section 4526b-1 to section 4526b-5, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to county high schools; also section 4526c-1 to section 4526c-13, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to compulsory school attendance; and Chapter Seven (7), Eight (8), Twenty-seven (27), Thirty-two (32), Thirty-seven (37), Thirty-nine (39), Forty (40), Fifty-two (52), Eighty-eight (88), and Ninety-eight (98), Acts of 1922, relating to a general system of public education in the Commonwealth; and Chapter Sixty-six (66), Acts of 1922 relating to civilian rehabilitation; and Chapters Thirty-nine (39), Fifty-two (52), Fifty-four (54), Fifty-eight (58), Fifty-nine (59), Sixty-two (62), and Sixty-three (63), Acts of 1924, relating to public education; also Chapters Seventy-nine (79), Eighty (80), Eighty-one (81), Eighty-two (82), Eighty-three (83), Eighty-four (84), Eighty-five (85), Eighty-six (86), Ninety (90), Ninety-one (91), Ninety-two (92), One Hundred Seventy-two (172), and Three Hundred Forty-three (343), of the Acts of 1926 relating to public education; and Chapters Fifty-two (52), Fifty-three (53), Fifty-four (54), Fifty-five (55), Fifty-six (56), Fifty-nine (59), Sixty (60), and Sixty-three (63), Acts of 1928, relating to a general system of education in the Commonwealth; and Chapters Thirty-six (36), Thirty-seven (37), Thirty-nine (39), Forty-one (41), Forty-two (42), Forty-four (44), and Forty-five (45), Acts of 1930, relating to public education in the Commonwealth; and Chapters Sixty-eight (68), Sixty-nine (69), Seventy-two (72), Seventy-three (73), Seventy-four (74), Seventy-five (75), Seventy-six (76), Seventy-seven (77), Seventy-eight (78), Seventy-nine (79), and Eighty (80), Acts of 1932, relating to

general education in the Commonwealth; Chapter Seventy (70), Acts of 1932, relating to issuance of certificates; also section 4526d-1 and 4526d-2, Carroll's 1922 edition of the Kentucky Statutes, and Chapter Ninety-one (91), Acts of 1926, relating to the West Kentucky Industrial College; also Chapter Ninety-two (92), Acts of 1926, relating to a training school to be established in Normal School District Number Two (2); also section 4527 to section 4535, inclusive, Carroll's 1922 edition of the Kentucky Statutes, and Chapter Ninety (90), Acts of 1926, relating to the Kentucky Normal and Industrial Institute; also Section 4535a-1 to section 4535a-30, inclusive, Carroll's 1922 edition of the Kentucky Statutes, and Chapter Twenty-five (25), Acts of 1922, Chapter Sixty (60), Acts of 1924, Chapter Eighty-seven (87), Acts of 1926, Chapter One Hundred Forty-three (143), Acts of 1928, relating to the Eastern State Teachers College and the Western State Teachers College; also Chapter Eighty-seven (87), Acts of 1926, relating to college certificates; also Chapter Ten (10), Acts of 1922, and Chapter Fifty-five (55), Acts of 1924, relating to the Murray State Teachers College and the Morehead State Teachers College; also section 4535c-1 to section 4535c-3, inclusive, Carroll's 1922 edition of the Kentucky Statutes, and Chapter Eighty-four (84), Acts of 1926, relating to quasi-normal schools; also section 2535d, Carroll's 1922 edition of the Kentucky Statutes relating to acts for local schools; also section 4535e, Carroll's 1922 edition of the Kentucky Statutes, relating to trust fund for seminaries; also section 4535h-1 to section 4535h-3, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to suffrage for women in school elections; also section 4535i-1 to section 4535i-14, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to county building school commission; also section 4535k-1 to section 4535k-5, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to vocational education; also section 4535-1, Carroll's 1922 edition of the Kentucky Statutes relating to penalty for violating an act of 1916; also section 2959 to section 2978d-18, inclusive, Carroll's 1922 edition of the Kentucky Statutes, and Chapters Fifty-six (56) and Eighty-six (86), of the Acts of 1924, Chapter Fifty-seven (57), Acts of 1918, Chapter Fifty-eight (58), Acts of 1928, all relating to public education in cities of the first class; also section 3220 to section 3235e-8, inclusive, Carroll's 1922 edition of the Kentucky Statutes, and Chapter Fifty-two (52), Acts of 1922, Chapter Fifty-four (54), Acts of 1924, Chapter Seventy-eight (78), Acts of 1926, Chapter Eighty-eight (88), Acts of 1926, Chapter Thirty-eight (38), Acts of 1930, relating to public education in cities of the second class; also section 3462 to section 3480, inclusive, Carroll's 1922 edition of the Kentucky Statutes, and Chapters Fifty-three (53), Acts of 1924, relating to public education in cities of the third class; also section 3587a-1 to section 3587a-33, inclusive, Carroll's 1922 edition of the Kentucky Statutes, and Chapter Thirty-five (35)

and Chapter Fifty-eight (58), Acts of 1922, Chapter Sixty-one (61), Acts of 1924, Chapter Sixty-one (61), Acts of 1928, Chapter Eighty-one (81), Acts of 1932, relating to public education in cities of the fourth class; also section 4636a-1 to section 4636b-6, inclusive, Carroll's 1922 edition of the Kentucky Statutes; and section 4636c-1 to section 4636e-4, inclusive, Carroll's 1922 edition of the Kentucky Statutes; also Chapter Twenty-four (24) and Thirty-six (36), Acts of 1922 and Chapter Eighty-nine (89), Acts of 1926, relating to the University of Kentucky, also section 4636k-1, to section 4636k-6, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to free tuition for World War veterans.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 4363 to 4421, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to a general system of public education in the Commonwealth; also section 4422 to section 4426, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to county teachers' examinations; also section 4426a-1 to section 4500c, inclusive, Carroll's 1922 edition of the Kentucky Statutes relating to public education in school districts; also section 4501a-1 to section 4506, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to teachers and certification of teachers; also section 4507 to section 4517, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to county teachers' institutes; also section 4518 to section 4521, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to county teachers' libraries; also section 4522 to section 4626a, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relative to public education of colored children; also section 4526b-1 to section 4526b-5, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to county high schools; also section 4526c-1 to section 4526c-13, inclusive, Carroll's 1922 edition of the Kentucky Statutes, relating to compulsory school attendance; and Chapters Seven (7), Eight (8), Twenty-seven (27), Thirty-two (32), Thirty-seven (37), Thirty-nine (39), Forty (40), Fifty-two (52), Eighty-eight (88), and Ninety-eight (98), Acts of 1922, relating to a general system of public education in the Commonwealth; and Chapter Sixty-six (66), Acts of 1922, relating to civilian rehabilitation; and Chapters Thirty-nine (39), Fifty-two (52), Fifty-four (54), Fifty-eight (58), Fifty-nine (59), Sixty-two (62), and Sixty-three (63), Acts of 1924, relating to public education; also Chapters Seventy-nine (79), Eighty (80), Eighty-one (81), Eighty-two (82), Eighty-three (83), Eighty-four (84), Eighty-five (85), Eighty-six (86), Ninety (90), Ninety-one (91), Ninety-two (92), and One Hundred Seventy-two (172), and Three Hundred Forty-three (343 of the Acts of 1926, relating to public education; and Chapters Fifty (50), Fifty-two (52), Fifty-three (53), Fifty-four (54), Fifty-five (55), Fifty-six (56), Fifty-nine (59), Sixty (60), and Sixty-three (63), Acts of 1928, relating to a general system of education in the Commonwealth; and Chapters

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ARTICLE I.

GENERAL PROVISIONS

1. *Uniform system of common schools.* There shall be maintained throughout the Commonwealth of Kentucky a uniform system of common schools in accordance with the Constitution of the Commonwealth and the school laws.

2. *Common school defined; who may attend.*—A "common school" shall be interpreted as meaning an elementary and/or secondary school of the Commonwealth supported in whole or in part by public taxation. No school shall be deemed a "common school" as defined in this act or receive support from public taxation unless such school be taught by a qualified teacher or teachers for a term of seven or more months during the school year and at which every child residing in the district, between the ages of six and eighteen years, has had the privilege of attending, whether contributing towards defraying the expense or not: providing that nothing herein shall prevent any person over eighteen years of age from attending the common schools of the district in which he resides, and that said person shall not be required to contribute towards defraying the expenses or pay tuition fees; provided further that a board of education may, in its discretion, make a reasonable tuition charge of those persons who have completed a course of study or curriculum of the highest level in the school or schools maintained by the board.

3. *School year.*—The school year shall begin on the first day of July and end on the thirtieth day of June.

4. *Six-year-old child may enter school.*—Any child who is six years of age or who will become six years of age on or before September 30 shall have the privilege of entering the school at the beginning of the session. Any board of education which operates its school or schools on the semi-annual promotion basis shall, at the opening of

the second session, admit beginning students who will become six years of age on or before February 28.

5. *Pupils may attend high schools free of tuition; promotion and classification.*—Whenever a pupil in any public elementary school shall have completed the prescribed elementary course of study he shall be entitled to a certificate of such completion signed by the teacher or teachers under whom the course has been completed, and said certificate shall entitle the pupil to admission into any public high school free of tuition except as hereinafter provided.

Any promotions or credits earned in attendance in any approved public school shall be valid in any other public school to which a pupil may go provided that the superintendent or principal of a school, as the case may be, shall have the authority to assign pupils to the class or grade to which the pupil is best suited; provided further, that such assignment shall not be made in case a pupil transfers from the school of one district to the school of another district until after the pupil has demonstrated that he is not suited for the work in the grade or course to which he has been promoted.

6. *School month and school day defined.*—Twenty school days, or days in which teachers are actually employed in the schoolroom, shall constitute a school month in the common schools of the Commonwealth, including such legal holidays as the State Board of Education may declare to be observed; but no teacher shall teach on Saturdays except in cases of emergencies and then only upon authorization of the State Board of Education. Six hours of actual school work shall constitute a school day; and under no circumstances shall the daily session, including recesses and intermissions, exceed nine hours in length.

7. *Bible to be read.*—The teacher in charge shall read or cause to be read a portion of the Bible daily in every classroom or session room of the common schools of the Commonwealth in the presence of pupils therein assembled, and no child shall be required to read the Bible against the wish of his parents or guardian. The failure of any teacher to conform to this act shall be cause for revocation of his certificate in the manner provided by law.

8. *White and colored not to be taught in same school; penalty.*—It shall be unlawful for any person, corporation, or association of persons to maintain or operate any college, school, or institution where persons of white and negro races are both received as pupils for instruction; and any person or corporation who shall operate or maintain any such college, school, or institution shall be fined one thousand dollars (\$1,000) and any person or corporation who may be convicted of violating the provisions of this act shall be fined one hundred dollars (\$100) for each day they may operate such school, college, or institution after such conviction. Any instructor who shall teach in any school, college, or institution where members of said two races are received as pupils for instruction, shall be guilty of operating and maintaining same and fined as herein provided.

It shall be unlawful for any white person to attend any school or institution where negroes are received as pupils or receive instruc-

tion, and it shall be unlawful for any negro or colored person to attend any school or institution where white persons are received as pupils or receive instruction. Any person so offending shall be fined fifty dollars (\$50) for each day he attends such an institution or school; provided, the provisions of this law shall not apply to any penal institution or house of reform.

9. *Pupils to comply with rules of school; suspension or expulsion for non-compliance.*—All pupils who may be admitted to the common schools shall comply with the regulations in pursuance of law for the government of such schools. Willful disobedience or defiance of the authority of the teachers, habitual profanity or vulgarity, or other gross violation of propriety or law shall constitute good cause for suspension or expulsion from school. The superintendent, principal or head teacher of any school may suspend a pupil for such misconduct provided that in case of suspension by the principal or head teacher, such action shall be reported in writing immediately to the superintendent. The board of education of any school district may expel any pupil for misconduct as defined herein, but such action shall not be taken until after the parent or guardian or other person having legal custody or control of the pupil has had an opportunity to have a hearing before the board of education. The decision of the board of education shall be final.

10. *Gift, donation, or devise to school fund.*—The State Board of Education is authorized to accept any gift, donation or devise to the schools under its supervision or control and to provide for the administration of such gift, donation, or devise.

11. *Sectarian, infidel, or immoral books prohibited.*—No books or other publications of a sectarian, infidel, or immoral character shall be used or distributed in any common school of the Commonwealth, nor shall any textbook or other publication be used which reflects on any religious denomination, nor shall any sectarian, infidel, or immoral doctrine be taught in any school.

12. *Free textbooks and necessary school supplies may be provided by boards of education in any school district.*—The board of education of any school district shall have the power and the right to furnish textbooks and other necessary school supplies free of charge to indigent children in its school district or to such other children as it deems advisable and under such rules and regulations as it may adopt.

ARTICLE II.

SCHOOL FUND

1. *What constitutes the fund.*—The school fund shall consist of the fund dedicated by the Constitution and laws of this Commonwealth for the purpose of sustaining a system of common schools therein: (a) The interest on the bond of the Commonwealth for one million three hundred and twenty-seven thousand dollars (\$1,327,000) in aid of common schools, at the rate of six per cent (6%) per annum, payable semi-annually on the first day of January and July of each

year. (b) The interest on fifty-two thousand dollars (\$52,000) now invested in Fourth Liberty Loan Bonds drawing $4\frac{1}{2}$ per cent interest and payable in 1938; said bonds having been purchased in accordance with Chapter 6 of the Acts of the General Assembly of 1920. (c) The dividends from whatever remains of the original investment of seventy-three thousand and five hundred dollars (\$73,500) in the capital stock of the Bank of Kentucky, other than the income from the Liberty Bonds mentioned herein under (b). (d) The surplus, three hundred and eighty-one thousand nine hundred and eighty-six dollars and eight cents (\$381,986.08), now due the several counties and remaining a perpetual obligation against the Commonwealth for the benefit of said respective counties, for which the Commonwealth shall execute its bond, bearing interest at the rate of six per cent (6%) per annum, payable annually on the first day of July to the counties respectively entitled to the same, and in the proportion to which they are entitled, to be used exclusively in aid of common schools. (e) The interest at six per cent (6%) per annum, payable semi-annually on the first day of January and July, on six hundred and six thousand six hundred and forty-one dollars and three cents (\$606,641.03), received from the United States under an act approved March 2, 1891, for which the Commonwealth has executed bond pursuant to an act approved March 12, 1892. (f) Such part of the athletic fees collected under Section 1290a-13 of the Statutes as is apportioned to the common school fund annually. (g) Such part of the annual state taxes apportioned in Section 4019 of the Kentucky Statutes for the benefit of the schools, and such other state taxes as the General Assembly may appropriate in aid of the common schools.

2. *Common school fund shall not be used for any other purpose.*—The foregoing shall constitute the annual resources of the common school fund of Kentucky, and shall be paid into the treasury and shall not be drawn out or appropriated except to pay the expenses of the State Department of Education of whatever character or kind and in aid of common schools, as provided in this act.

3. *Fund used for payment of teachers unless otherwise provided.*—Except as otherwise expressly provided in this act, no part of the common school fund or of the revenue thereof shall be used for any other purpose than the payment of teachers of the common schools legally qualified and employed in pursuance herewith.

The net revenue of the common school fund accruing during each school year shall constitute the sum to be distributed. But no fees, discount or checks, or other incidental expenses shall be paid out of the distributable share of the revenue apportioned to any school district.

4. *Superintendent of Public Instruction to estimate per capita; duty of Auditor of Public Accounts and Superintendent.*—The Superintendent of Public Instruction shall, on or before the first day of July in each year, ascertain and estimate for the school year the amount of the common school fund to which each school district will be entitled according to the number of children listed in its census enumeration. If at the time of making such estimates and apportion-

ment the census of any school district has not been determined, then the census returns made for the school year next preceding shall become the basis for the apportionment. It shall be the duty of the Auditor of Public Accounts to furnish the Superintendent of Public Instruction such data as may be needed in making such estimate and apportionment. It shall be the duty of the Superintendent of Public Instruction, as soon as practical, to file such a copy of said estimate and apportionment with the Auditor of Public Accounts and to inform the board of education of each school district of the amount to which the said district shall be entitled. Whatever difference may exist between the estimated and the actual revenue of the school fund for any school year shall be taken into account in making the estimate and apportionment for the succeeding school year.

5. *Reports to State Department of Education at close of year.*—It shall be the duty of the officials of each educational institution and each school district supported in whole or in part from taxation in this Commonwealth, to make a report to the State Board of Education at the close of each scholastic year, showing in detail all funds received from the Commonwealth of Kentucky, and from all other sources during such year, and a detailed statement of all expenditures for the year.

6. *Distribution by Auditor of Public Accounts on warrants of Superintendent of Public Instruction; dates of.*—For each school year the Auditor of Public Accounts, on the successive warrants of the Superintendent of Public Instruction, shall draw his warrant on the Treasurer for the amount of the school fund due each district and such checks or warrants, in case the warrants are stamped interest-bearing, shall be turned over to the Superintendent of Public Instruction for distribution to the proper officials of the several school districts when such districts have fully complied with the school laws and rules and regulations of the State Board of Education. The school fund shall be distributed in the same number of installments as there are months in the minimum school term declared by the Superintendent of Public Instruction upon the approval of the State Board of Education. The first installment shall be paid on or before September 1 of each year and the subsequent installments paid on or before the first day of each succeeding month until all of said installments shall have been paid.

If the amount in the treasury on or before the first day of September or on or before the first day of each succeeding month upon which apportionments of the fund shall be payable to the several school districts is insufficient to admit of a full distribution of the apportionment, the Auditor of Public Accounts shall upon the successive warrants of the Superintendent of Public Instruction issue his warrant, bearing interest at the rate of five per cent (5%) per annum for the residue. The warrant shall be paid, together with the interest thereon, out of the common school fund.

7. *Length of school term.*—The minimum school term shall not be less than seven months (140 days) and may by the Superintendent of Public Instruction, upon the approval of the State Board of Edu-

cation, be extended to eight, nine, or ten months when the resources of the school fund or contributions by local taxation or donations shall justify such extension; provided, however, no such extension shall be made if it reduces the salaries of the teachers below the minimum fixed by law; and provided further, that a board of education may extend its term beyond the minimum term set by the Superintendent of Public Instruction.

ARTICLE III.

STATE BOARD OF EDUCATION

1. *State Board of Education created.*—There is hereby created a State Board of Education which shall have under its jurisdiction the management and control of the common schools; the management and control of higher education for negroes; and the management and control of vocational education and vocational rehabilitation.

2. *Composition of State Board.*—The State Board of Education shall be composed of the Superintendent of Public Instruction and seven lay members who shall be appointed by the Governor in the following manner: (a) On or before June 1, 1934, the Governor shall appoint four laymen from the state at large to assume office on July 1, 1934; two of whom shall be appointed for terms of two years, and two for terms of three years. These four appointed members, together with the present ex officio board, shall constitute the State Board of Education until the first Monday in January, 1936. (b) On the first Monday in January, 1936, the Governor shall appoint three laymen from the state at large; two of whom shall be appointed for terms to end July 1, 1938, and one for a term to end July 1, 1939. Each of these three members shall assume office upon appointment. (c) These three appointed members, together with the four previous appointees and the Superintendent of Public Instruction, shall constitute the State Board of Education after the first Monday in January, 1936. (d) All subsequent appointments to the State Board of Education shall be for four-year terms; except that should any vacancy occur, the vacancy shall be filled by appointment of a layman, by the Governor, the person so appointed to hold office only for the remainder of the period of time that his predecessor in office would have held, had no vacancy occurred.

3. *Superintendent of Public Instruction a member of the State Board.*—The Superintendent of Public Instruction shall be a member, and ex officio chairman, of the State Board of Education.

4. *Title of board.*—The board thus constituted shall be a body politic and corporate by the name and style of the Kentucky State Board of Education.

5. *Qualifications of board members.*—The qualifications for members of the State Board of Education shall be the same as those set out hereinafter for school board members except that members of the State Board of Education shall be at least 30 years of age. In the appointment of members of the State Board of Education the Governor is to be influenced only by consideration of merit and fitness

for the position, and appointments shall be made without reference to place of residence in any part of the Commonwealth, occupation, party affiliation, or similar considerations; except, that no member at the time of his appointment or during the term of his service shall be engaged as a professional educator.

6. *Oath of office.*—Before entering upon the discharge of his duties each member of the State Board of Education, after his appointment, shall take and subscribe to the constitutional oath.

7. *Organization of board.*—The Superintendent of Public Instruction shall within ten days after the appointment of the State Board of Education call a meeting of the board. At this meeting the board shall organize and adopt rules and regulations governing its action and policy. The board shall also elect a secretary who shall be an employee in the State Department of Education. The secretary shall have charge of the board's correspondence and shall keep a record of its proceedings.

8. *Quorum; special meetings; location of office; traveling expenses; treasurer.*—A majority of the board shall constitute a quorum for the transaction of business. The board shall meet every three months and at such other times as it may by resolution determine. Special meetings of the board may be called by the chairman. Upon written request of three members the chairman shall call a special meeting of the board. Notice of each meeting shall be given by the chairman through the secretary by registered mail to each member of the board at least ten days prior to the time of any meeting unless notice of the meeting is waived, in writing, by all members of the board. The offices of the State Board of Education shall be at the seat of government and shall be provided by the state. The members of the said Board of Education shall serve without pay. They shall receive their actual and necessary traveling expenses while on official business. The State Treasurer shall be the treasurer of the State Board of Education.

9. *The scope of the jurisdiction of the board; transfer of powers.*—The State Board of Education shall succeed to and is hereby vested with all the duties, rights, powers, purposes, responsibilities, and jurisdiction of the present Kentucky State Board of Education; the Board of Trustees of Kentucky State Industrial College for Colored Persons, at Frankfort, Kentucky; the Board of Trustees of West Kentucky Industrial College for colored persons at Paducah, Kentucky; and the State Board for Vocational Education.

10. *Possession of records and property.*—The State Board of Education shall have custody and control in the name of the Commonwealth of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, lands and other property, real or personal, now or hereafter held for the benefit of the bodies, offices, and officers whose duties, powers, purposes, responsibilities, and jurisdiction are transferred to and vested in the State Board of Education.

11. *Boards abolished.*—The following named bodies are and each of them is hereby abolished:

- (a) The Board of Trustees of Kentucky State Industrial College for Colored Persons, at Frankfort, Kentucky
- (b) The Board of Trustees of West Kentucky Industrial College for Colored Persons, at Paducah, Kentucky
- (c) The State Board of Vocational Education.

The officers and employees of the institutions or agencies represented by the three abolished boards who are in office when this act becomes effective shall continue to serve for the remainder of their respective terms of contracts of employment unless sooner removed for cause.

12. *Powers and duties.*—Subject to and in conformity with the Constitution and the laws of the Commonwealth, the State Board of Education shall have the management and control of the common schools of Kentucky, higher education for negroes, and vocational education and vocational rehabilitation.

The State Board of Education is hereby authorized from time to time, on the recommendation and with the advice of its executive officer, the Superintendent of Public Instruction, to prescribe, print, publish, and distribute at public expense such rules, regulations, courses of study, curriculums, bulletins, programs, outlines, reports, and placards as it may deem to be necessary for the efficient management, control, and operation of the schools under its jurisdiction, provided that all rules and regulations of the State Board of Education shall have been published before they shall be deemed in full force and effect.

13. *Enforcement of provisions.*—For the purpose of enforcing the provisions of this act the State Board of Education is hereby given the authority to and shall remove from office for immorality, misconduct in office, incompetency, or willful neglect of duty, any public school officer under its jurisdiction whether elected by popular vote, appointed under the provisions of this act, or by any special school law. A copy of the charges preferred against such officer shall be furnished him, and he shall be given opportunity to be heard in person or by counsel upon not less than ten days' notice. Vacancies in office caused by such removal shall be filled in the manner provided by law.

ARTICLE IV.

SUPERINTENDENT OF PUBLIC INSTRUCTION

1. *Election qualifications; term; oath.*—A superintendent of public instruction shall, in accord with Section 91 of the Constitution, be elected by the qualified voters of the state at the same time the Governor is elected, for a term of four years. He shall be at least thirty years of age at the time of his election, and shall have been a resident citizen of the Commonwealth at least two years next before his election. He shall qualify by taking the constitutional oath required of all state officers and shall enter upon the discharge of his duties the first Monday in January after his election, and shall hold

office until his successor is elected and qualified, but may not succeed himself.

2. *Bond.*—For the faithful performance of his duties he shall give bond for at least twenty-five thousand dollars (\$25,000), which shall be executed by some surety company authorized to do business in the Commonwealth, and the bond shall be paid for out of the common school fund. Said bond shall be filed with the Secretary of State.

3. *Salary.*—The salary of the Superintendent of Public Instruction shall be four thousand dollars (\$4,000) per year.

4. *Location of office.*—The Superintendent of Public Instruction shall keep his office at the seat of government in such public buildings as may be provided and shall devote his entire time to the duties of his office.

5. *Duties of the Superintendent of Public Instruction.*—The Superintendent of Public Instruction shall be ex officio chairman and the executive officer of the State Board of Education in its administration of all public education placed under its management and control. It shall be the duty of the Superintendent of Public Instruction to execute under the direction of the State Board of Education, the educational policies which have been decided upon by the board and to direct, under such general rules and regulations as the board may adopt, the work of all persons engaged in the administration of the common schools; higher education for negroes; and vocational education and vocational rehabilitation.

6. *Shall recommend divisions of Department of Education.*—The Superintendent of Public Instruction shall recommend for approval by the State Board of Education the establishment of such divisions of the State Department of Education as he deems necessary for the successful administration and supervision of the common schools and other educational agencies placed under the management and control of the board, provided that in addition to an Assistant Superintendent of Public Instruction who is authorized to act in the absence of the Superintendent of Public Instruction, the divisions now maintained in the State Department of Education shall be maintained until the first Monday in January, 1936; thereafter in addition to an assistant Superintendent of Public Instruction, who is authorized to act in the absence of the Superintendent of Public Instruction the following divisions shall be included in the organization of the State Department of Education, along with such other divisions as may be established as provided in this section; finance and inspecting; attendance; supervision; teacher training and certification; public relations; research and statistics; vocational education; vocational rehabilitation and special education; school buildings and grounds; and negro education; and the Superintendent of Public Instruction may group the established divisions under such bureaus as he deems wise.

7. *Appointment of assistants; employees.*—The Superintendent of Public Instruction shall be responsible for the administration of the State Department of Education, and shall have general supervision of all the assistants, agents, and employees in the department. He

shall appoint and set the salary of all division heads, assistants, agents, and employees of the State Department of Education, and he may dismiss for cause all such appointees; provided that the appointment and dismissal of all division heads and other professional staff members shall be upon the approval of the State Board of Education. In the case of the dismissal of such appointees, they shall be entitled to ten days' written notice and a hearing before the board.

8. *Bonds of heads of divisions and assistants.*—Heads of divisions and assistants in the Department of Education may be required by the State Board of Education to make such bond as it may deem sufficient to faithfully and diligently perform, under the direction of the Superintendent of Public Instruction, such duties as may be assigned to them. Such bond shall be filed in the office of the Superintendent of Public Instruction and shall be paid for out of the common school fund.

9. *Traveling expense.*—The Superintendent of Public Instruction and his assistants shall be reimbursed for all actual and necessary traveling expenses, and disbursements incurred or made by them in the performance of their official duties, and no part of such reimbursement shall be included in or accounted as a part of their salaries.

10. *Superintendent of Public Instruction to attend educational conferences.*—The Superintendent of Public Instruction may in his discretion attend educational associations, conventions and conferences whether within or without the state for the purpose of keeping informed upon and familiar with progressive educational policies and practices, that the schools of the state may be more efficiently served. When thus engaged, his traveling expenses shall be paid in the same manner and from the same funds as the usual traveling expenses are paid; provided, that the total traveling expenses of the Superintendent of Public Instruction shall not exceed in the aggregate fifteen hundred dollars (\$1,500) in any one year.

11. *Shall explain the law.*—The Superintendent of Public Instruction shall explain the true intent and the meaning of the school laws and of the published rules and regulations of the State Board of Education.

12. *Shall decide controversies.*—The Superintendent of Public Instruction shall decide without expense to the parties concerned all controversies and disputes involving the proper administration of the public schools, but in all such matters he shall freely consult the Attorney General. He shall have authority to administer oaths, and to examine under oath, in any part of the Commonwealth, witnesses in any matter pertaining to the public schools, and to cause the testimony to be reduced to writing. Any person who, after having been sworn or affirmed to tell the truth, shall willfully give false testimony, shall be guilty of false swearing and punished for perjury.

13. *Removal of board members, superintendents, principals, teachers, and other public school officials.*—The Superintendent of Public Instruction shall recommend for removal by the State Board of Education any school board member, superintendent of schools, principal, teacher, or other public school officer within the system

of public education under the management and control of the State Board of Education, who in his opinion is guilty of immorality, misconduct in office, incompetency, or willful neglect of duty. In all cases the charges shall be in writing.

14. *Shall receive and examine reports.*—The Superintendent of Public Instruction shall receive and examine all reports required by law or by the State Board of Education and, in person or through his assistants, shall examine the expenditures, business methods, and accounts of all boards of education and all institutions placed under the management and control of the State Board of Education, and advise on the same.

15. *May issue processes to compel attendance of witnesses; penalties.*—The Superintendent of Public Instruction shall at all times have access to the papers, books, and records of any and all teachers, trustees, superintendents, or other public school officials, and shall have power to issue processes and to compel attendance of witnesses before him and to administer oaths to and compel witnesses to testify in any of the investigations he is authorized to make, and upon the failure of any witness to attend or testify without legal excuse, he shall be deemed guilty of a misdemeanor, and upon conviction, fined not to exceed twenty-five dollars (\$25.00) for each offense. He shall have power to clothe his assistants with full power of attorney to act for him in the supervision, inspection, and administration of the schools over which he has supervisory and administrative control. When he or his assistants shall find any mismanagement, misconduct, violation of law or wrongful or improper use of any school district fund or state school fund or neglect in the performance of duty on the part of any official, he shall report any and all such violations of the school laws whenever discovered to the State Board of Education, whose duty it shall be, through the Superintendent of Public Instruction or one of his assistants, to call in the assistance of the county attorney or the Commonwealth's Attorney in the county or district where such violation occurs to assist in the indictment, prosecution, and conviction of the accused, and it shall be the duty of the county attorney or the Commonwealth's Attorney, when called, to assist the State Board of Education and the Superintendent of Public Instruction in such cases. If indictment, prosecution, and conviction are not warrantable, the Superintendent shall report such neglect or misconduct to the State Board of Education, which shall have power to rectify and regulate all such matters.

16. *May call conferences of school officials.*—The Superintendent of Public Instruction, in order to carry out the educational policies of the State Board of Education, may call and conduct conferences of boards of education, superintendents, supervisors, principals, teachers, attendance officers, and other regular public school employees, on matters relating to the condition, need, and improvement of the schools. Personal traveling expenses incurred by those attending conferences, called by the Superintendent of Public Instruction, shall be a legitimate public expense and may be paid by boards of education.

17. *Biennial school budget.*—The Superintendent of Public Instruction shall prepare, or cause to be prepared, and submit for approval by the State Board of Education the biennial state school budget.

18. *Shall prepare school laws for publication by the State Board of Education.*—The Superintendent of Public Instruction shall prepare for publication biennially, by the State Board of Education, the complete school laws of the Commonwealth, including abstracts of decisions of the appellate court, and opinions and interpretations of the Attorney General and the Superintendent of Public Instruction.

19. *Publication of the regulations of the State Board of Education.*—The Superintendent of Public Instruction shall prepare for publication by the State Board of Education the rules, regulations, minimum standards for schools, and educational policies or programs adopted by the board for the operation, regulation and government of the schools placed under its supervision.

20. *Report of condition of schools.*—The Superintendent of Public Instruction shall biennially prepare the report of the State Board of Education to be submitted to the Governor of the Commonwealth and to the General Assembly.

The report shall set out the number attending the public schools; the amount of state funds apportioned, and the source from which derived; the amount raised by county school and independent school district taxes, or from other sources of revenue for school purposes, and the amount expended for salaries of teachers, for the erection of school buildings, and for incidental and other expenses in the operation of the public schools under his supervision, together with such other facts, statistics, and information as may be deemed of interest to be known, including recommendations for the improvement of the schools. He shall cause to be printed by the contractor for public printing, one copy for each school district and one for each superintendent of schools in the state, seven hundred and fifty copies for the use of the members of the General Assembly and for exchange with superintendents of other states, and five hundred copies for distribution by the Superintendent according to his discretion.

21. *Classification of schools.*—The Superintendent of Public Instruction shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education rules and regulations for grading, classifying, and accrediting of all common schools, and for determining the scope of instruction that may be offered in the different classes of schools, and the minimum requirements for graduation from the courses offered.

22. *School census taking and keeping.*—The Superintendent of Public Instruction shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education rules and regulations for the taking and keeping a school census; also the forms and blanks to be used in taking and keeping the census, and in compiling the required reports thereon. The Superintendent of Public Instruction is hereby authorized, if in his judgment the whole or

and part of such census has not been accurately reported, to take a special census in any school district of the Commonwealth.

23. *Approval of school building plans.*—The Superintendent of Public Instruction shall be furnished a copy of all plans and specifications for new public school buildings contemplated by boards of education and for all additions to or alterations of old buildings. It shall be his duty to examine or cause to be examined all such plans and specifications and to approve or disapprove the same in accordance with the rules and regulations of the State Board of Education. No board of education may award a contract for the erection of a building or contract for an addition to, or alteration of, an old building until the plan for the same has been approved by the Superintendent of Public Instruction.

24. *Regulation of sanitary conditions.*—The Superintendent of Public Instruction shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education regulations for the sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings and classrooms, regulations governing medical inspection, physical education, physical recreation, and such other rules and regulations as he may deem necessary or advisable for the protection of the physical welfare and safety of the public school children of the Commonwealth.

25. *Transportation of children.*—The Superintendent of Public Instruction shall prepare, or cause to be prepared, and submit for approval and adoption by the State School Board of Education rules and regulations concerning the transportation of children to and from school.

26. *Minimum courses of study; minimum equipment.*—The Superintendent of Public Instruction shall prepare, or cause to be prepared, and submit for approval and adoption and publication by the State Board of Education minimum courses of study for the different grades and kinds of common schools of the Commonwealth, and regulations governing educational equipment of school buildings and classrooms.

27. *Private and parochial schools.*—The Superintendent of Public Instruction shall prepare, or cause to be prepared, and submit for adoption and approval by the State Board of Education, rules and regulations for inspecting and approving private and parochial schools of elementary or high school grade and commercial schools.

28. *Holidays and absences.*—The Superintendent of Public Instruction shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education rules and regulations fixing the holidays on which the schools may be closed and special days to be observed and the pay of teachers during absence because of sickness or quarantine, or when the schools are closed by quarantine.

29. *School budgets; salary schedules.*—The Superintendent of Public Instruction shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education rules and

regulations governing the preparation of budgets and salary schedules for the several school districts under the management and control of the State Board of Education.

30. *Uniform record forms.*—The Superintendent of Public Instruction shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education a uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts in the Commonwealth, and it shall be his duty to see that all financial and educational accounts are accurately and neatly kept and that all reports are made according to the forms adopted by the State Board of Education.

31. *Prepare lists of schools, bulletins, courses of study, placards, etc.*—The Superintendent of Public Instruction shall prepare, or cause to be prepared, annually, and submit for approval and publication by the State Board of Education a list of all public and private high schools or other secondary schools in the Commonwealth showing the classification of each. He shall also prepare, or cause to be prepared, and submit for approval and publication by the State Board of Education such bulletins, programs, outlines of courses, placards, and/or courses of study as he may deem to be useful in the promotion of the interests of the public schools; higher education for negroes; vocational education and vocational rehabilitation.

32. *Shall perform all duties imposed by board.*—The Superintendent of Public Instruction shall perform such other duties as are imposed upon him by law, or assigned to him from time to time by the State Board of Education.

33. *Retirement from office.*—Upon retiring from office the Superintendent of Public Instruction shall deliver to his successor all books, papers, and effects belonging to the office, and on failure to do so he shall be fined in a sum not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) to be recovered by indictment in the Franklin Circuit Court.

ARTICLE V.

SCHOOL DISTRICTS

Organization

1. *School districts.*—All school districts in operation when this act goes into effect shall continue to operate except as otherwise provided by law.

2. *County school districts.*—Each county in this Commonwealth shall constitute one county school district; provided that in any county in which there are one or more independent school districts, the county school district shall be composed of the remainder of the county outside of the boundaries of such independent school district or districts. Each county school district shall provide by the establishment of schools or by contract with another district at least an approved twelve-grade school service for the pupils in its district.

3. *Independent school districts.*—All school districts embracing cities of the first four classes together with the territory within their limits, including any territory which has heretofore been added for school purposes outside of the limits of such cities or districts, and any territory which may be included by any future change in the limits of such cities, and all independent graded common school districts having a school census enumeration of two hundred fifty (250) or more white children shall hereafter be known and designated as independent school districts; provided that no such district shall continue to operate when its school census enumeration of white children falls below two hundred fifty (250) pupils unless it appears to the State Board of Education that the district can maintain a more efficient program of school service by operating as an independent district. In such case the State Board of Education may permit an independent school district existing at the time of the passage of this act to operate with a census enumeration of less than two hundred fifty (250) white children for a period not to exceed four years from July 1, 1934, and the decision of the State Board of Education shall be final. Applications of districts to operate as independent districts shall be filed with the State Board of Education not later than August 20, 1934. Each independent school district shall establish and maintain at least an approved twelve-grade school service for the white children residing in its district and shall provide by establishment or by contract with another district for at least an approved twelve-grade program of school service for its colored children.

4. *Merger of school districts.*—Boards of education of any two or more contiguous school districts may by their concurrent action merge their districts into one school district. In case of a merger, the members of the boards of education of districts thus consolidated may serve out the terms for which they were elected and qualified.

In case of any merger of school districts, the resulting district shall take over all the assets and legal liabilities of the districts joining in the merger; provided that tax levies authorized for the payment of interest and the retirement of bonds or the provision for sinking funds for such purposes shall continue to be levied and collected over the same area by or for the new board in accordance with the laws under which the levies were originally made until all bonded obligations of the old district or districts shall have been retired.

5. *Title to school property in transferred territory.*—The title to school property in the territory transferred from one school district to another shall remain vested in the board of education of the district from which the territory was transferred.

In case of the sale of such property the board of education to which the property belongs may allow a credit on the sale price of the property in proportion to the ratio which the school population of the transferred territory is to the total school population of the district from which the territory was transferred before the transfer was made.

A board of education owning and operating a school plant in another district at the time of the passage of this act may continue

to own and operate such plant, and a county board of education may establish and maintain a school in an independent school district.

6. *Subdistricts of county school districts.*—The existing boundary lines of subdistricts of county school districts shall not be affected by this act except that any county board of education shall have the authority to change the boundaries of school subdistricts of the county school system and, when necessary, to establish new subdistricts, or to unite subdistricts or parts of subdistricts, or to discontinue subdistricts, or to transfer a child or children to other subdistricts, except that no subdistrict shall exist which has less than fifty white census pupils residing therein; provided that the State Board of Education, upon application of a county board of education, may authorize the maintenance of emergency subdistricts from year to year which do not have fifty white census pupils residing therein; and provided further that, except upon approval of the State Board of Education, the boundary of any independent school district which may become a part of a county school district as the result of this act shall not be reduced nor shall such district be abandoned as a subdistrict; and provided further that the boundary of any subdistrict having a bonded indebtedness cannot be extended except upon a favorable vote of two thirds of the legal voters in the territory proposed to be added to the subdistrict, and that all subdistrict tax levies which have been authorized may continue to be collected for the benefit of the subdistrict for which they were levied until the expiration of time for which the levy was made; and provided further that any subdistrict tax may be removed by the vote of the people in the same manner in which it was authorized. The boundary of any subdistrict which levies a tax for purposes other than for bonds may be changed by the county board of education upon the request of a majority of the voters within the territory proposed to be added to the subdistrict which levies the tax.

7. *Special tax levies in subdistricts.*—The board of education of any county school district shall have the power to lay off a proposed subdistrict boundary within the county school district and submit to the voters within that boundary or to the voters of any existing subdistrict or proposed subdistrict within the county school district, the proposition of the levy annually, or for a specified number of years, of a tax upon the taxable property in such proposed subdistrict, or existing subdistrict, for local school purposes, which may include transportation of all pupils who do not live within reasonable walking distance of school; provided that the rate of taxation shall not exceed seventy-five cents (75c) annually on each one hundred dollars of taxable property within the proposed subdistrict, or the existing subdistrict, as valued in the assessment for local school purposes next preceding the levy of the tax.

On written petition of forty (40) per cent of the voters of any proposed subdistrict asking that a subdistrict tax be levied, it shall be the duty of the county board of education within fifteen days from the time the petition is filed to make an order which shall be recorded

in the minutes of the board for holding an election to determine the will of the voters on the proposition.

Such proposition for taxation may be submitted to the voters of the proposed area or to any existing subdistrict by the board of education at an election called for that purpose; provided that not less than fifteen days' notice be given of said election by written or printed posters signed by the chairman and secretary of the county board, stating the purpose of the election, the area affected, and the date, place or places, and hours of said election, posted at not less than two public places in each subdistrict concerned, and by one insertion of the notice in a newspaper, if there be one published in the county. The county board of education shall appoint at least three legal voters of the proposed subdistrict, or existing subdistrict, to serve as election officers in said election and to certify the returns of the same to the county board of education. The decision of two of the three officers shall be final in determining any question which arise during the holding of said election.

In case a majority of the votes cast are in favor of the proposition, the tax shall be levied annually as provided in this section for the period of years specified in said proposition by the fiscal court of the county in accordance with the requisition by the county board of education, and shall be included by the county clerk in the regular tax bills rendered for county purposes. Said tax shall be collected by the tax collector legally authorized to collect taxes for the district and settled for with the county board of education as in the case of county school taxes and at the same rate of commission for collection.

If in a proposed subdistrict a majority of the votes cast are in favor of the tax proposition, the proposed area shall thereafter be a subdistrict; but if a majority of the votes cast in such proposed boundary are against the proposition, the subdistrict status and boundary will be unchanged by the election.

All such taxes shall be for the use and benefit of the school or schools of such subdistricts.

8. *Bonds of subdistricts and subdistrict levies for other purposes.*—The board of education of any county school district may at any time submit to the voters of any one of its subdistricts or of any group of its subdistricts the question of whether or not said board shall issue and sell bonds of such proposed subdistrict or group of subdistricts in any amount not exceeding the limit provided by Section 158 of the Constitution of this Commonwealth for the purpose of buying a site or sites, or building or equipping a school building or buildings for such subdistrict or subdistricts, and of whether or not the board shall levy annually a school tax on each one hundred dollars of taxable property within the district, as valued in the assessment for local school purposes next preceding the levy of the tax, to provide a sinking fund for the payment of the interest on bonds annually and the liquidation of bonds at their maturity or to provide for the annual interest and retirement of bonds if other than sinking fund bonds are issued, and the tax accruing from said levy as is made for the payment of interest and sinking fund purposes

shall be by the said board of education at once irrevocable set aside and used for this purpose and not otherwise. The election for this purpose shall be called and conducted in accordance with the provisions of the section providing for special tax levies in subdistricts; and the tax, if approved by two-thirds of the votes cast, shall be collected and settled for as therein provided. The election for this purpose may, in the discretion of the county board of education, be called at the same time and place as that provided for in the section providing for special tax levies and conducted by the same election officers.

9. *Boundaries of district and subdistricts to be kept by board.*—The board of education of each school district shall cause a complete and accurate description of the boundary of the district and all subdistricts of the district, in the case of county districts, to be made not later than July 1, 1936, and recorded in the office of the board and all changes made thereafter shall be so recorded. Said record of boundaries shall be accessible to any teacher, attendance officer, or other employee of the board, and to the officers of the State Department of Education upon request.

10. *Subdistricts in parts of two counties.*—With the concurrence of the county boards of education, the county superintendents of two or more adjoining counties, where the division line intersects a neighborhood whose convenience requires it, may lay off a subdistrict composed of parts of these counties. The selection and payment of teachers and control of such subdistricts shall be lodged in the county board of the county in which the school building is located, but the county board of the other contracting county or counties shall pay such proportion of the total expense of conducting said school as may be mutually satisfactory and stated in a written contract, which contract shall also state definitely the boundaries of such subdistrict. Said contract shall be spread upon the minutes of each board. Duplicate copies signed by the chairman and secretary of each board of education shall be filed in the office of the county clerk of each of the contracting counties. The school census of such a subdistrict shall list the children according to the counties of their residence and shall show the total number of school age in the entire subdistrict and the total number in the subdistrict residing in each of the respective counties. Copies of the census shall be filed with the superintendent of each district represented.

In case an independent district is reverted to the county and is composed of parts of two counties, the school shall be operated as provided by law for subdistricts in parts of two counties and the board of education in the county in which the building is located shall have control of the school, and the boards of education of the counties concerned shall pay for operation of the school such amount of the total cost as the number of census pupil children in each district is to the whole number in the school census. In case the reverted independent district has bonded indebtedness, the tax for bond purposes shall be levied by the fiscal courts of the respective counties, collected by the tax collectors of the respective counties, and turned over to the treasurer of the board of education of the

county in which the building is located for purposes of retirement of the bonds.

11. *Superintendent shall furnish district boundaries.*—It shall be the duty of the superintendent of schools in each district in which any franchise paying corporation operates to furnish on or before the first day of July in each year to such corporation the boundary of his school district in which is located any property belonging to such corporation. A copy of the report shall be filed with the county clerk of the county in which the district is situated.

SCHOOL BOARDS AND SCHOOL EMPLOYEES.

12. *School districts under control of board of education.*—Each school district in this Commonwealth is hereby placed under the management and control of a board of education consisting of five members to be nominated and elected as hereinafter provided and shall be known as the "Board of Education of.....Kentucky." (The name of the district to be inserted in the blank space.)

13. *Board of education body corporate.*—Each board of education shall be a body politic and corporate with perpetual succession and shall have power in its own name to sue and be sued; to contract and to be contracted with; to purchase, receive, hold, and sell property; to issue its bonds to build and construct improvements, and to do all things necessary to accomplish the purpose for which said board has been created.

Each board of education shall succeed to all property, property rights, and privileges, of whatever kind or nature, granted and belonging to any previous corporation or board of education for said school district or for the district in which said district was embraced, or the officers thereto authorized or empowered by any enactment of the General Assembly to do anything in reference to public education; provided that all pending suits to which any such previous corporation, board of education, or school district or officers thereto, is a party may be prosecuted to and end in the name of such party.

14. *Titles to property.*—The titles to the property previously granted to such district by any party or owned and held by it for common school purposes and the title to all school lands and other property of every kind owned by the district shall be vested in the Commonwealth of Kentucky for the benefit of the district board of education created by this act. In the acquisition of land for school purposes the title thereof shall be made in fee simple, except where land is obtained by condemnation proceeding, and the titles to land now held by boards of education shall be perfected at the earliest date possible. Any reversionary interest in any land now used for school purposes shall not deprive boards of education of buildings or other improvements thereon.

15. *Powers and duties.*—Each board of education shall have general control and management of the public schools in its district and may establish such schools and provide for such courses and other services as it deems necessary for the promotion of education

and the general health and welfare of pupils as are consistent with the rules and regulations of the State Board of Education.

In an independent school district embracing a city of the first class the board of education shall have the authority to make provision for the training of teachers in the district.

Schools shall be maintained for pupils of elementary grade within a reasonable walking distance of their homes or the board of education shall furnish transportation from its general funds or otherwise for any elementary pupil or pupils who do not reside within such distance, and any board of education may provide transportation from its general funds or otherwise for any pupil or pupils of any grade or grades who do not live within a reasonable walking distance from the school; provided that such board shall adopt such rules and regulations as will insure the comfort, health, and safety of the children who are transported; and provided further that such rules and regulations shall be consistent with the rules and regulations of the State Board of Education dealing with the transportation of pupils.

The board shall have control and management of all school funds and shall have under its control and management all public school property of its district and shall have the right to use such funds and property to promote public education in such ways as it may deem necessary and proper. Each board shall exercise generally all powers in the administration of its public school system, appoint such officers, agents, and employees as it may deem necessary and proper, prescribe their duties, and fix their compensation and terms of office.

Each board shall have power to fix the time and the place of its meetings, to make, amend, adopt, and repeal rules, regulations, and by-laws for its meetings and proceedings, for the government, regulation, and management of the public schools and school property of such district for the transaction of its business, and for the qualification and employment of teachers and the conduct of pupils. Such rules, regulations, and by-laws shall be consistent with the general school laws of the Commonwealth and shall be binding on such board of education and parties dealing with it until repealed by an affirmative vote of three members of such board, and shall be spread on the minutes of the board and be open to the public.

16. *Power to purchase and condemn real estate.*—Each board of education shall have the power, when unable to contract with the owner of any real estate necessary to the proper accomplishment of the purpose for which such board is created, to institute condemnation proceedings in accordance with the law governing railroad corporations operated or incorporated under the existing laws of this Commonwealth, under laws which may hereafter be enacted; and to have in such proceedings the same rights, powers, privileges, and restrictions as are now granted to or conferred upon such railroad corporations.

17. *Qualifications of board members.*—A person to be eligible to membership on a board of education must have attained the age of twenty-four years, must have been a citizen of the Commonwealth

of Kentucky for at least three years preceding his election and must be a voter of the district for which he is elected. He must not hold or discharge the duties of any civil or political office, deputyship, or agency under the city or county of his residence. A board member shall be eligible for re-election unless he becomes disqualified as hereinafter provided.

No member of a board of education shall vote regarding the appointment or employment in any capacity of any person related to such member as father, mother, brother, sister, husband, wife, son, daughter, nephew, niece, aunt, uncle, son-in-law, daughter-in-law, or first cousin, and the entire vote of the remainder of the board shall be required in the case of appointment of such person.

No person shall be eligible to this office who at the time of his election is directly or indirectly interested in the sale to the board of books, stationery, or other property. If, at any time after the election of any member of such board, he shall become interested in any such contract with or claims against the board, or if he shall after election become a candidate for any office or agency or for the nomination thereto, the holding and the discharging of the duties of which would have rendered him ineligible before election, or if he shall move his residence from the district for which he was chosen or if he shall do or incur anything which would have rendered him ineligible for reelection, his office shall without further action be vacant, and it shall be filled as hereinafter provided.

No person shall be eligible to serve as a member of a board of education who has been removed from membership on a board of education for cause.

18. *Oath of office.*—Any person elected to membership on a board of education shall, before assuming the duties of his office, qualify by taking the following oath, in addition to the constitutional oath. Such oath shall be kept on record by such board.

“State of Kentucky

“County of (being duly sworn), says that he is eligible under the law to serve as a member of the board of education, and that he will not, while serving as a member of such board, become interested, directly or indirectly, in any contract with or claim against said board, and that he will not be influenced during his term of office by any consideration except that of merit or fitness in the appointment of officers or engagement of employees, and that he will support the Constitution of the United States and of this State, and faithfully perform the duties of his office.

“

“Sworn to and subscribed before me thisday of.....

“”

19. *Manner of election of school board members.*—School board members shall be elected from the school district at large for a term of four years by the legal voters of the school district.

20. *Election by secret ballot; nominating petition; ballots; general election laws applicable; procedure.*—All elections for members of boards of education shall be by a secret ballot. Said ballot shall be on a separate sheet from all other ballots to be used in any election. It shall be the duty of the county clerk to cause to be printed on said ballot the names of all candidates for membership on a board of education, in whose behalf he may be petitioned so to do in writing, by not less than fifty legal voters of a school district; provided that in independent districts embracing cities of the first and second classes the number of such petitioners shall be not less than one hundred (100). The petitions must be filed in the office of the county clerk not more than sixty and not less than fifteen days before the day of election, and each petition must be signed by the requisite number of qualified persons and shall show the place of residence of each person signing it, and no person shall sign more petitions than the number of offices to be filled.

Said ballot shall be in the form prescribed for ballots by the general election law of the Commonwealth, except that no party emblems or other emblem or distinguishing mark shall be placed upon said ballot, save the words, "School Ballot" at the head thereof; and that the names of all candidates for membership on the board of education shall be printed on the first fifty ballots in a single column in the order the petitions are filed. On each of the succeeding fifty ballots the names shall be printed in the same order, save that the last name on the preceding fifty ballots shall be shifted to the first place; and so on thereafter throughout, a like change being made in the printed order of names for every fifty ballots; and such ballots shall be so bound that in the book of ballots for each voting precinct each candidate's name will appear first on approximately the same number of ballots as that of every other candidate. As many additional lines shall be left blank as there are members to be elected.

The general election laws of the Commonwealth of Kentucky shall apply in all school elections except as set out in this act; and provided that it shall be the duty of the sheriff of each county in which a school district is situated to provide for each precinct in such district a separate box for the reception of the ballots used in the election of members of the board of education; and provided further that it shall be the duty of the judge of election of the opposite political party to the clerk of election in each precinct to issue the school ballots in same manner as other ballots are issued by the clerk of election, by writing the name and residence of the voter upon the primary stub and his registered number, in districts where registration is required by law, upon the secondary stub of the school ballot, and by observing, as to these ballots, such other regulations for the issue and deposit of ballots as may be prescribed for elections generally. It shall be unlawful for an election officer or other person within the election booth to tell or to indicate by word of mouth or otherwise to a voter what may be the political affiliation of any candidate, and a violation of this provision shall be a misdemeanor punishable by fine not exceeding two hundred dollars (\$200). The expense of said election shall be paid by the fiscal court out of the gen-

eral funds of the county in all school districts except those embracing cities of the first four classes; in such case, the expense of the election shall be paid by the city from its general funds.

21. *Number of candidates to be voted for.*—Each voter may vote for as many of said candidates as there are members to be elected by making a cross in the square opposite the name of each candidate for whom he wishes to vote and the ballot shall show the number of board members to be elected. The candidates, in number equal to the number of members to be chosen, who have the highest number of votes, shall be declared elected.

22. *Time of election.*—Except as hereinafter provided, all elections for membership on boards of education shall be in even numbered years, for a term of four years. In independent districts embracing cities of the first class and those of the fourth class which have been holding school board elections in even numbered years prior to the passage of this act, three board members shall be elected at the regular election in November, 1934, and two at the regular November election in 1936. In independent districts embracing cities of the second class there shall be elected two board members at the regular election in November, 1934, and three members at the regular election in November, 1936. At each regular November election in even numbered years thereafter, there shall be held an election in such independent districts to fill the membership of boards of education of such districts for the terms which will expire the first Monday in January following, and the regularly elected members shall hold office for four years and until their successors are duly elected and qualified.

In all school districts in which board members have been elected at the regular November election in odd numbered years prior to the passage of this act, there shall be elected two board members at the regular November election in 1935, who shall serve for three years and until their successors are duly elected and qualified, and in such districts there shall be elected three members at the regular November election in 1937 to serve for three years and until their successors are duly elected and qualified. Thereafter all elections in such districts shall be held at the regular November election in even numbered years to fill the membership of such boards of education for the terms which will expire the first Monday in January following, and the regularly elected members shall hold office for four years and until their successors are duly elected and qualified.

In all other districts there shall be five members elected at the regular November election in 1934. The members so elected shall draw lots to determine which three shall serve for four years and which two shall serve for two years. At each regular November election in even numbered years thereafter, there shall be held an election in such districts to fill the membership of boards of education for the terms which will expire on the first Monday in January following, and the regularly elected members shall hold office for four years and until their successors are duly elected and qualified.

23. *Qualification of new board of education.*—until the qualification of the new boards of education as herein provided, the ad-

ministration of the public schools and the management of school property in all school districts shall remain in the control of the existing boards of education, with all powers and rights given by this act and as existing prior to the passage of this act not in conflict herewith; and the new board of education, after its organization in January, 1935, shall continue the employment and service of all existing officers, teachers, agents, or other employees, subject to removal for cause, in their several capacities in connection with the administration of school affairs until the close of the term for which such officers, teachers, agents, or other employees have been elected.

24. *Number of meetings and attendance at meetings.*—Each board of education shall hold at least one regular meeting each month. Special meetings may be called by the chairman. On request of three members of the board, the secretary shall call a special meeting of the board of education. Each member of the board shall have due and timely notice of such meetings and the nature, object, and purpose for which called.

A majority of the board shall constitute a quorum for the transaction of business. It shall be the duty of the secretary to be present at the meetings of the board and to record in a book, to be provided for the purpose, all its official proceedings, which shall be a public record open to inspection.

Any board member failing to attend three consecutive regular meetings, unless excused by the board for reason satisfactory to it, shall be deemed to have vacated his office of board member.

25. *Vacancies; how filled.*—Any vacancy in any board of education, from whatever cause occurring, shall be filled for the unexpired term by the other members of the board as soon as practicable after such vacancy occurs. The member so chosen shall hold office for the unexpired term and until his successor is elected and qualified.

26. *Exempt from Jury duty and service as election officer.*—All board members shall be exempt from jury duty and from service as election officer during their term of office.

27. *Expenses of board members for attending meetings.*—Members of boards of education shall receive no salaries, but members of county boards of education may receive actual and necessary expenses for attending meetings, and may be reimbursed for other actual and necessary expenditures incurred in the district in the performance of their duties authorized by the board but in no case shall such expense of any member exceed one hundred dollars (\$100) per year. All claims shall be made out according to law and filed with the secretary of the board and shall be approved and paid as other claims against the board.

28. *Rules and by-laws for government of schools.*—All rules and by-laws heretofore made by boards of education, trustees, or controlling officers of school districts shall continue in force in so far as they are consistent with this act until altered or repealed by a board of education. Within sixty days after this act goes into effect each board of education which has not already done so shall meet and adopt a body of rules, regulations, and by-laws for its meetings

and proceedings; for the government, regulation, and management of the schools and school property; and for the qualification and employment of teachers and the management of pupils. Such rules, regulations, and by-laws may be changed, altered, or set aside only upon an affirmative vote of three members of a board of education.

29. *Appointment of superintendent.*—Each board of education shall appoint a superintendent of schools whose term of office shall begin on July 1 following his appointment, and said appointment may be for a term of one, two, three, or four years. In the case of a vacancy in the office for an unexpired term, the appointment shall be made so the term will end on June 30. Before any superintendent assumes his duties he shall present to the board of education which elected him a statement signed by the Superintendent of Public Instruction that he has been duly issued a certificate of administration and supervision, issued in accordance with the provisions of law and which qualifies him to hold the position to which he has been elected, and he shall hold such certificate throughout the period of his employment; provided any superintendent in office when this act goes into effect who holds a valid certificate of administration and supervision, issued upon a minimum of two years of standard college work, may be elected to succeed himself for a period not to exceed four years. A superintendent of schools may be removed by a vote of four members of a board of education for cause; provided that written notice setting out the charges for removal must be spread on the minutes of the board and given the superintendent fifteen days before action is taken on his removal.

The superintendent shall be the executive agent of the board which appoints him and shall meet with the board except when his own tenure, salary, or the administration of his office is under consideration. His salary shall be determined by the board and shall be paid in monthly installments, but it shall not be less than twelve hundred dollars (\$1,200) per year.

As executive officer of the board, the superintendent shall see that the laws relating to the schools, the by-laws, rules and regulations of the State Board of Education, and the regulations and policies of the district board of education are carried into effect. He shall have the right to administer the oath required by the board of education to any teacher or other person. He shall be the professional adviser of the board in all matters, except as hereinafter provided in independent districts embracing cities of the first and second classes; and under the direction of the board shall prepare all rules, regulations, by-laws, and statements of policy, specific and general, for the board for its approval and adoption. The superintendent of schools shall have general supervision, subject to the control of the board of education, of the general conduct of the schools, the course of instruction, the management of teachers, the discipline of pupils, and the management of business affairs, except as hereinafter provided in independent districts embracing cities of the first and second classes.

The board of education may, on the nomination of the super-

intendent of schools, appoint as many assistant superintendents as it deems necessary, whose compensation shall be fixed by the board and who may be removed for cause by the superintendent, with the approval of three members of the board of education. All appointments, promotions, transfers, and dismissals of principals, supervisors, teachers, and other public school employees shall be made only upon the recommendation of the superintendent of schools, subject to the approval of the board, except as hereinafter provided in independent districts embracing cities of the first and second classes; provided that supervisors, principals, and teachers shall not be employed for a period longer than one year. The superintendent shall have the power to suspend any teacher or other employee for cause deemed by him sufficient, and the board of education shall take such action upon the restoration or removal of such person as it may deem proper. All employees of the board shall have such qualifications as may be prescribed by law and by the regulations of the State Board of Education and/or of the employing board. Supervisors, principal, teachers, and other employees may be appointed by the board of education for any school year at any time after the first day of April next preceding the beginning of the school year.

The superintendent of schools shall devote himself exclusively to his duties and shall have power to appoint necessary clerks, whose number and salaries shall be determined by the board, and he shall have the power to remove same. He shall exercise general supervision of the schools of his district, examine their condition and progress, and shall keep himself informed of the progress in other districts. He shall prepare or have prepared all budgets, salary schedules, and other reports required of his board by the State Board of Education. He shall advise himself of the need of extension of the school system of the district, shall receive and examine reports from teachers and other school officers, and shall make reports from time to time as may be required by the rules of his board or as he may be directed to do by the board, and he shall be responsible to the board for the general conditions of the schools.

Any outgoing superintendent shall make all reports required by law to date of his retirement and shall have information assembled to date of his retirement for any other reports to be made by the incoming superintendent before the last month's salary of the outgoing superintendent is paid. Failure to comply with the provisions of this section shall be grounds for the revocation of the superintendent's certificate. Any superintendent who is guilty of a violation of this section shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense.

30. *Expenses of superintendent.*—A board of education shall have power to pay the necessary expenses of its superintendent and/or other employees when such expenses are incurred on order of the board of education.

31. *Superintendents shall not buy teachers' claims.*—No superintendent shall be allowed to buy for himself or for another any

teacher's claim, neither shall he be interested, directly or indirectly, in such claim, nor shall he act as an agent for any textbook company. Any superintendent who is guilty of a violation of this section shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense.

32. *Business director.*—Boards of education of independent districts embracing cities of the first and second classes may appoint a business director whose term of office shall begin July 1 following his appointment. Said business director may, at the discretion of the board, be directly responsible to the board of education or he may be recommended by the superintendent of schools and serve as an assistant superintendent of schools in charge of business affairs, responsible directly to the superintendent of schools, as are principals, teachers, and other professional employees. He may be appointed for a term of one, two, three, or four years. In the case of a vacancy in the office for an unexpired term, the appointment shall be made so the term will end on June 30. He may be removed for cause by a vote of three members of the board. His qualifications and salary shall be determined by the board. He shall qualify by taking the oath prescribed by law unless he is designated as an assistant to the superintendent of schools. He shall execute for the board, in the name of the board, its contracts and obligations and shall see that all contracts made by or with the board are fully and faithfully performed. He shall oversee the construction of buildings in process of erection and the repairs of buildings owned or controlled by the board. He shall advertise for bids and shall purchase all supplies and equipment authorized by the board and shall be deemed the business manager of the board. He shall devote his entire time to the duties of his office and may, in the discretion of the board of education, be required to execute such bond as it deems necessary and satisfactory. In case the bond executed is guaranteed by a bonding company, the board shall pay the premium on same. He shall make such reports as required by the rules, regulations, and by-laws of the board and such special reports as the board may require of him, and he shall furnish the superintendent of schools such information as the superintendent may need in making reports to the State Board of Education or the Superintendent of Public Instruction. The business director shall appoint, subject to the approval of the board of education, engineers, janitors, and such other custodial employees as may be necessary for the proper management of the board's school properties. The board shall fix the salary for such employees. Said appointees shall be under the direction of the business manager, and he shall be responsible for their work. Such employees may be removed by the business manager, subject to the approval of the board of education. The board of education may prescribe such requirements as it deems necessary for the positions of engineers, janitors, and other custodial employees consistent with the general school laws and with the rules and regulations of the State Board of Education; provided that if said business director is made assistant superintendent of schools

in charge of business affairs he shall perform all above mentioned duties only with the approval and under the direction of the superintendent of schools.

33. *Secretary of the board.*—Each board of education shall appoint a secretary for a term of one, two, three, or four years, and who shall not be a member of the board of education, but the superintendent may serve as the secretary of the board. A board of education of an independent school district, embracing a city of the first or second class, which appoints a business manager or assistant superintendent of schools in charge of business affairs may designate this officer as secretary. The board may fix a reasonable salary for the secretary. The secretary shall keep the records of the board and perform such other duties as may be imposed upon him by such board. All orders of the board must be signed by the secretary and countersigned by the chairman of the board. The secretary shall be custodian of all securities, documents, title papers, and other papers of the board under such conditions as the board may direct; provided that all records of the board shall be made available to the superintendent of schools by the secretary at any time, and the secretary, when other than the superintendent, shall furnish the superintendent of schools such information as is revealed by his records at any time upon the request of the superintendent.

COLLECTION AND MANAGEMENT OF SCHOOL FUNDS

34. *Fiscal year.*—The fiscal year for all school districts shall begin July 1 of each year and end on June 30, except in those districts where the law governing the municipality which they embrace provides otherwise.

35. *Levy and collection of taxes; the budget.*—All school taxes shall be levied and collected by the fiscal court of each county except in independent school districts embracing cities of the first, second, third, and fourth classes, when the boundary lines of independent districts in such cities are coterminous with the municipal limits of such cities. In such independent districts, the tax shall be levied and collected by the governing body of the city except as hereinafter provided. All school taxes shall be levied on all property subject to local taxation in the jurisdiction of the tax levying authority as herein provided. It shall be the duty of the clerk of each county and the clerk of each city to certify to the school district or districts which the county or city may embrace as the case may be, the total assessed valuation of property in the school district as determined by its tax assessor, subject to taxation under the provisions of this act.

It shall be the duty of each board of education to prepare a school budget, showing the amount of money needed for current expenses, debt service, capital outlay, and other necessary expenses of the schools during the succeeding fiscal year and also the estimated total amount which will be received from the common school fund and the amount that will be needed to be raised by local taxa-

tion, including the rate of levy necessary to raise such an amount, which, in no event, shall be less than twenty-five cents (25c) nor more than one dollar and fifty cents (\$1.50) annually on each one hundred dollars (\$100) of property subject to local taxation; provided that prior to the fiscal year 1938-39 no school district may request a tax levy in excess of the maximum levy authorized for its particular type of district at the time of the passage of this act. A copy of said budget shall be filed with the clerk of the tax levying authority of the district, as herein provided on or before March 20, and it shall be the duty of said tax levying authority to make its annual school levy during the month of April unless the tax levying authority of a school district is required by law to make all of its levy, including the school levy, at a different time of the year. It shall be the duty of such clerk to present the budget to the proper tax levying authority when said authority convenes to make its school levy. At the same time a copy of the budget is filed with the clerk, a copy shall be filed with the State Board of Education for its approval. It shall be the duty of such tax levying authority to levy the rate specified by the district board of education and approved by the State Board of Education along with such poll tax as the district board of education may request, provided that the poll tax shall not exceed one dollar (\$1) on each male inhabitant within the district over twenty-one years of age; and provided further that the failure of a board of education or a tax levying authority by inadvertence or otherwise to furnish such budget or make the levy within the date prescribed shall not invalidate any levy made thereafter; and provided further that the tax levying authority for an independent district embracing a city of the first class shall determine, within the tax limits set out herein, the rate of the levy which shall be made for school purposes in such district.

It shall also be the duty of each board of education, if so required by the State Board of Education, to prepare and submit to it not later than fifteen days after the state per capita has been officially declared a close estimate or working budget which shall conform to such rules and regulations as may be prescribed by the State Board of Education. The close estimate or working budget shall be consistent in its major divisions with the general budget previously prepared.

The money collected by taxation under the provisions of this act and other school money shall be expended by the board of education in accordance with the recommendations contained in the budget submitted to the tax levying authority as herein provided. One-half of the money raised by the levy under this act shall be used for supplementing teachers' salaries, provided this amount is necessary to pay all teachers the minimum salary provided herein, and after such minimum has been reached the money raised by such levies may be used as provided in the properly adopted budget; but the amount necessary, as well as the levy necessary, for supplementing teachers' salaries and for other purposes herein set forth, must

be itemized in the budget submitted by the board of education to the proper tax levying authority at the time the request for the levy is made.

The tax provided for herein shall be levied and collected in the same manner and at the same time as other local taxes are levied and collected, except as stipulated herein; provided that not more than one per cent (1%) of the school tax so collected may be paid to the tax collector as a fee for collecting same; and provided further that nothing in this act shall be construed to mean that any allowance shall be made for the collection of school taxes to any collecting officer who may continue to collect such taxes which was not allowed him prior to the passage of this act. It shall be the duty of the tax collector to pay on or before the tenth day of each month to the depository of the district board of education the amount of school tax collected up to and including the last day of the preceding month, and the amount so paid together with the classes of property from which it was received shall be reported in writing to the treasurer of the board, and the report shall be accompanied by a duplicate of the receipt given to the tax collector by the depository for such moneys, and it shall be the duty of the tax collector to make final settlement with the district board of education at the same time he makes final settlement with the local taxing authority to which he is responsible. Blanks for such purposes shall be furnished by the State Board of Education.

The laws applying to penalties on and the collection of delinquent school taxes shall be the same as the general laws applying to penalties on and the collection of delinquent taxes of the taxing districts which embrace the various school districts. The school tax provided for in this section is exclusive of any tax which may be levied for sinking fund purposes.

36. *Collection of school taxes.*—School taxes shall be collected by the regular tax collectors for the tax levying authorities which make the school levies for the various school districts, except as provided herein. The bond of the regular tax collector shall be made to cover his duties as the tax collector of the school district or districts for which he collects taxes, and in no event may the fee for the collection of any school taxes exceed a rate of one per cent (1%), and in no event may any fee be charged for collecting or receiving any school taxes or school funds other than those received from the local school levy; provided, however, that an independent school district may select a special tax collector to collect its school taxes, and in such case the special tax collector shall be required to execute bond in the same manner as provided herein for the execution of a treasurer's bond, and the penal sum of the bond shall be not less than the aggregate of the tax bills that come into the hands of the special tax collector.

It shall be the duty of the clerk to include all school taxes on the regular tax bills furnished the tax collector except in case an independent district has selected a special tax collector, and in such case the school taxes shall be listed by the clerk on a separate

bill, and the clerk shall be allowed a fee not to exceed three cents (3c) for each separate school tax bill, which fee shall be paid by the independent district board of education.

37. *Appointment of treasurer; duties and bond.*—Each board of education shall elect a treasurer for the board; provided that said board may elect the secretary of the board to serve as treasurer also. Said treasurer shall execute a public official bond for the faithful performance of the duties of his office, said bond to be approved by the local board and the State Board of Education. The bond shall be guaranteed by at least three solvent personal sureties, the solvency of whom must exceed the amount of the bond, or by a surety company authorized to do business in the Commonwealth and in an amount to be determined by the board of education in accordance with the rules and regulations of the State Board of Education. In case the treasurer is required to execute a surety company bond, premium on such bond shall be paid by the board of education. A copy of the bond shall be lodged in the files of the board of education and a copy lodged with the State Board of Education. The treasurer for the board shall receive all funds due the board, except as otherwise provided herein, and deposit them in the designated depository of the board. The bond shall provide that the treasurer of the board of education shall faithfully perform the duties of his office, receive all moneys to which the board is entitled by the Constitution of the Commonwealth or by the Statutes, except as herein provided, or which may in any way come into its possession, and deposit such funds in the properly designated depository; that such funds shall be withdrawn from the depository only upon proper order of the board as herein provided and that he will keep a full and complete account of all funds in such manner and make such reports concerning same as may be required by the board of education or by the State Board of Education, and that he will preserve all records relating to the transaction and duties of the office and turn over same to his successor along with all public funds in his hands and all accounts and records after due and proper audit made by a competent outside agent when he is required to do so by the board of education.

A copy of a list of all items and accounts which the board of education has ordered paid shall be certified to the treasurer by the board and shall be signed by the chairman and secretary of the board, and a certified copy of such list shall be furnished the depository by the secretary of the board. The treasurer shall issue his check on the depository for each item or account on the list certified by the chairman and secretary of the board.

The board of education may remove the treasurer from office at any time for cause by a vote of three members of the board. All treasurer's bond forms shall be prepared by the Superintendent of Public Instruction and approved by the State Board of Education.

38. *Depository; duties and bond.*—Each board of education shall appoint a bank or trust company to serve as its depository; provided that any board of education whose yearly receipts from

all sources exceed one hundred thousand dollars (\$100,000) per year may designate two depositories. The depository or depositories selected by a board of education shall execute good and sufficient bond for the safekeeping of the board's funds to be approved by the local board of education and the State Board of Education. Said bond shall be guaranteed by at least five solvent personal sureties, the solvency of whom must exceed the amount of the bond, or by a surety company authorized to do business in the Commonwealth or through the execution of a collateral bond consistent with the general banking laws of the Commonwealth and the bonding laws applying to the safeguarding of state funds. The depository may be designated for a period not to exceed two years, and before entering upon its duties shall execute the bond required herein and shall agree with the board of education as to the rate of interest to be paid on average daily or average monthly balances. The penal sum of the depository bond shall be determined by the board of education in accordance with the rules and regulations of the State Board of Education. A board of education may enter into an agreement with its depository whereby the premium on a bond guaranteed by a surety company may be paid by either the board of education or by the bank or trust company acting as depository. In case the board of education pays the premium on the depository bond, the depository shall allow the board of education not less than two per cent (2%) interest on its average daily or average monthly balances. The bond of the depository shall provide that the duties of the office shall be faithfully performed; that all funds deposited by the treasurer of the board of education or its tax collector or its duly authorized agent shall be held by the depository; that all funds so deposited by the treasurer or the tax collector or the board's duly authorized agent will be held for the board subject to its withdrawal at any time; that all funds so deposited will be paid over to such person or persons and in such manner as the board may direct; that full and complete accounts of all the board's funds will be kept; and that reports will be made to the board or its authorized agents upon request; and that all records relating to the transaction and duties of the office will be kept and turned over to the successor of its office along with all school funds in hand. The board of education may, at any time, require a due and proper audit of the depository's records of the funds of the board of education by a competent outside agent.

A board of education may designate as its depository the authorized and bonded depository of the governing authority of the territory which the school district embraces. In such cases, the bond of the depository shall be made to cover specifically the safekeeping of the school board's funds, and all conditions set out in this section shall be carried out. All depository bond forms shall be prepared by the Superintendent of Public Instruction and approved by the State Board of Education.

39. *Power to borrow money in anticipation of tax revenues.*—Any board of education shall have the power and authority to bor-

row money on the credit of the board and to issue negotiable notes in anticipation of revenues from school taxes for the fiscal year in which the money is borrowed, and the board may pledge the said school taxes for the payment of interest on said loan; provided that in no case shall the rate of interest charged exceed six per cent (6%), and that the principal shall in no case exceed seventy-five per cent (75%) of the anticipated revenue for the fiscal year in which the same is borrowed. In all cases in which such loans are made, they shall be repaid within the fiscal year in which they are borrowed.

40. *Budget may not be exceeded; penalty.*—Any superintendent who shall recommend and/or any board member who shall vote for an expenditure in excess of the income and revenue of that year, except for a purpose for which bonds have been voted and except in case of an emergency declared by the State Board of Education, shall be guilty of a violation of this act, and upon conviction shall be fined not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) and shall be subject to removal from office.

41. *Minimum salary for teachers.*—Each school district shall pay its teachers according to a salary schedule which shall include training, quality of service, experience, and such other items as the State Board of Education may approve. A copy of the salary schedule prepared by each school board shall be filed with the State Board of Education. In case a district board of education is not able to pay all of its teachers the minimum salary provided herein, the State Board of Education may approve such board's salary schedule, thereby authorizing the payment of salaries below the minimum provided herein. No teacher regularly employed in the public schools of the Commonwealth of Kentucky shall receive a salary of less than seventy-five dollars (\$75) per month; provided that the revenue received by any district from all the state per capita plus one-half of the revenue received from local taxation will produce sufficient revenue to pay a minimum salary of seventy-five dollars (\$75) per month for a period of seven months for elementary teachers and a period of eight months for high school teachers, allowing one teacher for each forty census pupils in the district.

BOND ISSUES

42. *Bond issues for school purposes; popular election; use of proceeds; tax levy.*—Whenever a board of education shall deem it necessary for the proper accommodation of the schools of its district to acquire or enlarge sites for school buildings; to purchase new sites which may be not more than two miles without the boundary lines of independent school districts; to improve, remodel or restore school buildings; or to erect new school buildings or to equip same or for any or all these purposes; and the annual funds raised from other sources are not sufficient to accomplish said purpose or purposes, said board shall make a careful estimate of the amount

of money required for such purpose or purposes, and it shall certify to the proper tax levying authority, as provided in this act, the fact that an election for an issue of bonds for school purposes shall be held together with the amount of money for which bonds shall be issued and the purpose or purposes to which the proceeds shall be applied. It shall thereupon be the duty of said taxing authority to adopt an ordinance or resolution, submitting to the qualified voters of the district at a time to be fixed in such ordinance not less than fifteen nor more than thirty days from the time such certificate is filed with it the question as to whether bonds shall be so issued for the purpose or purposes aforesaid. The bonds so issued shall be designated "School Improvement Bonds" and the ordinance shall fix the time the bonds shall run and, if a serial issue, then the amount to mature at each time; it shall limit the rate of interest which shall be permitted on said bonds, which shall not exceed six per cent (6%), and it shall specify the total amount of bonds to be issued, and provide for the levy of a tax to pay the interest and either to redeem the bonds as they mature or to provide for the accumulation of a sinking fund to retire them at their maturity.

The bond issue of the district shall not exceed the constitutional limitation provided in Section 157 of the Constitution, such limitation to be estimated upon the assessment next before the last assessment previous to the incurring of the indebtedness. The question to be submitted shall be so framed that the voter may by his vote answer "For" or "Against." If the voters of the district shall determine by a two-thirds majority of those voting that such bonds shall be issued, the bonds shall, when so issued, be placed under the control of the board of education, and said boards shall determine when and at what price and how the bonds shall be sold and the date, number of bonds, denomination, whether coupon or registered, the rate of interest and frequency of payment thereof, place of payment of principal and interest, and other details as desired, embodied in the bonds or in the ordinance providing for their issue, and the board shall certify the same to said tax levying authority, and it shall be the duty of said taxing authority at once to adopt an ordinance in conformity therewith and cause the bonds to be at once properly prepared and executed and turned over to the board of education for sale and delivery. Said bonds shall be signed by the chairman and secretary of the board of education and shall not be sold for less than par and accrued interest. As the bonds are sold, their proceeds shall be placed to the credit of the board of education in a depository designated by the board of education, and shall be kept in a separate account and shall be used for only the purposes for which the bonds were issued, and the depository shall be required to execute proper bond covering said funds. It shall be the duty of the tax levying authority of the district, in addition to the levy made for the maintenance of schools, as hereinbefore provided, to levy annually in its tax levy a rate sufficient to raise a sum for the payment of the interest and to create a sinking fund for the payment of the bonds at maturity.

The bonds, principal and interest, shall be a charge upon the school district, except in all independent districts embracing cities of the first and second classes where the bonds shall be a charge upon the sinking fund of the city, and the city shall be entitled to have the annual sinking fund tax provided for in this section.

The bond election, provided for in this act, shall be conducted and carried out in the school district in all respects as required by law for elections in this Commonwealth, and notices thereof shall be given and the election held by the same officers and in all other respects as required by the general election laws of the Commonwealth, and the expense of the election shall be borne by the fiscal court in all cases except those where the bond issue is authorized and the bond levy made for a district by the governing body of a city of the first, second, third, or fourth class, in which cases the cost of the election shall be borne by the governing body of the city.

All of the bonds voted by the various types of school districts and subdistricts prior to the passage of this act shall be retired and the interest paid thereon in accordance with the laws under which they were voted, and nothing in this act shall in any way impair any of said bond obligations or the interest thereon.

Other Provisions Affecting School Districts

43. *Contracts for new buildings; competitive bids for improvements, repairs, and supplies and materials.*—The contracts for the erection of school buildings and additions and repairs to buildings shall be made by the board of education after proper letting to the lowest and best responsible bidder complying with the terms of the letting, but the board may reject any or all bids. All necessary specifications and drawings shall be prepared for all such work, and competitive bids therefor shall be solicited by such advertisement as the board may determine; provided that it shall not be necessary to advertise for competitive bids on repairs not exceeding one hundred and fifty dollars (\$150). The board shall advertise in the method set out herein for bids on all supplies and equipment which it desires to purchase and shall accept the bid of the lowest and best bidder for the supplies and materials, but the board may reject any or all bids; provided that it shall not be necessary for the board to advertise for competitive bids for such supplies and materials when the amount of the purchase does not exceed two hundred and fifty dollars (\$250).

44. *Separate schools for white and colored children.*—Each board of education shall maintain separate schools for white and colored children residing in its district.

45. *Kindergartens; night schools.*—The board of education of any school district shall have the power to establish and maintain kindergartens for children from four to six years of age and, subject to the approval of the Superintendent of Public Instruction, may establish such night schools, industrial schools, and other schools for the residents of the district as may be deemed advisable.

46. *Non-resident pupils; tuition.*—Any board of education may charge a reasonable tuition fee per month for each child attending its schools whose parent, guardian, or other legal custodian is not a bona fide resident of the district; provided that in case of controversy as to the fee, the matter shall be submitted to the State Board of Education for final settlement. This fee shall be paid by the board of education of the school district in which the pupil resides, except in those cases where the board makes provision for the child's education within his or her district. In cases where a board of education is required to pay a pupil's tuition fee, the pupil shall be admitted to a school only upon proper certificate of the board of education of the district in which he resides. In case the tuition fee is paid by the parent, guardian, or legal custodian of the child, there shall be a deduction of school taxes on property in the school district paid by such persons.

47. *Use of school property for public purposes.*—The board of education of any school district may permit the use of the school-house or houses while schools are not in session, by any lawful public assembly of educational, religious, agricultural, political, civic, or social bodies under such rules and regulations as the board may deem proper.

48. *Reports to the State Board of Education; other reports.*—Each board of education shall, on the forms prepared by the Superintendent of Public Instruction and approved by the State Board of Education, prepare and submit to the State Board of Education reports on all phases of its school service. Each board may, in its discretion, prepare and publish for the information of the public a report on the progress of its schools.

49. *Investigations; power to summon witnesses; penalty for failure to appear.*—A board of education shall have the power in any investigation or proceedings before it, concerning a matter which may be a proper subject of inquiry by it, to summon witnesses by subpoena and to enforce the compulsory attendance of said witnesses and require that they testify under properly administered oath. Should any person so summoned refuse to attend or to produce a written statement to be used as legal evidence in said investigation or proceedings, or being present, refuse to testify concerning any matter which may be a proper subject of inquiry, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars (\$10) and not more than fifty dollars (\$50).

50. *Escheated property; acceptance of gifts and devices.*—So much property in each school district as from any cause shall escheat to the Commonwealth of Kentucky, shall vest in the board for the use and benefit of the public schools in said district. Said board may, in the name of the Commonwealth, for the use and benefit of the said schools, by its chairman or other officer to be designated by it, enter upon and take possession of said property, or sue for and recover the same by action at law or in equity. The board may sell and convey any of such property by warranty deed or otherwise.

51. *Donation, gift, grant, devise; by whom held.*—All sums arising from any donation, gift, grant, or devise by any person, whatsoever wherein the intent is expressed that the same is to be designed to aid in the education of white or colored children in any school district of this Commonwealth, shall be held and used for the purposes specified in such donation, gift, grant, or devise. The district board of education shall receive such donation, gift, grant, or devise for the benefit of the white or colored schools of its district and shall hold and use same as requested by donor or devisor, provided that the purpose for which used shall be in harmony with the aims and general program of public education in this Commonwealth.

52. *Bribery.*—Any person, board of education, board of regents, board of trustees, or other board of control of any public school system, or agent thereof, having authority to employ, vote for employment, or recommend for employment, any teacher or other person, who shall accept either directly or indirectly for the employment of a teacher or other school employee any valuable consideration other than the services of the teacher or other person employed, shall be guilty of bribery, and upon indictment and conviction shall be fined as provided by law for the punishment of bribery.

53. *Infectious or communicable disease; board may close school.*—When any family shall have any infectious or communicable disease, no member of such family shall attend any school until the superintendent of the district, upon the advice of the health officer of the county in which the school district is located, shall allow them to do so; and during the prevalence in any district of dangerous epidemics, the board of education of the school district may order such school closed.

54. *Disposition of special funds.*—A board of education of a district owning a fund for which it is to receive only the income may, in its discretion, convert the same to its general school fund and cause it to become a part of said fund; provided that there is no constitutional provision or other lawful provision to the contrary. If two or more districts are entitled to the income of such fund, then, upon concurrent action of the two boards, said fund may be so converted and divided between them in proportion to their census enumeration.

55. *Passage way of pupils to school building.*—Any board of education may make provision for such roads or passways to its school building or school buildings as will accommodate all pupils who are entitled to attend school, and may apply to the county court or the governing authority of the city, as the case may be, having jurisdiction, to open the same as other roadways and passways are opened for public necessity and convenience; but where there is no road or passway from the residence of any pupil to the school building which he attends, it shall be lawful for such pupil in attending school to walk over the property of any person between the residence of such pupil and the school building. No toll

shall be collected of any pupil for travel on any turnpike, bridge, or ferry while attending a public school.

ARTICAL VI

COMPULSORY ATTENDANCE

1. *Responsibility of parents; age limits for compulsory attendance.*—Each parent or guardian, or other person residing in the Commonwealth of Kentucky and having in custody or charge any child between the ages of seven and sixteen, not exempted under the provisions of this act, shall be required to send such child to a regular public day school, for the full term for which the public school of the district in which the child resides shall be in session, or to the public school for which the board of education of the district makes provision for the child to attend, except as hereinafter provided; provided that a child's age shall be interpreted as being between seven and sixteen whenever the child has reached his seventh birthday and until he has passed his sixteenth birthday; and provided further that any parent or guardian who elects to send to school a child six years of age shall be required to keep the child in regular attendance.

2. *Attendance in the case of transfer.*—Any parent, guardian, or other person having in custody or charge any child between the ages of seven and sixteen, as heretofore defined, who removes such child from the school district before the completion of the then current school term shall enroll such child in a public regular day school in the district to which such child is removed, and the child shall attend school in the district to which he is moved for the full term provided by such district.

3. *Exemptions from compulsory attendance.*—The following classes of children shall be exempted, by the board of education of the district in which the child resides, from the requirements of attendance upon a public regular day school:

a) Children who are enrolled and in regular attendance in a private or parochial regular day school approved by the State Board of Education. Such schools shall be taught in the English language and shall offer instruction in the several branches of study required to be taught in the public schools of the Commonwealth; and the term of school shall not be for a shorter period in each year than the term of the public school provided in the district in which the child resides. The attendance of such schools shall be kept by the private or parochial school authorities in a register provided by the State Board of Education as in the public schools, and such school authorities shall make attendance and scholarship reports in the same manner as is required by law or by regulation of the State Board of Education of public school officials. Said schools shall at all times be open to inspection by attendance officers and to inspection by the officers of the State Department of Education.

b) Children whose physical or mental condition is such as to prevent or render inadvisable attendance at school or application at

study, but the board of education shall require that satisfactory evidence of such condition be furnished by the signed statement of a duly licensed physician or public health officer. Upon the basis of such evidence, the board of education may exclude any such child from school.

c) Children who hold permits to work granted under the provisions of this act; provided that such children shall be subject to compulsory attendance upon part-time classes as provided herein.

d) Children who are blind, deaf, or partially blind and/or partially deaf to an extent which renders them incapable of receiving instruction in the regular elementary or secondary schools; but whose mental condition is such as to permit application to study, shall be exempted from attendance upon a regular day school; provided that in school districts which operate schools for classes for the education of such special groups, such children between the ages of seven and sixteen, as heretofore defined, shall be enrolled in and attend such schools regularly for the full term of such schools or until discharged by the board of education of such district. If no provision for the education of such special groups is made by the school district in which such pupils reside, then the Superintendent of Public Instruction, on recommendation of the state attendance officer, may cause such children to be enrolled in one of the state institutions for the education of such special groups.

e) Any child of compulsory school age who is a graduate from an accredited or an approved four-year high school.

4. *Work permits.*—Any board of education through its superintendent or other authorized agent shall have authority to issue to certain children permits to work as hereinafter provided:

a) A permit to work may, when the issuing officer is convinced that the need is sufficient, be issued to a child who is under the age of sixteen years, but who has passed his fifteenth birthday and who has completed the seventh grade of a public school course or an equivalent course.

b) A permit to work may, when the issuing officer is convinced that the need is sufficient, be issued to a child who is under the age of sixteen years but who has passed his fourteenth birthday who holds a certificate of completion of an eight-year elementary school course or an equivalent course.

c) A child permitted to withdraw from school by the issuance of a work permit shall return to school within five days after the termination of the employment for which the work permit was issued or immediately upon the beginning of the next school term, if school is not then in session.

d) No permit to work may be issued to any child until he, accompanied by his parents, guardian, or other person having control or custody of the child shall appear in person before the proper officer of the board and make application for such permit.

e) No permit to work, hereinbefore described, may be issued until the issuing authority has examined, approved and recorded the following duly executed papers:

(1) The school record of such child, giving age, grade, and attendance for the current term signed by the principal or teacher.

(2) Evidence of age, such as the school record of enrollment, or a certificate of birth, or a baptismal certificate duly attested, or a passport, or affidavit of the parent, guardian, or custodian of such child, such as shall convince the issuing authority that the child is of the age required by law.

(3) The written statement of the prospective employer that work is waiting for the child with a description of the nature of such work.

(4) A certificate signed by a regularly licensed physician or public health officer stating that such child has been thoroughly examined by him and that, in his opinion, the child is physically fit to pursue the work specified. No fee shall be charged for such examination certificate.

f) The parent, guardian, or custodian accompanying the child shall make oath that his statements setting out the name, address, birthplace, and age of the child in question, as entered upon the application for the permit to work, are true and correct to the best of his knowledge and belief.

g) No child under the age of fourteen years shall be employed or permitted to work in any occupation or service whatsoever during any of the hours when the public schools of the school district in which the child resides are in session.

h) All permits to work and all certificates of age granted under the provisions of this act, and certificates of health required under the provisions of this act, shall be issued on forms provided by the State Board of Education.

i) Permits to work and age certificates issued under the provisions of this act shall be open to inspection by attendance or probation officers, by officers of the State Department of Labor, and by the officers of the State Department of Education.

j) All permits to work and all certificates of age issued under the provisions of this act shall be subject to cancellation at any time by the Superintendent of Public Instruction, by the State Labor Inspector, or by the officer issuing the same, whenever any such officer shall find that the conditions for the legal issuance of such permits or certificates do not exist.

k) The officer authorized to issue permits to work shall have authority to administer the oath necessary for carrying out its provisions, but no fee shall be charged for administering such oaths or for issuing such permits.

l) Any child who is issued a permit to work under the provisions of this act may be required to attend a part-time school which any school district is hereby authorized to organize.

m) Every person, firm, corporation, or agent or officer of a firm or corporation employing children under the age of sixteen years shall keep a separate register containing the names, ages, and addresses of such employees, and shall post and keep posted in a conspicuous place in every room where such children are employed

a written or printed notice stating the working hours per day for each day in the week required of such children and shall keep on file during the term for which issued all permits for children to work required by this act for children under the age of sixteen years. Such records and files shall be open at all times to the inspection of school attendance and probation officers, and the officers of the State Department of Labor, and the officers of the State Department of Education.

n) Within five days after the termination of work permits, notification, on the forms and in the manner prescribed, shall be sent by the employer to the board of education of the district which authorized such permit. Such notification shall contain the latest correct address of such child known to such employer.

o) No work permit shall in any circumstance be issued or used in violation of the child labor laws of the Commonwealth of Kentucky or the United States.

Attendance Officers

5. *Attendance districts.*—Each school district shall constitute a separate attendance district; provided that, subject to the approval of the State Board of Education, two or more contiguous school districts may unite to form one attendance district.

6. *Appointment, salary, tenure, qualifications, and expenses of attendance officers, date effective.*—Each board of education shall, upon the nomination and recommendation of the superintendent appoint and fix the salary of an attendance officer and such assistant attendance officers as are deemed necessary. An attendance officer may be appointed for a term of one, two, three, or four years to take office July 1, and shall be responsible to the superintendent of schools, and may be removed for cause at any time by a vote of three members of the board. He shall devote his entire time to the duties of his office and shall be required to take an oath of office. In the case of a vacancy in the office for an unexpired term, the appointment shall be made so the term will end on June 30. Each attendance officer and each assistant attendance officer shall be twenty-five years of age and shall throughout his tenure of service hold a valid certificate issued in accordance with the rules and regulations of the State Board of Education; provided that attendance officers and assistant attendance officers in office at the time this act becomes operative may continue to serve out their respective terms and may be reappointed to succeed themselves.

When the boards of two or more contiguous school districts unite to form one attendance district, there shall be appointed at least one attendance officer or assistant attendance officer for each eight thousand (8,000) children in the combined school census of the districts or for a major fraction of this number. The superintendents of the united districts shall jointly make the nominations and recommendations relating to attendance officers to the boards of education meeting jointly, and the majority vote of each board shall determine all questions. The salary of attendance officers in such

united districts shall be borne by the employing boards in the same proportion as the school census of each school district bears to the total school census of the united district.

Attendance officers and assistant attendance officers shall be allowed their necessary and authorized expenses incurred in the performance of their legal duties. Each board shall bear the expense of its attendance officer and assistant attendance officers incurred in its district.

Controversies arising in attendance districts relating to attendance matters shall be submitted to the State Board of Education for settlement, and in case an agreement suitable to all parties cannot be reached the State Board may dissolve the united attendance district. In case of such dissolution, each school district involved may unite with other contiguous school districts in forming a united attendance district or set up its own attendance system in accordance with the provisions of this act.

The provisions of this act relating to attendance officers shall become effective July 1, 1934.

7. *Office to be provided.*—The office of the superintendent of schools shall be deemed the office of the attendance officer and suitable space shall be provided therein or adjacent thereto for him.

8. *Records and reports.*—The attendance officer shall keep such records and make such reports as are required by law, by regulation of the State Board of Education, by the state attendance officer, and by his superintendent and board of education.

9. *Duties of attendance officer.*—The general duties of the attendance officer shall be (a) to enforce the compulsory attendance and census laws in the attendance district which he serves; (b) to acquaint the school with the home conditions of the child, and the home with the work and advantages of the school; (c) to ascertain the causes of irregular attendance and truancy, and seek the elimination of these causes; (d) to secure the enrollment in school of all children who should be enrolled and to keep all enrolled children in reasonably regular attendance; (e) to perform such other duties as may be assigned him by the State Board of Education or the district board.

10. *Visits; needs of indigent children.*—It shall be the further duty of the attendance officer to visit the homes of children who are absent from school or who are reported to be in need of books, clothing, or parental care. When an attendance officer is satisfied that any parent, guardian, or other person having control or charge of any child subject to the provisions of this act, does not have sufficient income to furnish such child with the necessary books and school supplies, he shall ascertain the number and cost of books and school supplies needed by the indigent child and shall report the same to the superintendent of schools of the district in which said child resides.

11. *Purchase of books and supplies for indigent children.*—It shall be the duty of the superintendent to report these facts to the tax levying authority of the district, and it shall be the duty of such

tax levying authority to appropriate a sum of money sufficient for the purchase of textbooks and school supplies for such children; provided that the sum appropriated by said tax levying authority shall not be less than two hundred dollars (\$200) annually in any county school district and fifty dollars (\$50) in any independent school district.

12. *Cases of non-attendance to be investigated.*—The attendance officer shall have the power to investigate in his district any case of non-attendance at school of any child under sixteen years of age, or any child suspected of being under sixteen years of age, and he may take such action in accordance with laws as the superintendent of schools may direct or as he himself may deem proper in the absence of specific directions.

13. *Police power.*—The attendance officer and assistant attendance officers shall be vested with police powers and the authority to serve warrants, and shall have the power and authority, under the direction of the superintendent of schools and the district board of education, the State attendance officer, or the State Board of Education, to institute proceedings against any officer, parent, guardian, person, partnership, or corporation violating any provisions of the laws relating to compulsory attendance and the employment of children. He shall have authority to enter workshops, factories, stores, and all other places where children are employed and do whatever may be necessary in the way of investigation or otherwise to enforce the laws relating to compulsory attendance and the employment of children of compulsory school age. And any officer, manager, director, or other person who refuses to permit or in any way interferes with the entrance therein of such attendance officer or in any way interferes with any investigation therein shall be guilty of a violation of this act and punishable as hereinafter provided.

14. *Definition of truancy.*—Any child shall be deemed a truant in the meaning of this act who shall have been absent from school without valid excuse for more than three days or tardy on more than three days, any absence for less than half of a school day being regarded as tardy. Any child shall be deemed an habitual truant who shall have been reported as a truant more than three times.

15. *Reports to superintendent of schools.*—The principal or teacher in charge of any school, public, private, or parochial, shall report to the superintendent of schools of the district in which such school is situated the names, ages, and places of residence of all pupils in attendance at their schools together with such other facts as said superintendent may require to facilitate the carrying out of the provisions of the laws relating to compulsory attendance and employment of children. Such reports shall be made within the first two weeks of the beginning of school in each school year.

16. *Teacher to report withdrawals; notices of transfer.*—Whenever any child of compulsory age withdraws from school, the teacher of the child shall ascertain the reason. The fact of the withdrawal and the reason therefor shall be immediately transmitted by the

teacher to the superintendent of schools of the district in which the school is situated. If the child who has withdrawn from school has done so because of change of residence, the next residence shall be ascertained and shall be included in the notice thus transmitted. The superintendent shall thereupon forward a card showing the essential facts regarding the child and stating the place of his new residence to the superintendent of schools of the district to which the child has moved. The State Board of Education shall prescribe the forms to be used in the operation of this section.

Violation and Penalties

17. *Notice of violation.*—Every parent, guardian, or custodian of any child residing in any school district in the Commonwealth of Kentucky shall be held legally responsible for any violation of this act by such child. Before any proceedings are instituted against such parent, guardian, or custodian for violation of this act a written notice of such violation shall be served on such person by the attendance officer, and one day shall be given for the termination of such violation. After such one day's notice, if the violation is continued or if the provisions of this act are again violated during the school term by such child or ward, no further notice shall be necessary, and such parent or guardian shall be punishable as hereinafter provided. A notice, under the provisions of this section, by registered mail or by personal service by the attendance officer shall be a legal notice.

18. *Law applicable to all children residing in the commonwealth.*—Every child actually resident in the Commonwealth shall be amenable to the laws relating to compulsory attendance and neither he nor the person in charge of him shall be excused from the operation of said laws or the penalties under them on the ground that the child's residence is seasonable or that the parent of the child is a resident of another state. The board of education of any school district shall admit without tuition charge any child actually resident in the district who would otherwise be deprived of school privileges in this Commonwealth.

19. *Work permits.*—It shall be unlawful for any person, firm or corporation to hire or employ or permit any child between the ages of seven years and sixteen years as heretofore defined, to work in any gainful occupation until such person, firm, or corporation shall have secured and placed on file in the office of such person, firm, or corporation the work permit for such child as hereinbefore described.

20. *Penalty for violation by parent.*—Any parent, guardian, or custodian who has charge or control of a child between the ages aforesaid and who willfully fails to comply with the foregoing requirements shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not to exceed ten dollars (\$10) and costs for the first offense, and not to exceed twenty dollars (\$20) and costs for each subsequent offense; but the court trying the case may, in its discretion, suspend enforcement of the punishment, if the child be immediately placed in attendance at a school as aforesaid,

and may finally remit the same if such attendance has continued regularly for the full school term. School attendance may be proved by an attested certificate of the principal or teacher in charge of the school

21. *Penalty for violation by employer.*—Any person, corporation, or firm, or agent or officer of a corporation or firm that fails to comply with any or all of the provisions of this act relating to compulsory attendance or that employs or suffers or permits any child to be employed in violation thereof is guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or by imprisonment in the county jail for not more than sixty (60) days or both such fine and imprisonment for each and every offense.

22. *Penalty for violation by school officer or teacher.*—Any principal or teacher, or other school officer who shall willfully fail to comply with the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) and may have his certificate revoked.

23. *Penalty for violation by attendance officer.*—Any attendance officer or assistant attendance officer who willfully fails to comply with the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50), and in addition thereto shall be removed from office and have his certificate revoked.

24. *Disposal of fines.* All fines imposed hereunder and all sums required to be paid as penalties under this act shall, after payments of the costs and prosecution and of recovery thereof, be paid into the treasury of the district board of education and become a part of the school fund of the district.

School Census

25. *Continuing census required.*—Each board of education shall maintain a permanent and continuing school census, of such nature that the number of children therein, the names and ages of such children, the nationality, occupation and post office address of each parent, guardian, or custodian may be determined at any time in each school district.

26. *Nature of census.*—It shall be the duty of the attendance officer of each school district working under the direction of the superintendent of schools to institute and maintain a complete and accurate permanent and continuous census of all children between the ages of six and eighteen years that reside in the school district; provided that a child's age shall be interpreted as being between six and eighteen whenever the child has reached his sixth birthday and until he has passed his eighteenth birthday. Such school census shall specify the name, date of birth, sex, and the names of parents, guardians, or custodians of each child, the post office address of each parent, guardian, or custodian, the school district in which the child resides, the school to which the child belongs, said school to be de-

scribed by number and name, and such other data as may be required by the Superintendent of Public Instruction. Each board of education shall furnish its attendance officer with such assistance as the board may deem necessary for the institution and maintenance of said permanent and continuing census.

27. *Report of census to the Superintendent of Public Instruction.*—It shall be the duty of the attendance officer of each school district on or before the first day of June of each year to prepare and make ready for the district board of education to mail to and cause to be placed in the hands of the Superintendent of Public Instruction a report showing the whole number of children who will be, on the first day of July following, between the ages of six and eighteen years, as heretofore defined, residing in the school district or districts which he serves. The report shall list the children according to the schools to which they belong in each school district. The report shall be made on forms furnished by the State Board of Education and shall contain such other information as required by the Superintendent of Public Instruction. A duplicate copy of the report shall be placed in the office of the district board of education. Such report shall be sworn to before a notary public as being a correct statement as shown by the school census on file in the office of the attendance officer.

28. *Penalty for false report of census.*—Should any attendance officer or other person willfully or fraudulently report a larger number of children of school age in any district than the actual number, or otherwise make a false report of the census to the Superintendent of Public Instruction, he shall be liable to a fine of not less than fifty dollars (\$50) and shall be liable to punishment for the crime of false swearing, and in addition, he shall be removed from office, and, in the case of an attendance officer, shall have his certificate revoked.

29. *Distribution of state per capita.*—The Superintendent of Public Instruction shall have the power to distribute the state per capita to each school district on the basis of the school census for such school district as shown by the annual report of the attendance officer as provided herein.

30. *Forms; rules and regulations of the State Board of Education.*—The State Board of Education shall provide the forms to be used in the operation of the provisions of this act relating to school census and shall have power to make rules and regulations for the operation of the permanent and continuing school census.

31. *State supervisor of attendance.*—For the purpose of supervising and enforcing the compulsory attendance laws, and the permanent and continuing school census within the several school districts of the Commonwealth, there shall be employed in the State Department of Education at least one person, whose full time shall be devoted to the supervision of the enforcement of the compulsory attendance and school census laws.

Special Schools

32. *Parental or truant schools.*—The board of education of any

independent school district embracing a city of the first or the second class, is hereby authorized and empowered to equip, maintain, and conduct one or more parental or truant schools for the purpose of affording a place where children of compulsory school age, and coming within the provisions of this act, and of the statutes of this Commonwealth concerning neglected, dependent, and delinquent children, may be enrolled for the purpose of discipline and instruction hereinafter provided.

Such school or schools may be located either within or without the corporate limits of the city; provided, however, that such school or schools shall not be located outside the county in which such city is located, and, provided further, that no such school shall be located at or near any penal institution.

No religious instruction shall be given in such school or schools except as is allowed by law to be given to public schools, but the board of education shall make suitable regulations so that inmates shall receive religious training in accordance with the belief of such children's parents or guardians, either by allowing such religious services to be held in such institution or by arranging for the attendance of public service elsewhere.

Any child committed to such school or schools, upon an order duly entered by the county court, may be allowed to return home upon probation and to remain while upon probation, subject to the friendly visitation and supervision of a probation officer of said county court, and subject at any time to be returned to such school if said child, in the opinion of the county court, shall violate the terms and conditions of its probation. No child shall be released upon probation in less than four weeks from the time of his or her commitment, nor thereafter, unless the court shall be satisfied that said child who is probationed, will attend regularly some public or private school as herein provided. If any child so released upon probation shall be regular in his or her attendance in school, and his or her conduct as a pupil shall be satisfactory for a period of one year from the date upon which he or she was released upon probation, he or she shall be finally discharged from such parental or truant school, and shall not be recommitted thereto, except in a subsequent proceeding undertaken according to the provisions of this act, and to the statutes of this Commonwealth concerning neglected, dependent, and delinquent children.

Any child released from said school or schools upon probation as herein provided, who shall violate the conditions of his or her probation at any time within one year thereafter shall, upon the order of the county court, be returned to such parental or truant school and shall not again be released upon probation within a period of three months from the date of such re-entering; and if such child shall violate the conditions of a second release upon probation, he or she shall be recommitted to such school and shall not be released therefrom on probation until he or she shall have remained in such school one year.

The board of education of independent school districts embrac-

ing cities of the first or the second class may establish any rules or regulations concerning such schools not inconsistent with this act or the Constitution or laws of this Commonwealth.

33. *District boards of education may provide for special education.*—Any district board of education in this Commonwealth is hereby authorized, subject to the approval of the State Board of Education, to provide for the instruction of children of proper school age by reason of defective eyesight and/or hearing or because of physical or mental handicap require special books or special instruction, or both, in order to profitably or safely attend the public schools in such district, and any district board of education may, subject to the approval and direction of the State Board of Education, select and furnish suitable books and equipment for use in such schools, elect qualified teachers, and provide services in the same manner as for other schools. Nothing in this act shall be so construed as to annul any law or regulations that may preclude from attendance upon the school children afflicted with communicable, eye disease or any other communicable disease. Any board of education providing such special instruction may, in its discretion, transport any or all of such children to and from school and pay for such transportation from its general funds.

ARTICLE VII

CERTIFICATION OF SCHOOL EMPLOYEES

1. *Certification authority.*—The certification of all superintendents, principals, teachers, supervisors, attendance officers, and other administrative, supervisory, or instructional employees shall be vested in the State Board of Education. All certificates provided for by this act and that may be issued under this act shall be issued in accordance with the published rules and regulations of the State Board of Education through its executive officer, the Superintendent of Public Instruction. Certificates shall be issued, reissued, and renewed to former students, students and graduates of the state teachers' colleges of Kentucky for white persons and of the College of Education of the University of Kentucky upon the basis of the completion of curricula prescribed by the Council on Public Higher Education for each or any of the certificates provided for herein or as may hereafter be provided by law, and the curricula when so prescribed shall be approved by the State Board of Education.

Certificates shall be issued to the former students, students and graduates of the two state institutions for colored persons in accordance with law and in accordance with the rules and regulations of the State Board of Education.

The State Board of Education is hereby authorized and directed to approve the curricula of any standard college or university, or of any department thereof for the training of teachers, when the curricula comply with the rules and regulations of the State Board of Education and when the institution shall have curricula equivalent to any or all the curricula prescribed for the state institutions for

any of the certificates for teaching issued to students of such schools and as shall have otherwise met the terms and conditions as hereinafter provided. Any student of such institution who shall have completed any of these curricula or the equivalent thereof, as approved by the State Board of Education, and who in addition thereto shall have completed the prescribed requirements for the issuance of certificates for teaching to students of the state institutions may, by the State Board of Education, be granted a certificate for teaching of the same validity and tenure as certificates which are issued to students completing like requirements in the state institutions.

2. *Definition of standard college or university; standard graduate work; semester and semester hour.*—An institution which is a member of the Association of Colleges and Universities of the Southern States or the American Association of Teachers Colleges or the Kentucky Association of Colleges and Universities or which may be recognized as an accredited institution by the University of Kentucky shall be deemed a standard college or university in the meaning of this act.

Standard college or university work of graduate grade shall be interpreted to mean approved work in an institution belonging to any of the accredited agencies set out herein and which institution has a program of work extending beyond four years of college or university work.

Within the meaning of this act, a semester shall consist of eighteen weeks (one-half year) of standard college or university work, and a semester hour shall consist of one academic or college hour per week for one semester.

3. *Kinds of certificates issued.*—There shall be issued the following kinds of certificates, namely, elementary certificate, high school certificate, and certificate in administration and supervision. Attendance officer certificates and emergency certificates may be issued as hereinafter provided.

(a) *Elementary certificates.*—An elementary certificate shall be valid for use in any elementary school in this Commonwealth.

(1) *Provisional elementary certificate.*—The provisional elementary certificate, valid for three years, shall be issued to a person who has completed a curriculum of two years (64 semester hours) for the training of elementary teachers in a standard college or university, and which curriculum meets the minimum standards prescribed by the State Board of Education for the issuance of such certificate. This certificate may be reissued or renewed after two years' teaching experience during the life of the certificate or upon the presentation of one-half year (16 semester hours) of additional standard college or university work earned during the life of the certificate and prescribed in the same manner as for the original issue, and may be renewed thereafter upon the presentation of one-half year (16 semester hours) of additional standard college or university work earned during the life of the certificate and prescribed in the same manner as for the original issue.

(2) *Standard elementary certificate.*—The standard element-

ary certificate, valid for four years, shall be issued to a person who is a graduate of a standard four-year college or university and who has completed a curriculum of four years (at least 120 semester hours) for the training of elementary teachers, which curriculum meets the minimum standards prescribed by the State Board of Education for the issuance of such certificate. This certificate may be reissued or renewed every four years after three years' teaching experience during the life of the certificate or upon the presentation of one-half year of standard college or university work of graduate grade prescribed in the same manner as for the original issue.

The standard elementary certificate may be extended for life upon the presentation of evidence of the holder having completed a standard four-year college or university curriculum (at least 120 semester hours) for the training of elementary teachers and in addition thereto one year of standard college or university work of graduate grade, prescribed in the same manner as for the original issue, and three years' teaching experience in the elementary field during the life of the certificate.

Each elementary certificate shall show on its face the curriculum the holder has completed for its issuance.

(b) *High school certificate.*—The high school certificate shall be valid for use in any high school in this Commonwealth.

(1) *Provisional high school certificate.*—The provisional high school certificate, valid for four years, shall be issued to a person who is a graduate of a standard four-year college or university and who has completed a curriculum of four years (at least 120 semester hours) for the training of high school teachers, which curriculum meets the minimum standards prescribed by the State Board of Education for the issuance of such certificate. This certificate may be reissued or renewed every four years after three years' teaching experience during the life of the certificate or upon the presentation of one-half year of standard college or university work of graduate grade earned during the life of the certificate and prescribed in the same manner as for the original issue.

(2) *Standard high school certificate.*—The standard high school certificate, valid for five years, shall be issued to a person who is a graduate of a standard four-year college or university and who has completed a standard four-year college or university curriculum for the training of high school teachers and who, in addition thereto, has completed one year of standard college or university work of graduate grade, all of which work meets the minimum standards prescribed by the State Board of Education for the issuance of such certificate.

The standard high school certificate may be extended for life upon presentation of evidence that the holder has had three years' teaching experience in the high school field during the life of the certificate.

Each high school certificate shall show on its face the curriculum the holder has completed for its issuance.

(c) *Certificates in administration and supervision.*—Certificates in administration and supervision shall be valid for use in any

position of superintendent, principal, supervisor, teacher, or attendance officer.

(1) *Provisional certificate in administration and supervision.*—The provisional certificate in administration and supervision, valid for four years, shall be issued to a person who has had at least two years' successful teaching experience and who is a graduate of a standard four-year college or university and who has completed a standard four-year college or university curriculum (at least 120 semester hours) for the training of administrators and supervisors, which curriculum meets the minimum standards prescribed by the State Board of Education for the issuance of such certificate. This certificate may be reissued or renewed every four years after three years' experience during the life of the certificate or upon presentation of one-half year of standard college or university work of graduate grade, prescribed in the same manner as for the original issue.

(2) *Standard certificate in administration and supervision.*—The standard certificate in administration and supervision, valid for five years, shall be issued to a person who has had at least two years' successful teaching experience and who is a graduate of a standard four-year college or university and who has completed a standard four-year college or university curriculum for the training of administrators or supervisors, and who, in addition thereto, has completed one year of standard college or university work of graduate grade, all of which work meets the minimum standards prescribed by the State Board of Education for the issuance of such certificate.

The standard certificate in administration and supervision may be extended for life upon presentation of evidence that the holder has had three years of successful experience during the life of the certificate.

Each certificate in administration and supervision shall show on its face the curriculum the holder has completed for its issuance.

4. *Attendance officer's certificate; emergency certificates.*—The State Board of Education, upon the recommendation of the Superintendent of Public Instruction, shall prepare rules and regulations providing for the certification of attendance officers, and it may provide for the issuance of emergency certificates.

5. *Certificates of former issue.*—The validity of any teacher's certificate or license in force at the time this act goes into effect shall not be impaired by this act, and such certificate or license shall be reissued or renewed in accordance with the terms of the law applying at the date of issue.

6. *Renewal of certificates.*—Certificates lower than the standard provided for in this act may be raised to a higher grade only by completing in a standard college or university the amount of academic and professional work prescribed for such renewal or for such higher grade certificate.

7. *Fees.*—A fee of two dollars (\$2) shall be paid for each issuance of a certificate and a fee of one dollar (\$1) for each renewal or conversion from lower to higher grade. Fees thus collected shall be

used toward defraying operating expenses of the Division of Teacher Training and Certification of the State Department of Education.

8. *Power to revoke certificates.*—The State Board of Education may, on the written recommendation of the Superintendent of Public Instruction, revoke, for immorality, misconduct in office, incompetency, or willful neglect of duty, any certificate issued under this act, or any certificate or license issued under any previous act, to superintendents, principals, teachers, supervisors, attendance officers, or other administrative, supervisory, or instructional employees, after giving the defendant a copy of the charges against him and an opportunity, upon not less than ten days' notice, of being heard in person or by counsel.

9. *All regular school officials and employees shall hold certificates.*—Each superintendent, principal, teacher, supervisor, attendance officer, or other administrative, supervisory, or instructional employee shall hold the kind and grade of certificate provided by law, for qualifying such person to hold such position.

10. *General qualifications for certificates; certificates required.*—No person shall receive or hold any certificate provided for in this act who does not present evidence of a good moral character, or who is under eighteen years of age; and no one shall be eligible to hold any public school position for which certificates may be issued, or receive salary for services rendered in such position, who does not hold a certificate of legal qualifications for such position.

11. *State Board of Education to publish rules and regulations and information about certificates.*—The State Board of Education, upon the recommendation of the Superintendent of Public Instruction, shall from time to time publish bulletins containing information on the kinds and grades of certificates issued, the rules and regulations governing the issuance of each kind and grade of certificate issued, schools offering teacher-training courses, the renewal of certificates, the transfer of certificates to and from other states, the acceptance of credentials from institutions of other states, and such other information relating to the training and certification of teachers as it deems advisable.

12. *Effective date.*—The provisions of section 3, Article VII, of this act, shall become effective on and after September 1, 1935, and until this date certificates shall be issued in accordance with sections 7, 8, 9, Chapter 86, Acts of 1926, as amended by Chapter 70, Acts of 1932.

ARTICLE VIII

TEACHERS

1. *Prescribed duties.*—Each board of education shall have the power and it shall be its duty to fix and prescribe the duties to be performed by all persons in public school service in the district:

2. *Certificate to be filed.*—No teacher or other person shall enter upon the duties of a position requiring certification qualifica-

tions until his or her certificate has been filed or credentials registered with the board of education employing such person.

3. *Enforcement of course of study, use of textbooks, and regulations.*—Each teacher in the public schools must enforce the course of study, the use of the legally authorized textbooks, and the rules and regulations prescribed for the schools, and if any teacher shall willfully refuse or neglect to comply with the law or such rules and regulations the board of education, upon recommendation of the superintendent, may remove him or her at any time; and in case of such dismissal or removal, the said teacher shall receive payment only for the time taught.

4. *Responsibility for pupils' conduct.*—Each teacher in the public schools is authorized and directed to hold pupils to a strict account for their conduct in school, on the way to and from school, on the playgrounds, or during intermission or recess; and for good cause said teacher may, as hereinbefore set out, cause to be suspended any pupil.

5. *Teacher to keep records.*—Each teacher in the public schools must keep an approved record which shall be left with the superintendent or as he may direct at the close of the term and which shall show the program of recitations, classification, attendance, and grading of all pupils who have attended school at any time during the school year and such other facts as may be required.

6. *Teacher to make reports.*—Each teacher or other person in the public schools shall make such monthly, annual, and special reports and inventories to the district superintendent at the time and in the manner and on the blanks prescribed by the district board of education and the State Board of Education. Any teacher who shall willfully make a false monthly or term report of time taught or other item or shall willfully fail to make a required report shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of fifty dollars (\$50) and shall have his certificate revoked.

7. *Term covered by report.*—Any teacher who shall end any school term before the close of the school year shall make a report to the superintendent immediately after the close of the term; and any teacher who may be teaching any school at the end of the school year shall in his or her annual report include all statistics for the entire school year, notwithstanding any previous report for a part of the year.

8. *Penalty for abuse of teacher.*—Any parent, guardian, or other person who upbraids, insults, or abuses any teacher of the public schools in the presence of the school or in the presence of a pupil thereof shall be guilty of a misdemeanor and shall be liable to a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100).

9. *Exemption from jury service.*—Superintendents, principals, teachers, and other employees of boards of education in the several school districts of this Commonwealth shall be exempt from service on any grand or petit jury and from serving as an election officer during the term of his contract with a board of education.

10. *Salary may not be garnisheed.*—The salary of any teacher

or other employee of the public schools shall not be subject to any action of attachment or garnishment.

ARTICLE IX

TEACHER RETIREMENT

1. *Power to establish.*—Boards of education of independent school districts embracing cities of the first and second classes may and are hereby empowered to establish retirement systems for the purpose of providing retirement allowances and other benefits for teachers and other school employees. A retirement system so created shall have the powers and privileges of a corporation and shall be known as "The Teachers' Retirement System of the Schools of, Kentucky," and by such name all of its business shall be transacted, all of its funds invested, and all of its cash and securities and other property held.

2. *Power to modify existing system.*—In independent school districts embracing cities of the first and second classes which are already operating insurance and annuity systems for teachers or for teachers and other employees, full authority to adopt, modify, change, or revise the present systems, including pensions already granted, is by this act conferred upon the boards of education of such school districts, subject to the approval of the board of governing body of the existing system and subject also to the provisions hereinafter stated.

3. *Board of trustees.*—A teachers' retirement system continued reorganized or established under the provisions of this act shall have a board of trustees selected according to regulations established by the board of education of the district; provided that a majority of the membership of the board of trustees of the retirement system shall be classroom teachers or school principals; and provided further that the superintendent of schools shall be a member of such board of trustees. The board of trustees of the retirement system shall elect officers and carry on the business of the system. It shall have power, subject to the approval of the board of education, to make definite by-laws and regulations for the holding of meetings, the collection and disbursement of money, securities, and property of the retirement system continued, reorganized or established under the provisions of this act.

4. *Regulations not necessarily uniform.*—Each board of trustees of retirement systems in independent school districts embracing cities of the first and second classes may adopt, subject to the provisions of this act, such regulations as are necessary to the effective operation of the retirement system without regard to regulations adopted by any other such board of trustees.

5. *Holding and investment of funds.*—The funds of a retirement system continued, reorganized, or established under this act shall be held independently of the funds of the employer. The investment of such funds shall be limited to bonds of the United States government or of any state, county, city, or other municipal corpor-

ation, first mortgages to fifty (50) per cent of appraised value, and interest bearing deposits at not less than three (3) per cent in banks and trust companies, where secured, of the city in which the retirement system operates.

6. *Contributions of teachers and the board of education; limitations.*—The participating teachers and other employees, and the board of education in districts in which such a retirement system is continued, reorganized or established may contribute to the retirement fund and the rates of the contribution shall be fixed by the board of trustees of the retirement system on the basis of careful actuarial investigations, and shall be adequate and sufficient to support the benefits granted in the system set up; provided that the total contribution of the board of education shall be at least the equal of the total contributions of the members of the system. The board of trustees of the retirement system may increase or decrease the rates of contribution whenever such action is deemed by them to be necessary to preserve the solvency and equity of the system as determined by actuarial studies; provided that the contribution of the board of education of a city of the first class shall in no case exceed the returns from a tax rate of four and one-half cents ($4\frac{1}{2}c$) on each one hundred dollars (\$100) of assessed valuation subject to local school tax in said district, and that the contribution of a board of education of a city of the second class shall in no case exceed the returns from a tax rate of two cents ($2c$) on each one hundred dollars (\$100) of assessed valuation subject to local school tax in said district.

7. *Duty of tax levying authority.*—It shall be the duty of the board of education in cities of the second class, the board of aldermen in cities of the first class, or such other agency to which the General Assembly may in the future delegate the function of levying taxes for local school purposes in independent school districts embracing cities of the first and second classes, to levy the tax rate recommended by the board of trustees of the retirement system; provided that the rate of taxation in a city of the first class shall not exceed four and one-half cents ($4\frac{1}{2}c$) on each one hundred dollars (\$100) of assessed valuation subject to local school tax in said district, and provided the rate of taxation in a city of the second class shall not exceed two cents ($2c$) on each one hundred dollars (\$100) of assessed valuation subject to local school tax in said district.

8. *Necessary reserves to be created.*—A retirement system continued, reorganized, or established under the provisions of this act shall create and maintain reserves on the basis of an interest rate not in excess of four per cent (4%) per year and on the basis of mortality disability, and other experience tables derived from reliable experience for such or a similar group of employees and approved by the board of education, which reserves shall be calculated to be adequate to cover the liabilities on account of benefits payable under the contracts or by-laws; provided, however, that the reserves required in respect to service rendered or benefits granted prior to the date of organization or reorganization of such system under the provis-

ions of this act may be accumulated on a basis calculated to produce a balance between the actuarial present value of the assets and of the liabilities of the system within a period agreed upon by the boards of trustees of the retirement system and the board of education.

9. *Exemption from taxation and attachment.*—The property of a retirement system for teachers and other employees of boards of education, the portion of wages or salary of a teacher deducted or to be deducted, the right of an employee to a retirement benefit, and all his rights in the funds of the system shall be exempt from taxation and shall not be attached or taken on execution or other process to satisfy any debt or liability of the employee or of any member of the system.

10. *Records and reports.*—The board of trustees of a retirement system continued, reorganized, or established under this act shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the system, and for checking the experience of the participants in such funds. The board of trustees of the retirement system shall keep a record of all its proceedings which shall be open to inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding year, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities.

11. *Appointment of an actuary; duties.*—The board of trustees of the retirement system shall designate an actuary or other competent accountant or expert who shall be the technical adviser of the board of trustees on matters regarding the operation of a retirement system created by the provisions of this act and who shall perform such other duties as are required in connection therewith. In connection with the continuation, reorganization, or establishment of a retirement system under the provisions of this act, the actuary shall make such investigation of the mortality, service, and compensation experience of the members of the system as he shall recommend and the board of trustees of the retirement system shall authorize and, on the basis of such investigation, he shall recommend for adoption by the board of trustees of the retirement system such tables and such rates as are necessary. The board of trustees of the retirement system shall adopt such tables and certify such rates, and as soon as practicable thereafter the actuary shall make a valuation on the basis of such tables and rates of the assets and liabilities of the system.

12. *Periodic investigation.*—At the time a teachers' retirement system is reorganized or established under the provisions of this act, and at least once in each five-year period thereafter the actuary or other competent accountant or expert shall make an actuarial investigation into the mortality, service, and compensation experience of the members and beneficiaries of the retirement system, and shall make a valuation of the assets and liabilities of the funds of the sys-

tem, and taking into account the result of such investigation and valuation which shall be by him duly reported to the board of trustees of the retirement system, shall adopt for the retirement system such mortality, service, and other tables as shall be deemed necessary, shall certify the rates of contribution payable by members, and shall certify the rates of contribution payable by the board of education.

13. *Annual report by actuary.*—On the basis of such tables as the board of trustees of the retirement system shall adopt, the actuary or other competent accountant or expert shall make and report to the board of trustees an annual valuation of the assets and liabilities of the funds of a retirement system established under the provisions of this act.

14. *Obligations of the board of trustees of the system.*—The creation and maintenance of reserves in all funds, and the payment of all pensions, annuities, retirement and disability allowances, refunds and other benefits contracted for under the provisions of a retirement system which is reorganized or newly established under the provisions of this act are hereby made obligations of the board of trustees of the system.

15. *Penalty for fraud; correction of errors.*—Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the retirement system in any attempt to defraud such system as a result of such act shall be guilty of a felony, and shall be punishable under the laws of the Commonwealth of Kentucky. Should any change or error in the records result in any member or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the board of trustees of the retirement system shall correct such error, and as far as practicable, shall adjust the payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

16. *Special limitations.*—A retirement system continued or established under the provisions of this act shall be subject to rules and regulations adopted by the board of trustees of the system, but shall conform to the following provisions:

a) The board of trustees of any retirement system established under the provisions of this act shall maintain for each member a separate account of all deposits made.

b) Membership shall be compulsory for all individuals who are employed by the board of education after the reorganization or establishment of a retirement system under the provisions of this act; provided, they are in one of the classes of employees included in the retirement system.

c) The reorganization or establishment of a retirement system under the provisions of this act shall in no manner cause a member of a previously existing insurance or annuity system to suffer a loss of any part of the actual deposits to which the member may have been entitled under the previous system.

d) A retirement system adopted under the provisions of this act shall guarantee the member who leaves the system before retire-

ment under any of its provisions, the part of the actual deposits to which the member may have been entitled under the previous system, and the full amount of his individual deposits under a reorganized or newly established system and, at the option of the board of trustees of the retirement system, the accrued interest thereon.

e) In the case of the death of a member prior to retirement under any of the provisions of the system, the part of the actual deposits to which the member may have been entitled under the previous system, and the full amount of his individual deposits under a reorganized or newly established system, and at the option of the board of trustees of the retirement system, the accrued interest thereon shall be owing and payable to his estate.

f) Each retirement system established under the provisions of this act shall provide for the compulsory retirement from service of all members at an age to be determined by the board of trustees of the system; provided, the age of compulsory retirement shall not be in excess of seventy (70) years.

ARTICLE X

VOCATIONAL EDUCATION AND VOCATIONAL REHABILITATION

1. *Federal acts accepted by the Commonwealth.*—The Commonwealth of Kentucky hereby accepts all the provisions of an act of Congress of the United States entitled, "An act to provide for the promotion of vocational education; to provide for cooperation with the states for the promotion of such education in agriculture and the trades and industries; to provide for the cooperation with the states in the preparing of teachers of vocational subjects, and to appropriate money and regulate its expenditure," approved February twenty-third, one thousand nine hundred and seventeen. The Commonwealth of Kentucky also hereby accepts the provisions and benefits of the act of Congress, entitled, "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June second, one thousand nine hundred and twenty. And the said Commonwealth also hereby accepts the provisions and benefits of an act of Congress to provide for the further development of vocational education in the several States and Territories, approved February fifth, one thousand nine hundred and twenty-nine. In accepting the benefits of said acts of Congress, the Commonwealth of Kentucky hereby agrees to comply with all of their provisions and to observe all of their requirements.

2. *State Board of Education to administer vocational education and vocational rehabilitation.*—The State Board of Education is hereby vested with authority to carry out the purposes and provisions of said acts of Congress and is hereby given all necessary power and authority to cooperate with the federal agencies administering vocational education and vocational rehabilitation in the carrying out of the provisions of the federal acts under this acticle, and all officers or other employees of the State Board for Vocational Educa-

tion in office or under contract at the time this act goes into effect shall serve out the terms for which elected, unless removed for cause.

3. *Appropriations for vocational education and vocational rehabilitation.*—The necessary funds for carrying out the provisions of this act relating to vocational education and vocational rehabilitation shall be appropriated out of the general fund of the state treasury by the General Assembly. The money so appropriated shall be payable to such institutions and in such amounts as may be designated by the State Board of Education in accordance with federal rules and regulations.

4. *Powers and duties.*—The State Board of Education shall appoint, fix the duties, compensation, and tenure of all necessary administrative, supervisory, and clerical assistants as it deems necessary to carry out the provisions of this act relating to vocational education and vocational rehabilitation and the appointments shall be made in the same manner as provided in this act for the appointments of administrative, supervisory, and clerical assistants in the State Department of Education, and all employees of said board shall be reimbursed for all necessary traveling expenses incurred in the performance of their official duties.

The State Board, on the recommendation of the Superintendent of Public Instruction, is hereby empowered to make such rules and regulations as it may deem necessary for the effective carrying out of the provisions of this act relating to vocational education and vocational rehabilitation, which rules and regulations shall be published and said board may prepare and print such courses of study and make such reports as it deems necessary for carrying out the provisions of the federal acts.

5. *Definitions.*—For the purpose of this act the term "persons disabled" shall be construed to mean any person who, by reason of a physical defect, or infirmity, whether acquired by accident, injury or disease, is or may be expected to be totally or partially incapacitated for remunerative occupation; the term "rehabilitation" shall be construed to mean the rendering of a disabled person fit to engage in a remunerative occupation.

6. *Eligibility for rehabilitation.*—To be eligible to receive vocational rehabilitation from the State Board, disabled persons must have been domiciled within the state for one year or more, or reside in the state at the time of sustaining disability.

7. *State Treasurer designated custodian of funds.*—The State Treasurer is hereby made the custodian of any and all moneys received by the Commonwealth from the federal government under the vocational education and vocational rehabilitation acts, and it shall be his duty to collect said money and to pay out same upon the order of the State Board of Education.

8. *State Board authorized to receive gifts and donations.*—The State Board of Education is hereby authorized and empowered to receive such gifts and donations, either from public or private sources, as may be authorized unconditionally or under such conditions related to vocational rehabilitation of persons disabled in industry or otherwise as in the proper judgment of the State Board

of Education are proper and consistent with the provisions of this act. All moneys received or gifts, or donations shall be deposited in the state treasury and shall constitute a permanent fund to be called the special fund for the vocational rehabilitation of disabled persons. A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all disbursements therefrom shall be submitted annually to the Governor by the State Board of Education.

ARTICLE XI

HIGHER EDUCATION

Council on Public Higher Education

1. *Council created.*—For the purpose of coordinating the work of higher education in this Commonwealth, there is hereby created a Council on Public Higher Education in Kentucky.

2. *Membership of Council.*—The Council on Public Higher Education shall be composed of the following members: The president or chief executive officer of each of the following institutions of higher learning for white persons—the University of Kentucky, Eastern Kentucky State Teachers College, Western Kentucky State Teachers College, Murray State Teachers College, and Morehead State Teachers College; a member, other than the Superintendent of Public Instruction, of the board of regents of each of the four about mentioned state teachers' colleges, said member to be selected by the board of regents of each teachers' college; three appointive members of the board of trustees of the University of Kentucky to be selected by the board of trustees of said University; two lay members of the State Board of Education to be selected by the State Board of Education; the dean of the College of Education of the University of Kentucky; and the Superintendent of Public Instruction of the Commonwealth, who shall be ex officio chairman of the Council.

3. *Powers, duties, and functions.*—This council of sixteen members shall be known as the Council on Public Higher Education in Kentucky. It shall be the duty of the Council on Public Higher Education in Kentucky, and it shall have power:

a) To coordinate the work of the various institutions of higher learning for white persons in Kentucky in the interest of efficiency and economy.

b) To determine the curricular offerings for the five institutions of higher learning for white persons in this Commonwealth, namely, the University of Kentucky, Eastern Kentucky State Teachers College, Western Kentucky State Teachers College, Murray State Teachers College, and Morehead State Teachers College.

c) To determine the amount of entrance fees and the qualifications for admission to each of the above mentioned institutions of higher learning for white persons.

d) To consider the budgetary requirements of each of the above mentioned institutions of higher learning in Kentucky and, on the basis of the needs of the various institutions, as indicated by the individual budget submitted, to recommend to the state budget committee or other proper authority a budget covering the needs of the five institutions.

e) To require such reports from the executive officers of each of the above mentioned institutions of higher learning as it may deem necessary for the effectual performance of its duties.

f) To public at least biennially a report of the educational and financial affairs of the five institutions of higher learning for white persons maintained by the Commonwealth.

g) To elect, if it deems necessary, a part-time or a full-time secretary.

4. *Duties of the boards.*—It shall be a duty of the board of regents of each of the above mentioned teachers' colleges and the board of trustees of the University of Kentucky to make such changes or adjustments in the curricula and such rules and regulations affecting their schools as will be necessary to carry out and put into effect the rulings of the Council on Public Higher Education in regard to curricular offerings, entrance fees, and qualifications for admission to, and reports from their respective institutions of higher learning.

5. *Expenses of Council.*—All expenses, other than the expenses of the individual members, incurred by the Council on Public Higher Education in the performance of its duties, in the employment of a secretary, or in the publishing of reports shall be borne by each of the five institutions represented on the Council in proportion to its number of representatives on the Council. It shall be the further duty of the governing board of each institution to pay such expenses out of the funds of the institution.

6. *Expenses of members.*—The members of the Council shall serve without pay, but they shall be reimbursed for their necessary traveling and other expenses while attending the meetings of the Council. Each institution shall pay the traveling and other necessary expenses of its own representatives. The expenses of the members of the State Board of Education and of the Superintendent of Public Instruction shall be paid by the Commonwealth in the same manner as their other traveling expenses are paid.

7. *Number of meetings.*—The Council on Public Higher Education in Kentucky shall meet at least twice each year at such times as it may by resolution determine. Special meetings may be called by the chairman; and, upon request of three institutions represented on the Council, the chairman shall call a special meeting of the Council.

8. *Place of Meeting.*—The Council shall meet in the office of the Superintendent of Public Instruction or such other place as the Council may designate.

9. *Notice of meeting.*—Notice of each meeting shall be given

by the chairman at least ten days prior to the time of the meeting, unless notice of the meeting is waived by all members of the Council.

10. *Quorum.*—A majority of the entire Council shall constitute a quorum for the transaction of business, but no business shall be transacted and no proposition declared carried unless a majority of the entire Council shall vote for the same.

UNIVERSITY OF KENTUCKY

11. *Recognition of establishment.*—There is hereby recognized as established and maintained the University of Kentucky, located at Lexington, being the same institution founded under the land grant of 1862 by the Congress of the United States under the corporate designation and title of "Agricultural and Mechanical College of Kentucky." The said state university shall be maintained by the Commonwealth with such endowments, incomes, buildings, and equipments as shall enable it to do work such as is done in other institutions of corresponding rank, both undergraduate and postgraduate, and embracing the work of instruction as well as research.

12. *Colleges maintained.*—The University of Kentucky as now established and maintained includes the following colleges and schools: The College of Arts and Science, The College of Agriculture, The College of Engineering, The College of Law, the College of Education, The College of Commerce, and The Graduate School. The colleges, schools, divisions, departments, bureaus, and/or offices now established and maintained or which in the future may be established by the board of trustees of the University shall constitute the University of Kentucky.

13. *Government of the University.*—The government, administration, and control of the University of Kentucky is hereby vested in a board of trustees, constituted and appointed as follows: The Governor of Kentucky, who shall be chairman of the board; the Superintendent of Public Instruction, and the Commissioner of Agriculture, Labor and Statistics, who shall be ex officio members; and twelve citizens of Kentucky, discreet, intelligent and prudent, who shall be appointed by the Governor of Kentucky according to the following manner: Four members shall be appointed each biennium for a term of six years, and until their successors are appointed and qualified. One of the four so appointed shall be a member of the State Board of Agriculture, one shall be from the alumni of the University, and the other two shall be distinguished citizens of the Commonwealth. The board of trustees shall be bipartisan and the Governor, in making the appointments of the trustees, shall make them so as to divide the representation upon said board equally between the two leading political parties of this Commonwealth, including the exofficia members.

With the exception of the members of the board of trustees appointed from the alumni of the University, no two members of the board of trustees who are appointed by the Governor shall be residents of any one county in Kentucky.

All appointments as members of the board of trustees by the Governor shall be made during the month of January in even years.

The board of trustees of the University shall prescribe the method by which the alumni may at its annual meeting or at a special meeting called for that purpose, nominate to the Governor three persons from whom the alumni members shall be appointed; provided that no alumnus shall be permitted to vote for the nomination of alumni trustees in the year in which such alumnus has secured his or her degree; and provided further, that if the alumni should fail to make nominations to the Governor for any year in which nominations are to be made, the Governor shall for that year appoint the alumni trustees from the entire alumni, a list of which shall be provided by the secretary of the Alumni Association.

No member of the board of trustees shall be held to be a public officer by reason of his or her membership on said board.

The Governor shall make all regular appointments under this act upon the expiration of the terms of office of the present board members; provided, that all members of the board of trustees in office when this act goes into effect shall be permitted to serve out the term for which appointed.

In case of vacancies by resignation, removal, or death, the Governor shall fill such vacancies by appointment for the unexpired term. Such appointments shall be made in the same manner as provided for regular appointment of members of the board of trustees.

14. *Regular and special meetings.*—The board of trustees of the University shall meet at least four times a year as follows: On Tuesday preceding the regular annual commencement of the University, on the third Tuesday in September, on the second Tuesday in December, and on the first Tuesday in April of each year.

Special meetings of the board may be called by the chairman or by any three members of the board upon giving ten days' notice of the meeting in writing to each member of the board, but at such special meetings the business to be transacted shall be specified in the notice of the meeting. All meetings shall be held on the campus of the University, unless otherwise specified by the majority vote of the board.

15. *Majority of board a quorum.*—A majority of the whole board shall constitute a quorum for the transaction of business.

16. *Expenses of trustees paid.*—All necessary expenses incurred by the trustees in going to, returning from, or while attending the meetings of the board, shall be met and discharged out of the funds of the institution.

17. *Vice-chairman; officers; by-laws.*—The board of trustees shall have the power to elect a vice-chairman and such other officers as it may deem wise, and shall have power to make such by-laws, rules, and regulations not inconsistent herewith as it may deem proper.

18. *Powers and duties of the board of trustees.*—The board of trustees, when appointed and qualified, shall be a body corporate, under the corporate name of the University of Kentucky, and as a corporation shall have the power to sue and be sued, implead and

be impleaded, contract and be contracted with, and possess all the immunities, rights, privileges, and franchises usually attaching to the governing bodies of educational institutions. They shall have power to receive, hold and administer, on behalf of the institution whose government, administration and control is committed to them, all revenues accruing from all existing or future endowments, appropriations, allotments, grants, or bequests by whomsoever made, subject to the conditions attaching thereto; to receive, administer and apply, for and on behalf of said University, all moneys, devises, stocks, bonds, buildings, museums, lands, apparatus, and so forth, under the conditions attaching thereto.

19. *Purchase of real estate; condemnation.*—The board of trustees shall have the power to acquire additional lands, or other property or material for the purpose of expanding its plant and extending its usefulness, and when unable to contract or agree with the owner or owners of such land, other property or material necessary for the purposes of such University, may proceed to condemn and acquire such land, or other property or material, or so much thereof as may be necessary for the purposes of such University. All condemnation proceedings herein provided for shall be conducted in the same manner as provided by law for condemning land for railroad purposes.

20. *Government of University; trustees to establish rules for.*—The board of trustees shall have power to establish proper regulations for the government of the University and the physical training, military or otherwise, of the students, and to authorize the suspension and dismissal of students for neglect or violation of the regulations, or for other conduct prejudicial to the character and welfare of the institution.

21. *Power to determine colleges, departments, bureaus, and offices.*—Said trustees shall have power to determine from time to time the colleges, schools, divisions, departments, bureaus, and/or offices which the University shall comprise within the scope of the organic act of Congress, or acts supplementary thereto, donating land scrip for the endowment of agricultural and mechanical colleges; the relation which each division shall sustain to each other division and to the whole; to devise, allot, and arrange the distribution of divisions with the designation appropriate for each; and to devise the means required for their effective instruction, administration, and government.

Said board of trustees shall have the power to appoint a president, professors, assistants, tutors, and other officers, and to determine their salaries, duties, and official relations of each; and shall provide for a definite salary in money attached to all positions created and filled by the board of trustees; and there shall be no additions thereto in the form of fees, prerequisites or emoluments of any kind whatever. They shall have full power to suspend or remove any of the officers, teachers, professors, or agents whom they are authorized by law to appoint, and to do all other acts which may be needful for the welfare of the institution.

22. *Grounds for removal.*—No president, professor, or teacher

shall be removed except for incompetency, neglect of or refusal to perform his duty, or for immoral conduct, nor shall such president, professor, or teacher be removed until after ten days' notice in writing, stating the nature of the charges preferred; and such person shall have an opportunity to make defense before the board by counsel or otherwise, and shall be allowed to introduce testimony which shall be heard and determined by the board.

23. *No contract unless funds appropriated; penalty.*—It shall be illegal for an officer, trustee, or any person in any way connected with the University of Kentucky to contract any obligations for or on behalf of the said University, where there is no money, or insufficient money, in the treasury or has been no money appropriated for the purposes for which said contract or obligation was made, and any of said persons who fail to comply with this law shall be fined in each case not less than two hundred and fifty dollars (\$250) nor more than two thousand dollars (\$2,000) or confined not less than ten days in jail nor more than six months, or both so fined or imprisoned.

24. *Preference not to be shown to any religion.*—In the appointment of presidents, Professors, or instructors no preference shall be shown to any religious denominations.

25. *Degrees may be granted by trustees.*—Said board of trustees shall have power to grant degrees to its graduates, to prescribe conditions upon which postgraduate honors shall be obtained by its alumni and others, and to confer such honorary degrees, upon the recommendation of the faculty of the institution, as they may think proper.

26. *Report to General Assembly.*—The board of trustees shall make to the General Assembly, within the first month of each regular session, a full report of the condition and operation of the University since the date of the presiding report, with such recommendations concerning the University as may be deemed necessary.

27. *Executive committee; powers.*—The board of trustees shall annually elect an executive committee of five, which executive committee shall have such powers as may be delegated to it by the board of trustees. The executive committee shall submit to the board of trustees at each meeting, for its consideration and approval, a complete record of its proceedings; provided, however, that the authority of the board to revise the acts of the executive committee shall not extend to the rejection of any valid or any authenticated expenditure of money by said executive committee.

28. *Treasurer; bond; accounts and statements; action against.*—The treasurer of the University shall enter into covenant with the Commonwealth of Kentucky, with one or more good securities bound therein, to be approved by the board of trustees, conditioned for the faithful performance of his duties, and the payment of all moneys that shall come to his hands, to his successors in office, or to such person or persons as may be lawfully entitled to receive the same. Any person or persons, including the board of trustees, injured by any breach of this bond, may maintain in the Fayette Circuit Court appropriate action thereon. The said treasurer shall keep an itemized

account of receipts and expenditures, and shall pay out no money except on authorization of the board of trustees, given directly or through its executive committee. He shall render to the executive committee monthly statements of receipts and expenditures, and amount on hand, and a full detailed statement, with vouchers, for the information and action of the board of trustees at its regular annual meeting, and at other periods when required.

29. *All acts relating to the A. & M. College continued in force.*—All acts of the General Assembly of the Commonwealth of Kentucky, making provision for the establishment, support, and maintenance of the Agricultural and Mechanical College of Kentucky, hitherto enacted, viz.: An act appointing a commission for the location of the Agricultural and Mechanical College, approved March 13, 1878; an act locating and establishing the Agricultural and Mechanical College, approved February 6, 1880; an act incorporating the Agricultural and Mechanical College approved March 4, 1880; an act amending the act of incorporation, approved April 23, 1880; an act of the General Assembly, approved April 29, 1880, and Section 184 of the Constitution of Kentucky, guaranteeing the validity of the tax levied for the benefit of the Agricultural and Mechanical College by said act, approved April 29, 1880; an act of incorporation amending the acts of March 4, 1880, and April 23, 1880, approved May 9, 1893; an act for the maintenance of the girls' dormitory, approved March 21, 1900, and an act making an annual appropriation for the maintenance and support of the University, which became a law March 26, 1904; and that all the acts of the Congress of the United States, creating and endowing colleges under the land grant of 1862, viz.: The act providing for the establishing of the college for the benefit of agricultural and mechanical arts, approved July 2, 1862; the act of establishing experiment stations as departments of agricultural colleges, approved March 2, 1887; the act for applying a portion of the proceeds of the public lands to the more complete endowment of the colleges established under the act of July 2, 1862, which passed the Senate June 23, 1890; the act known as the "Adams Act," further endowing experiment stations, passed by Congress March 16, 1906; an act known as the "Nelson Act" for the further endowment of agricultural and mechanical colleges passed by Congress March 4, 1907, shall not be affected by this act unless specifically repealed, and the revenue accruing from these and from all other sources, state and federal, shall continue to be paid over by the state and federal authorities to the treasurer of the University of Kentucky, Lexington, Kentucky, for its use and maintenance, in accordance with the provisions of said acts of Congress and of the General Assembly of Kentucky. All other acts passed by the General Assembly of Kentucky, and all regulations made by the board of trustees in pursuance thereof, for the government of the Agricultural and Mechanical College, shall continue in effect and apply to the government of the University of Kentucky, Lexington, Kentucky, except to the extent herein set out or specifically repealed.

30. *An Act of Congress to be carried out.*—That the require-

ments of the law of Congress, approved July 2, 1862, for the instruction in these branches of learning, relating to agriculture and the mechanic arts and to military tactics, shall be carried out fully and that those branches shall continue to be integral and indispensable course of instruction in the University of Kentucky; and that in addition to the other colleges of the said university, one of the colleges shall be denominated the Colleges of Agriculture, and another the College of Engineering of the University of Kentucky.

World War Veterans Scholarships

31. *Persons engaged in military and naval service during World War entitled to scholarships; privileges included.*—Every person who was engaged in the military or naval service of the United States of America during the war with Germany and her allies, which war was declared April 6, 1917, and who was at the time of his enlistment a resident of the Commonwealth of Kentucky, shall be entitled to a free scholarship in either the University of Kentucky, Eastern Kentucky State Teachers College, Western Kentucky State Teachers College, Murray State Teachers College, Morehead State Teachers College, the Kentucky State Industrial College, and the West Kentucky Industrial College, as he or she may choose for a period required for the completion of the course of study selected by such person. Said scholarship shall include free tuition, matriculation, and other fees, room rent, fuel and lights, and the advantages and privileges of the University or either of said normal schools, but same does not include free board.

32. *Persons entitled to privileges.*—Military or naval service as used herein shall mean and include all branches of the service prescribed and classified by the United States War Department as a part of either of said services.

33. *Scholastic requirements.*—All persons eligible to said scholarship shall meet the scholastic entrance requirements prescribed by the University or college for the course of study chosen by the applicant.

34. *Application.*—The applicant shall file his application for admission at least thirty days prior to the beginning of the semester of the school year at which he desires to enter, which application shall be accompanied by his certificate of honorable discharge from his or her branch of the service, which shall be returned to him or her upon admittance.

35. *Traveling expenses.*—All the beneficiaries of the scholarship herein granted, who continue their studies for a consecutive school year of ten months, unless unavoidably prevented, shall also be entitled to their actual traveling expenses in going to and returning from the University or college once each way during the said year.

36. *Traveling expenses; payment.*—The cost of said traveling expenses shall be paid at the end of the year to said students complying with the requirements herein by the proper authority of the institution attended, who shall, at the close of the scholastic year,

file with the State Auditor an itemized statement of all money so expended, giving the name of the student, and the points of starting and destination, and the Auditor shall thereupon, if said statement is correct, draw upon the State Treasurer for said amount, which shall be paid out of any funds in the treasury not appropriated.

State Teachers Colleges

37. *State teachers' colleges established at Richmond, Bowling Green, Murray, and Morehead.*—That there are hereby recognized as established and maintained four state teachers' colleges in this Commonwealth to be designated and known as the Eastern Kentucky State Teachers College, located at Richmond, Kentucky; the Western Kentucky State Teachers College, located at Bowling Green, Kentucky; the Murray State Teachers College, located at Murray, Kentucky; and the Morehead State Teachers College, located at Morehead, Kentucky.

38. *Purpose.*—The purpose of the said teachers' colleges shall be to carry into effect more fully the provisions of Section 183 of the Constitution of Kentucky by giving instruction at the college level, in residence and through extension study, in academic, vocational and professional subjects and in the science and art of teaching, including professional ethics, to conduct training schools, field service, research, and, in addition thereto, render such supplemental services as conducting libraries and museums, dormitories, farms, recreational facilities and offering instruction in such general and cultural subjects as constitute a part of their curricula.

39. *Boards of regents created.*—There is hereby created a board of regents for each of the said teachers' colleges to be designated and known as the Board of Regents of the Eastern Kentucky State Teachers College, at Richmond, Kentucky; the Board of Regents of the Western Kentucky State Teachers College, at Bowling Green, Kentucky; the Board of Regents of the Murray State Teachers College, at Murray, Kentucky; and the Board of Regents of the Morehead State Teachers College, at Morehead, Kentucky.

40. *Members and terms of office.*—The board of regents for each of the four teachers' colleges shall be composed of five members, including the Superintendent of Public Instruction, who shall be a member and chairman of each of said boards. The appointive members shall hold their office for a term of four years from the first day of April next succeeding their appointment and until their successors are duly appointed and qualified, except, that in case of vacancy, appointments shall be made in like manner as regular appointments, but such appointees shall hold office for the unexpired terms only.

41. *Members appointed by Governor; tenure; qualifications; vacancies.*—The Governor shall appoint four regents for each of the four teachers' colleges for terms of four years each. Said appointments shall be made at the expiration of the terms of the present members. Not more than two appointive members of any

of the said boards shall be residents of any one county, and not more than three members of any of said boards, including the Superintendent of Public Instruction, shall belong to the same political party. No member of any board shall be held to be a public officer by reason of his membership on said board, nor shall a membership on said board be incompatible with any public office. Whenever any vacancy or vacancies occur in any of said boards, by death, resignation, removal from the state, or otherwise, the Governor shall in like manner as for regular appointments, immediately appoint some competent person or persons to fill such vacancy or vacancies. The person or persons so appointed shall hold their positions for the unexpired term.

42. *Organization; officers.*—Each board of regents shall hold its first meeting within thirty (30) days after each appointment of new members, the place of meeting to be designated by the Superintendent of Public Instruction, and each newly appointed member shall take an oath to faithfully discharge his duties. At this meeting there shall be elected a vice-chairman and a secretary for each of said boards. Each of said boards shall appoint a treasurer, and such officers as it may deem necessary, but no member of any of said boards shall be selected as treasurer. No member of the board of regents shall draw any salary for services, as such, but shall be reimbursed for necessary expenditures made in going to and from each meeting of the board and for other legitimate expenses. Such expenses shall be paid out of the funds of the school.

43. *Meetings, quorum.*—Each board of regents shall meet quarterly at the college or at such other places as may be agreed upon. Upon a written request of any two members of the board of regents and/or the president, the chairman of the board of regents shall call a special meeting at a place designated by him, and the board may at such special meeting transact any or all business that it may transact at a regular meeting. A majority of the members of such board shall constitute a quorum for the transaction of business, but no appropriation of money nor any other contract which shall require an appropriation or disbursement of money shall be made, and no teacher employed or dismissed unless a majority of all the members of the board shall vote for the same.

44. *Government of the teachers' colleges; powers of boards of regents; by-laws.*—The government, administration, and control of each of the said state teachers' colleges is hereby vested in its respective board of regents which, when its members have been appointed and qualified, shall constitute a body corporate and shall have perpetual succession with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to receive by any legal mode of conveyance property of any description, and to have and to hold and enjoy the same; to receive grants of money and to expend the same in the maintenance and operation of the said college; also, to sell and convey any real estate, buildings, or equipment belonging to it, but the proceeds from such sale shall be reinvested in other real estate and/or buildings and equipment for the use and benefit of the said college; to make and use a cor-

porate seal with power to alter and enjoy the same; to adopt by-laws, rules, and regulations for the government of their members, officers, agents, and employees, and to enforce obedience to such rules; to elect a secretary and a treasurer and to fix the bond of the treasurer which shall not be less than \$10,000, and the treasurer shall not be a member of the board of regents; to designate a depository or depositories for its funds and to fix the bond thereof; to require such reports from the president, officers, faculty, and employees as it deems necessary and proper from time to time; to determine the number of divisions, departments, bureaus, offices, and agencies needed for the successful conduct of the affairs of the said college; to invest the faculty or a committee of the faculty with the power to suspend or expel any student for disobedience to its rules, or for any other contumacy, insubordination, or immoral conduct; to appoint a president and, on the recommendation of the president, appoint, in its discretion, all officers, teachers, and employees and fix their compensation and tenure of service, provided, no person shall be employed for a longer period than four years; to dismiss any president and, upon the recommendation of the president, any officer, teacher, or employee for cause as hereinafter provided; to grant diplomas and confer degrees upon the recommendation of the president and the faculty, and to possess all other immunities, rights, privileges, and franchises usually attaching to the governing bodies of educational institutions.

45. *Degrees.*—The Board of Regents of each teachers' college shall have the power to grant diplomas and degrees to the graduates of the institution upon recommendation of the president and faculty.

46. *Grounds for removal.*—No president, professor, or teacher shall be removed except for incompetency, neglect of or refusal to perform his duty, or for immoral conduct, nor shall such president, professor, or teacher be removed until after ten days' notice in writing stating the nature of the charges preferred; and such person shall have an opportunity to make defense before the board by counsel or otherwise, and shall be allowed to introduce testimony which shall be heard and determined by the board. Any charge against the president shall be preferred by the chairman of the board upon written information furnished to him, and any charge preferred against a professor or teacher shall be preferred in writing by the president unless the offense is committed in his presence.

47. *Expulsion of students.*—In every case of suspension or expulsion of a student by the faculty or committee of the faculty, the person so suspended or expelled shall be allowed to appeal from the decision of the faculty to the board of regents, and it shall be the duty of the board of regents to prescribe the manner and the mode of procedure in the matter of such appeal, but the decision of the board of regents shall be final.

48. *Teachers and contracts.*—No president, professor, teacher, regent, or member of the executive council or other officer or employee shall keep for sale or be interested, directly or indirectly, in any contract or purchase for the building or repairing of any

structure or for fencing or ornamenting the grounds or furnishing any supplies for the use of said teachers' college.

49. *Incidental expenses.*—All incidental expenses of each of the above mentioned teachers' colleges shall be paid for out of moneys derived from tuition charged non-resident students or other fees paid by the students of such institutions and the respective boards of regents shall establish such non-resident tuition fees and incidental fees as will be sufficient for the purpose and as are consistent with the recommendations of the Council on Public Higher Education; and no moneys derived from non-resident tuition or other fees paid by students shall be used for any other purposes whatsoever except such amount as is over and above that needed to defray such incidental expenses, and the board of regents of each of the said teachers' colleges is hereby authorized to establish such non-resident tuition fees and incidental fees as are consistent with the Council on Public Higher Education.

50. *Maintenance of practice schools.*—The board of regents of each of the four state teachers' colleges may maintain in connection with the said teachers' colleges, a model and practice school, under the supervision of thoroughly trained teachers for the purpose of giving observation and practice work to the student teachers.

51. *Purchase and sale of property.*—The board of regents of each of the four teachers' colleges is vested with power to purchase additional real estate or other property or material when in its judgment the same is necessary for the purposes of the school. If a board of regents be unable to agree with the owner or owners of such real estate as to its value, or to purchase of same it may proceed in its own name, in any court having jurisdiction, to condemn such real estate in the same manner as in the condemnation of lands for railroad purposes. Real estate acquired by purchase or condemnation shall be paid for out of moneys appropriated to said school. Each board of regents may, on such terms as it may regard best for the school, purchase or lease land for the purpose of securing the erection of buildings, and it shall have power to purchase and hold all property, real and personal, deemed by it necessary for the purposes of the school, and to build and construct improvements for such purposes and hold or sell the same. Each board of regents may, when it regards the same best for the school, sell and convey any real estate or buildings now owned by it, but the proceeds arising from the sale of any real estate must be reinvested in other real estate and buildings for the use of the school.

52. *Duties of secretary.*—It shall be the duty of the secretary of the board of regents to keep and prepare all records, books, and papers belonging to the board. He shall keep a journal of the proceedings of the board, in which if requested by any member of the board of regents, the "yeas" and "nays" on all questions shall be entered. He shall prepare, under the direction of the board, all reports and estimates, and shall execute all such matters belonging to his office. His compensation shall be fixed by the board.

53. *Report of president of school.*—The president of each teachers' college shall make to his board of regents written reports

in duplicate during the month of August of each year, which shall contain a full account of all receipts of money from appropriations, tuition, fees, and all other sources, and the disbursement thereof, and for what purpose, and the condition of said teachers' college.

54. *Bond of treasurer.*—The treasurer of the respective boards of regents before he enters upon the duties of his office, shall enter into a bond to the Commonwealth of Kentucky, with not less than two solvent sureties or a surety company authorized to do business in Kentucky, in a sum of not less than ten thousand dollars (\$10,000) to be approved by the board, conditioned that he will faithfully perform all the duties required of him by law as such treasurer, which bond shall be filed with the secretary of the board.

55. *Depository; duties and bond.*—Each board of regents shall appoint a bank or banks or trust companies to serve as its depository. The depository selected by the board of regents shall execute good and sufficient bond for the safekeeping of the board's funds, said bond to be approved by the board of regents. Said bond shall be guaranteed by at least five solvent personal sureties whose solvency shall exceed the amount of the bond, or a surety company authorized to do business in the Commonwealth or through the execution of a collateral bond consistent with the general banking laws of the Commonwealth and the bonding laws applying to the safeguarding of state funds. The depository shall be designated for a period of one year or any part thereof, and before entering upon its duties shall execute the bond required herein and shall agree with the board of regents as to the amount of interest to be paid on average daily or average monthly balances. Said interest shall not be less than two per cent (2%) in case the board pays the premium on a surety depository bond. The penal sum of the depository bond shall be determined by the board of regents and shall as nearly as possible cover the maximum amount of money which the board might have on hand in its depository at any one time. The bond of the depository shall provide that the duties of the office shall be faithfully performed, that all funds deposited by the treasurer of the board of regents, or any agent of the board, will be held for the board subject to its withdrawal at any time, that all funds so deposited will be paid over to such person or persons and in such manner as the board may direct; that full and complete accounts of all the board's funds will be kept and such reports made to the board or its authorized agents as the board may direct, and that all records relating to the transaction and duties of the office will be kept and turned over to the successor of its office along with all public funds in hand.

56. *Duties of treasurer.*—It shall be the duty of the treasurer of the board to receive and disburse all money under the control of the board of regents and to perform all such acts as pertain to his office under the direction of the board of regents, and to make a report of the same to the board at its quarterly meeting. In the month of August of each year the treasurer of said board shall also make and furnish to the board of regents to be by it transmitted to the Superintendent of Public Instruction, an abstract

which shall contain full accounts of all money received and disbursed by the school during the preceding year, stating from what source received and on what account paid out and the amount paid to each professor, teacher, or official of the school.

57. *Funds not to be diverted.*—All appropriations made by the General Assembly for the support of teachers' colleges, or for the benefit thereof, and all grants, gifts, bequests, or donations by an individual or corporation for specified use shall be applied to such use or uses and no other.

58. *No contract unless funds appropriated; penalty.*—It shall be illegal for any officer, regent, or any person in any way connected with any of the state teachers' colleges to contract any obligation for or on behalf of any of said institutions, where there is no money or insufficient money, in their respective treasuries or has been no money appropriated for the purpose for which said contract or obligation was made, and any of said persons who fail to comply with this law shall be fined in each case not less than two hundred and fifty dollars (\$250) nor more than two thousand dollars (\$2,000) or confined not less than ten days in jail nor more than six months, or both so fined or imprisoned.

Higher Education for Negroes

59. *Recognition of establishment.*—There is hereby recognized as established and maintained, Kentucky State Industrial College, located at Frankfort, and West Kentucky Industrial College, located at Paducah. The two said colleges for colored persons shall be maintained by the Commonwealth with such endowments, incomes, buildings and equipment as shall enable them to do work such as is done in other institutions or corresponding rank and kind.

60. *Purpose.*—It shall be the purpose of Kentucky State Industrial College and West Kentucky Industrial College to train teachers for schools for colored children and to give such industrial and general college training to young men and women of the negro race as the State Board of Education deems necessary or advisable.

61. *Department of agriculture and mechanics; fund for.*—There shall be maintained in Kentucky State Industrial College a department for the education of colored students in agriculture and the mechanic arts, and for said purpose said board shall be entitled to receive an equitable division of the moneys arising from the sale of public lands and appropriated to the Commonwealth of Kentucky by an act of Congress, approved August thirty, one thousand eight hundred and ninety, entitled, "An act to apply a portion of the proceeds of public lands to the more complete endowment and support of the college for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress, approved July second, eighteen hundred and sixty-two."

62. *Government and control.*—The management and control of Kentucky State Industrial College and West Kentucky Industrial College shall be vested in the State Board of Education. Said

board of education shall succeed to and is hereby invested with all the duties, rights, powers, purposes, responsibilities, and jurisdiction of the present boards of trustees of said colleges not inconsistent with this act, and shall be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, lands and other property, real or personal, now or hereafter held for the benefit of said institutions.

63. *Powers and duties of the board.*—The State Board of Education acting as a board of control for the said colleges for colored persons shall be a body corporate, shall have perpetual succession, with power to contract and be contracted with, to sue and to be sued, to plead and to be impleaded, to receive by any legal mode of conveyance property of any description and to have and to hold and to enjoy the same, also to make and use a corporate seal with power to alter the same; to adopt by-laws, rules and regulations for the government of said colleges, their officers, agents and employees; provided such by-laws shall not conflict with the Constitution of the United States and with the Constitution of Kentucky the laws of Kentucky.

64. *Power to purchase or condemn property.*—Said board of education shall have power to purchase, sell, and hold real and personal property in the name of the Commonwealth of Kentucky for the use and benefit of each of said colleges, and to condemn real estate in the manner provided by law for condemnation of land for railroad purposes. It shall have the power to build and construct improvements and to do all things deemed by it necessary in carrying out the purposes for which said schools are maintained.

65. *No contract unless funds appropriated; penalty.*—It shall be illegal for any officer, board member or any person in any way connected with either of the colleges for colored persons to contract any obligations for or on behalf of either institution, where there is no money or insufficient money, in the treasury or has been no money appropriated for the purpose for which said contract or obligation was made, and any of said persons who fail to comply with this law shall be fined in each case not less than two hundred and fifty dollars (\$250) nor more than two thousand dollars (\$2,000) or confined not less than ten days in jail nor more than six months, or both so fined or imprisoned.

66. *Appointment of president.*—The board shall appoint a president for each of the colleges and determine his salary and the tenure of office, the term of which is not to exceed four years. The president may be removed for cause.

67. *President the executive agent of the board.*—The president shall be the executive agent of the State Board of Education in its administration of the affairs of the institution and shall have general supervision, subject to the control of the board, of all educational and business affairs of the institution and of all disciplinary problems which may arise.

68. *Appointment, compensation, removal of teachers.*—The State Board of Education shall, upon recommendation of the president, appoint and remove all officers, teachers, and such other em-

ployees as are needed for the successful operation of the college, and shall determine their salaries, duties, and official relations; provided that all executive officers, teachers, or other employees of the board of trustees in office or under contract at the time this act goes into effect shall serve out the terms for which elected, unless removed for cause.

69. *Grounds for removal.*—No president, officer, or teacher shall be removed except for incompetency, neglect of or refusal to perform his duty, or for immoral conduct, nor shall such president, officer, or teacher be removed until after ten days' notice in writing stating the nature of the charges preferred; and such person shall have an opportunity to make defense before the board by counsel or otherwise, and shall be allowed to introduce testimony which shall be heard and determined by the board.

70. *Shall adopt rules and regulations.*—The State Board of Education shall adopt such rules and regulations for the government of said schools and for the guidance of the employees and students of each of the said colleges for colored persons as it may deem proper. It may require of the president, the teachers, or other officers such reports as it may deem necessary; provided, that all existing rules and regulations made by the preceding boards shall remain in force until repealed by order of the State Board of Education.

71. *Expulsion of students.*—The State Board of Education shall have the power to invest the faculty or a committee of the faculty with power to suspend or expel any pupil for disobedience of the rules and regulations of the college, for insubordination, or immoral conduct. In every case of suspension or expulsion of a student by the faculty or committee of the faculty, the person so suspended or expelled shall be allowed an appeal from the decision of the faculty to the State Board of Education, but the decision of the State Board of Education shall be final.

72. *Shall determine curricula and departments of study.*—The State Board of Education shall have power to determine from time to time the number of departments of study of each college and shall prescribe the curricula for each of the said colleges for colored persons. It shall have the power to issue certificates or diplomas of graduation to students completing such curricula as may be provided for.

73. *Maintenance of practice schools.*—The State Board of Education shall have power to maintain in connection with each of said colleges a model and practice school under the supervision of trained teachers, for the purpose of giving observation and practice work to the student teachers.

74. *Tuition; incidental fees.*—Tuition in said colleges for colored students shall be free to all colored residents of Kentucky. The board shall fix the rate of tuition and the conditions on which pupils who are not residents of Kentucky may be admitted. The board shall fix such incidental fees as it deems necessary to meet such incidental expenses as may be incurred.

75. *Secretary of board.*—The secretary of the State Board of Education shall serve as secretary of the board in its administration of the two colleges for colored persons. It shall be the duty of the secretary to keep and prepare all records, books, and papers belonging to

the board in its administration of said colleges. He shall keep a journal of the proceedings of the board, in which if requested by any member of the board of education, the "ayes" and the "nays" of all questions shall be entered. He shall prepare, under the direction of the board, all reports and estimates.

76. *Report of president of school.*—The president of each college for colored persons shall make to the State Board of Education written reports during the month of August of each year, which shall contain a full account of all receipts of money from appropriations, tuitions, fees, and other sources, and the disbursement thereof, and for what purpose, and the condition of said college.

77. *Treasurer.*—The State Treasurer shall be the treasurer of the State Board of Education in its administration of the two colleges for colored persons.

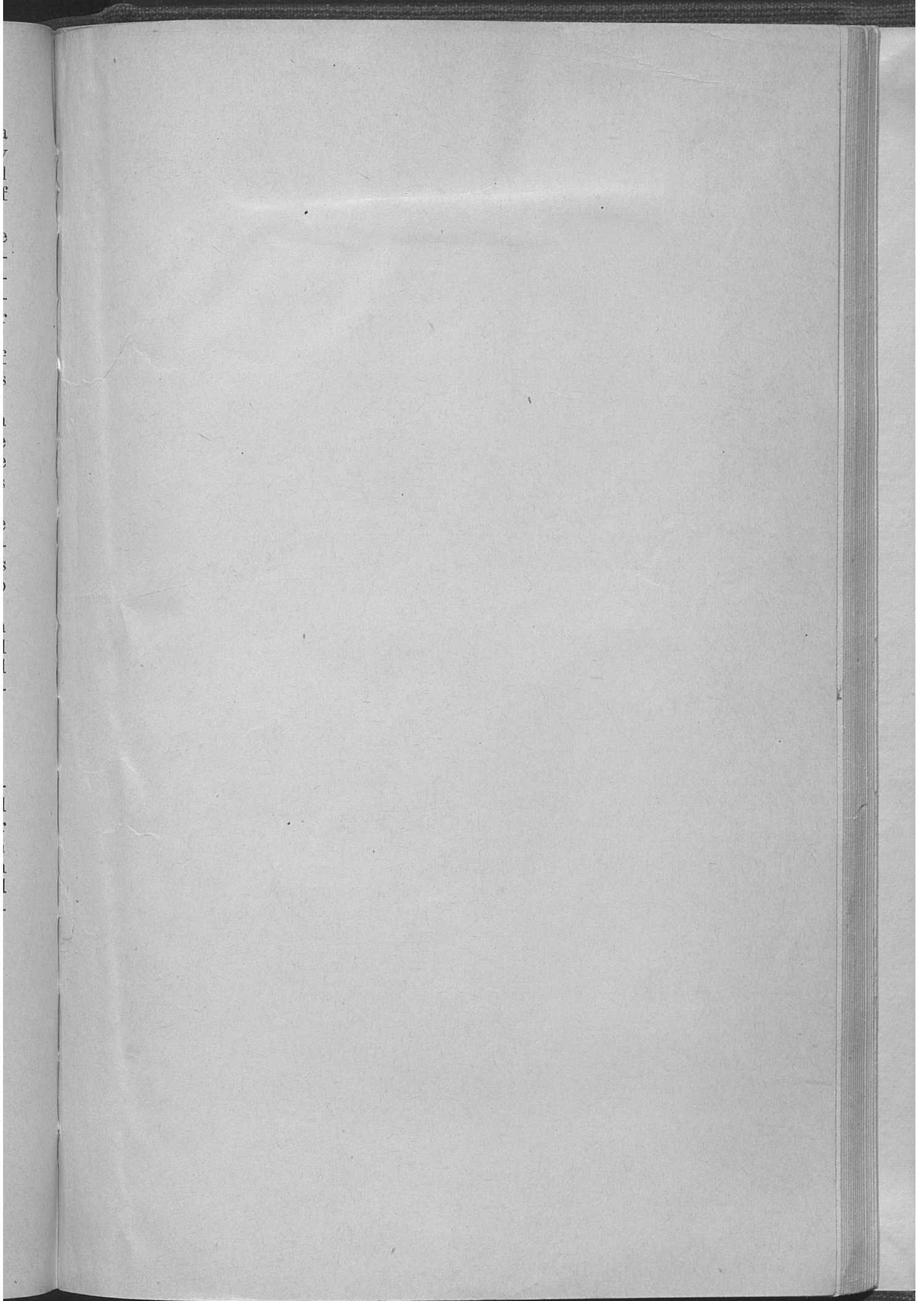
78. *Meetings at institutions.*—The State Board of Education shall meet at least once each year at the school plant of each of the colleges herewith placed under its management and control, for the purpose of inspecting the plant and observing the work and the needs of the school.

79. *Funds not to be diverted.*—All appropriations made by the General Assembly for the support of the said colleges for colored persons or for the benefit thereof, and all grants, bequests, or donations by any individual or corporation for specified use shall be applied to such use or uses and no other.

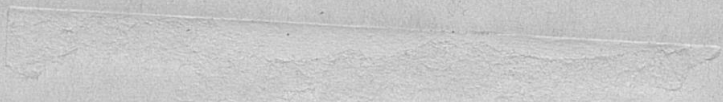
80. *Administration to be consistent with remainder of act.*—In respects other than those specifically mentioned herein, the State Board of Education, in its administration of the said colleges for colored persons, shall be guided by existing legislation respecting its organization, duties, powers, and activities.

CONSTRUCTION OF ACT

1. *Construction of foregoing sections; act severable.*—The provisions of this act are severable, and if any of its provisions shall be held unconstitutional the decisions of the courts shall not affect or impair any of the remaining provisions of this act. It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein, and any school service prohibited or impaired by such provisions shall be administered by the laws in effect at the time this act became operative.



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