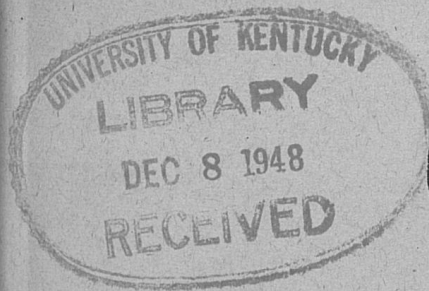


● Commonwealth of Kentucky ●
EDUCATIONAL BULLETIN

Educational Bills Passed by the
1948 Session of the Legis-
lature of Kentucky



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DEPARTMENT OF EDUCATION
BOSWELL B. HODGKIN
Superintendent of Public Instruction

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FOREWORD

The bills affecting education passed by the 1948 session of the Legislature are given in full in this number of the Department bulletin.

Decisions of the Court of Appeals of Kentucky which have been decided since the 1946 edition of the Common School Laws was published have been included.

The 1946 edition of the school laws and this bulletin give a complete school law reference.

BOSWELL B. HODGKIN

Superintendent of Public Instruction

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SUMMARY OF SCHOOL BILLS PASSED BY 1948 LEGISLATURE

Providing educational facilities for handicapped children:

Section 1. As used in this Act:

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- (1) "Physically handicapped children" means children of sound mind between the ages of 3 and 21 years who suffer from any disability making it impracticable or impossible for them to benefit from or participate in the normal classroom program of the public schools in the school district in which they reside and whose education requires a modification of the normal classroom program.
 - (2) "Educable mentally handicapped children" means children between the ages of 5 and 21 years who because of retarded mental growth (as determined by recognized standardized tests) are incapable of being educated profitably and efficiently through ordinary classroom instruction but who may be expected to benefit from special educational facilities designed to make them economically useful and socially adjusted.
 - (3) "Special education facilities" means special schools, special classes, and special instruction. All special education facilities shall be under the supervision of the Superintendent of Public Instruction.

Section 2. The State Board of Education shall create a "Division of Special Education for Handicapped Children," within the Bureau of Instruction in the State Department of Education separate from any other existing division, to supervise and direct a state program of special education for physically and educable mentally handicapped children of this Commonwealth. It shall be the duty of this division to register all such children, to classify types of physically and mentally handicapped children who may receive school instruction together, to recommend rules and regulations for adoption by the State Board of Education, and generally carry out the special program herein provided. This division shall have a director and necessary assistants appointed by the Superintendent of Public Instruction. No person shall be employed as Director of the Division of Special Education for Handicapped Children who has not had thirty or more hours of graduate work, at least twenty of which shall have been in the field of special

education (or the equivalent thereof). The director shall have had successful teaching or supervisory experience in at least one area of the field of special education, or otherwise be qualified for the duties of this position on the basis of education, training, and experience.

Section 3.

- (1) The State Department of Education is hereby designated as the agency for cooperation with the State and Federal Governments, the approved treatment centers and local schools of Kentucky in carrying out the provisions of this Act. The State Board of Education shall make necessary rules and regulations in keeping with the provisions of this Act for its proper administration.
- (2) The State Department of Education is authorized to receive contributions and donations to be used in conjunction with any appropriation that may be made to carry out the provisions and requirements of this Act.
- (3) Local supervision of special education facilities shall be approved by the Division of Special Education for Handicapped Children according to rules and regulations approved by the State Board of Education.

Section 4. School boards of any school district may, subject to any limitation hereinafter specified, establish and maintain special educational facilities for physically or educable mentally handicapped children who are residents of their school districts, and, in accordance with the provisions of Section 9 of this Act, who are residents of other school districts.

Section 5.

- (1) No physically handicapped child shall be allowed special education facilities except upon a certified diagnosis of a physical defect by competent and appropriate professional authorities acceptable to the Superintendent of Public Instruction.
- (2) The Director of Special Education for Handicapped Children, upon the approval of the Superintendent of Public Instruction, shall prescribe rules, regulations and tests for determining what children shall be classified as educable mentally handicapped, and questionable cases shall be decided by the director after adequate examination and consideration of specific case histories.

Section 6. No person shall be employed to teach any class in any school authorized by Section 4 unless he holds a valid teacher's certificate as provided by law and unless he has had such special training as the State Board of Education may require. The State Board of Education is hereby directed to develop plans for the proper education of teachers of mentally or physically handicapped children and to prescribe and issue such standards and regulations as may be necessary and reasonable for certifying teachers and supervisors for exceptional children.

Section 7. The attendance officer of each school district shall ascertain annually all children within his district who are physically or mentally handicapped and shall report the same to the Division of Special Education for Handicapped Children on forms provided by the State Department of Education and according to regulations prescribed by the Superintendent of Public Instruction.

Section 8. If in any district there are handicapped children not able even with the help of transportation to be assembled in a school, instruction may be provided in the child's home, or in hospitals or sanatoria. Children so instructed may be counted under the provisions of Section 4, counting however, a minimum of two hours of instruction by a teacher provided by the Board of Education as equivalent to the attendance of one child five days in school.

Section 9.

- (1) If a child resident of one school district, because of his handicap attends a class or school for any of such types of children in another school district, the school district in which he resides shall pay to the school district maintaining the school or class he attends, his tuition in a sum equal to the per capita cost of educating normal children in the district of his residence. If the normal per capita cost in the school district maintaining such special education services is greater than the normal per capita cost in the district of the child's residence, then the school district which provides the special education to the child may claim the difference as part of the excess per capita cost, for the purposes of Section 11.
- (2) The school board of the school district in which any such child resides shall pay for his transportation to the class in the other school district, unless the school board of the other district provides his transportation to the class, in

which case the cost of transportation may, for the purposes of Section 11, be included as part of the excess per capita cost in the school district providing the special education services.

Section 10. The local superintendent of schools shall present to the Superintendent of Public Instruction an application of conditional pre-approval of a plan for special education facilities to handicapped children before the local school district shall be eligible to receive state reimbursement for these special educational services.

Section 11.

- (1) The board of education of a school district providing special education facilities for handicapped children described herein, shall include in its annual budget a sum sufficient to provide such special education facilities, including salaries for qualified teachers, maintenance and transportation of pupils, special books and special equipment, and other approved expenses.
- (2) Accurate, detailed, and separate accounts of all monies paid out for special education facilities for handicapped children shall be kept by the local school district. The district shall make an annual report thereof to the Superintendent of Public Instruction, indicating the excess per capita cost for each handicapped child for the current school year over the ascertained per capita cost for normal children for the same year. The report shall be accompanied by an application for reimbursement of the excess per capita cost, addressed to the Superintendent of Public Instruction, and setting forth the plan of special education facilities provided and maintained in accordance with this Act.
- (3) Upon the approval, by the Superintendent of Public Instruction, of the application for reimbursement, the Department of Finance shall draw its warrant upon the State Treasurer, in favor of the treasurer of the school district, for the amount of the excess per capita cost above the average per capita for the school district, as so determined, computed, reported, and approved, but in no event to exceed the sum of \$275 per annum for each physically handicapped child, or \$125 per annum for each educable mentally handicapped child. The State Treasurer shall pay such warrants out of funds in the State Treasury that have been appropriated for the purpose.

(4) No school district may be reimbursed under this Act for costs for which financial aid is paid under any other Act.

Section 12. There is hereby appropriated to the Division of Special Education, out of the General Expenditure Fund in the State Treasury, as of the effective date of this Act, for the purposes of administering this Act and reimbursing local school districts as provided in this Act, the sum of \$70,000, which shall be available for expenditure during the balance of the 1947-1948 fiscal year and during the fiscal years 1948-1949 and 1949-1950. Any unexpended or unencumbered balance remaining of such appropriation at the end of either of such fiscal years shall not lapse to the General Expenditure Fund, but shall be available for expenditure during the following fiscal year or years.

Section 13. Section 159.060 of the Kentucky Revised Statutes is repealed.

Section 14. WHEREAS the lack of adequate educational facilities for handicapped children threatens to impair their development as useful citizens of this Commonwealth, an emergency is declared to exist and this Act shall be in full force and effect immediately upon its passage and approval.

Changing name of Teachers Colleges:

Section 1. Section 164.290 of the Kentucky Revised Statutes is amended to read as follows:

The state colleges formerly designated as the state teachers colleges shall hereafter be known as the Eastern Kentucky State College, located at Richmond, Kentucky, Western Kentucky State College, located at Bowling Green, Kentucky, Murray State College, located at Murray, Kentucky, and Morehead State College, located at Morehead, Kentucky, and under such names are recognized as established and maintained.

Section 2. Section 164.310 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a board of regents for each of the state colleges, to be known as the Board of Regents of the State College.

Eligibility for equalization:

Subsection (1) of Section 157.053 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any board of education that has had its budgets and salary schedule for the ensuing school year approved by the State Board of Education, whose ratio of assessed valuation of property to fair cash value is equal to the average ratio throughout the state, as certified to the State Board of Education by the Kentucky Tax Commission, and has levied for school purposes a tax at the maximum rate permitted by law, shall have the privilege of applying for aid from the equalization fund.

This Act shall take effect on July 1, 1949.

Payment of tuition fees of certain students attending institutions outside of Kentucky:

Section 166.170 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education shall prescribe rules and regulations governing the granting of aid under KRS 166.160. The tuition and fees shall be ascertained by the Superintendent of Public Instruction and paid upon his requisition out of funds appropriated for that purpose. If the funds appropriated for the purpose in any year are insufficient, the State Board of Education may prorate the funds among the persons whose applications are approved. Not more than \$500 shall be allowed to any person under the provisions of this section and KRS 166.160 during any one school year of nine months.

Power of Governor to remove officers appointed by him:

Section 63.080 of the Kentucky Revised Statutes is amended to read as follows:

- (1) Except as provided in subsection (2) of this section and otherwise provided by law, any person appointed by the Governor, either with or without the advice and consent of the Senate, may be removed from office by the Governor for any cause the Governor deems sufficient, by an order of the Governor entered in the Executive Journal removing the officer.
- (2) Members of the Board of Trustees of the University of Kentucky, members of the Board of Regents respectively of Eastern Kentucky State Teachers College, Western Kentucky State Teachers College, Morehead State Teachers College and Murray State Teachers College may not be removed except for cause.

Tuition for junior colleges:

That Section 165.230, Kentucky Revised Statutes, be repealed and re-enacted to read as follows:

The board of education of any city of the second class that establishes or acquires a municipal junior college pursuant to Kentucky Revised Statutes 165.210 may, for the purpose of supplementing the tax provided in Kentucky Revised Statutes 165.220, charge each pupil attending the college an annual tuition fee of not more than \$200.00. The tuition fee shall be collected by the treasurer of the board of education and placed to the credit of the board of education college fund, and shall be used for maintaining and operating the college.

Publicly owned utilities:

Section 1. Each board of education of a public school district in which is located the property or properties of a publicly owned light, water, or gas plant may each year be paid by the governing board of such plant from the proceeds of the sale of electrical energy, water or gas an amount which shall not exceed that determined by multiplying the book value of the property or properties of such publicly owned light, water or gas plant as of the beginning of each year by the current tax rate levied for school purposes for the school district in which such property or properties may be located. "Book value," as used in this section, means the cost of tangible property plus additions, extensions and betterments, less reasonable depreciation or retirement reserve, and "year" as herein used shall mean the twelve-month period ending June 30. The book value so determined shall be in accordance with standard accounting practices. No payment may be made under this section except pursuant to a resolution of the governing board of the plant, adopted by a unanimous vote of the members of the board.

Section 2. Amounts for any year, as provided in Section 1 of this Act, shall be paid to the board of education on or before January 1 of each year.

Section 3. This Act shall not apply to any publicly owned electric plant that is subject to the provisions of KRS 96.820.

Section 4. This Act shall be construed only as an enabling act and shall in no wise confer upon any Board of Education of a public school district authority to require this money to be paid to it.

Relating to business enterprises for the blind:

Section 1. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 163.035 and to read as follows:

- (1) The Division of Vocational Rehabilitation in the Department of Education, with the approval of the State Board of Education, is authorized to establish a business enterprises program for the blind. In connection therewith, the division shall be authorized to own, lease, manage, supervise and operate vending stands and other business enterprises for the use or benefit of blind persons, in federal, state, private and other buildings, provided however that the total expenditure for the establishing of any new enterprise shall not be more than twice the amount contributed by the U. S. Government. The share of the supervisory and other expenses of this program to be charged to each enterprise shall not exceed 3 percent (3%) of the gross receipts of such enterprise above the amount of \$125.00 of gross sales per week, the first \$125.00 per week being exempt from any such fee.
- (2) In connection with this program, no fee or service charge or any other type of payment shall be made to any company, firm, or society, for supervisory, engineering or accounting services.
- (3) All sums received by the Division of Vocational Rehabilitation in the form of receipts from the operation of the program, or in the form of federal grants, shall be used for the continuation of the program. Nothing in this Act is intended to authorize the Division to expend, or incur any obligation for, any sum other than has been specifically appropriated by the General Assembly to such Division, and other than is available through the revolving fund.

Section 2. Section 163.030 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education is vested with authority to carry out the purposes and provisions of the Acts of Congress accepted by KRS 163.020, and is given all necessary power and authority to cooperate with the Federal agencies administering vocational education and rehabilitation in carrying out the provisions of those Acts. However, those powers shall be subject to the restrictions in KRS 163.035.

Textbook Commission:

Section I. Section 156.260 Kentucky Revised Statutes is hereby repealed, amended and reenacted to read as follows:

- (1) The State Textbook Commission shall consist of the Superintendent of Public Instruction, two persons, each of whom at the time of appointment shall be a teacher or administrator in one of the state colleges of Kentucky, one person who at the time of appointment shall be a teacher or administrator at the University of Kentucky, one person from the State Parent Teachers Association, and eight persons appointed by the State Board of Education. The term of appointment shall be four years and shall begin on July 1, provided, however, that nothing contained herein shall be construed to affect the tenure of office of persons serving on the State Textbook Commission at the time this Act becomes effective.
- (2) The members of the State Textbook Commission shall be educators of high qualifications who are actually engaged in educational work in the state, and whose educational qualifications are not less than graduation from a standard senior college, except, however, the member appointed from the State Parent Teachers Association shall not be required to possess such qualifications.
- (3) The members of the State Textbook Commission shall elect one of their members as chairman and shall adopt rules and regulations for the procedure of the commission. The Superintendent of Public Instruction shall be secretary of the commission.

Section II. Section 156.310 Kentucky Revised Statutes is repealed, amended and reenacted to provide as follows:

- (1) The State Textbook Commission shall, not later than January 1 in any adoption year, select and publish a list of 10 books in each subject, taking into account the needs of the various types of school organizations. One of the books for each subject and grade so listed shall be the one on the uniform list for county school districts as provided in KRS 156.320. Not more than two books for any subject and grade shall be from the same person. If less than ten books in any subject and grade of sufficient merit to warrant their being listed are submitted, the commission may list fewer than ten, but in that event it shall not list more

than one book for the same subject and grade from the same person. The list, as soon as prepared, shall be sent to the chief administrative officer of the various school units of the state.

- (2) The Board of Education of each independent school unit embracing a city of the first, second, third or fourth class shall, upon the recommendation of its superintendent, and not later than May 1 of any adoption year, select from the list one book for each subject and grade to be used as a basal text in its school system for a period of five years, except that the Board may, upon recommendation of its superintendent and by a majority vote of the entire Board, adopt a basal text or the complete series of basal texts from the uniform list adopted for use in county school districts as provided in KRS 156.320.
- (3) The books adopted by the State Textbook Commission shall remain unchanged for a period of five years, except, however, the State Textbook Commission may approve revisions and supplements, and such approval shall not constitute a change in adoption. Not more than one-half of the books currently in use shall be changed at any one adoption period, and such change of books shall be equitably distributed between books currently in use in elementary schools and books currently in use in high schools. The adoption periods shall be deemed to have commenced in 1930.

Section III. Section 156.320 Kentucky Revised Statutes is repealed, amended and reenacted to provide as follows:

- (1) The State Textbook Commission shall, not later than January 1 in any adoption year, adopt a uniform series or system of basal textbooks for use in the public schools of the county school districts and for the use of independent school districts. The commission shall cause to be printed and send the list to the administrative officer of each school unit of the state. In making the adoption of basal textbooks, the commission shall designate the subject and grade for which the adopted book is intended, and not more than one book shall be adopted for use in any one subject and grade. The adoption shall be made for a period of five years which shall be deemed to have begun in 1930.

Section IV. Section 156.330 Kentucky Revised Statutes is repealed, amended and reenacted to provide as follows:

(1) No textbook shall be used in any public school in Kentucky as a basal textbook unless it has been approved and adopted by the State Textbook Commission. Any change of textbook made by the State Textbook Commission shall not become effective until grades or classes of the respective school districts of counties or cities have completed work for which the adopted book then in use was originally intended. Nothing in this section shall apply to the supplementary books that are needed from time to time.

Sick leave for teachers:

Section 1. For the purpose of this Act "teacher" shall mean any person for whom certification is required as a basis of employment in the common schools of the state with the exception of superintendents, supervisors and attendance officers.

Section 2. Each district board of education shall allow to each teacher in its common school system not less than ten days sick leave during each school year, without deduction of salary, provided he presents a personal affidavit or a certificate of a reputable physician stating that he was ill on the day or days absent.

Any days of sick leave not taken during any school year shall accumulate and may be taken in any subsequent school year or years, except that no teacher shall be entitled to take more than twenty days of accumulated sick leave unless the district board of education, in its discretion, authorizes a greater number of days to be accumulated. Any district board of education may, in its discretion, allow teachers in its common school system sick leave in excess of the number of days prescribed in this section.

Add territory of the county district to the independent district:

Section 1. Subsection (1) of Section 160.045 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever any territory in any municipality or any territory which may become incorporated in any municipality, is located in a county school district, the owners of real property in such territory are given the right to demand of the board of education of the county school district in which their property is located that said property should be placed in and become a part of the school district in which the greater part of said municipality is located and embraced; whether said school district be a county or independent school district.

Provision for making records of papers by photographing, photostating, and microfilming and disposing of the originals:

Section 1. Whenever the Governor, Lieutenant Governor or any state administrative department, agency, commission or institution or the principal officer thereof shall have, either in whole or in part, any records or papers photographed, photostated, microphotographed, microfilmed or filmed and preserved for record, the originals thereof may be disposed of or destroyed.

Section 2. Any reproductions provided for hereinabove shall be deemed the originals of the records or papers for all purposes, and any facsimiles, certified copies or reproductions thereof, or any prints or enlargements of the reproductions shall be admissible as evidence in any court or proceeding of this Commonwealth, and shall be prima facie evidence of the facts set forth in and the contents of the original records or papers.

Pertaining to child labor and their employment:

Section 1. As used in this Act, "gainful occupation" does not include employment in farm work or in domestic service in a private home, nor occasional employment by a householder in connection with the household and not in connection with the householder's business or occupation, such as grass cutting or carrying ashes or similar casual domestic tasks, nor the delivery of newspapers on regularly scheduled routes.

Section 2. No minor under fourteen years of age shall be employed, permitted, or suffered to work in, about or in connection with any gainful occupation at any time.

Section 3. A minor who has passed his fourteenth birthday but is under sixteen years of age may be employed, permitted or suffered to work in, about or in connection with any gainful occupation, except:

- (1) He may not be employed during school hours unless he has been found incapable of profiting by further instruction, as provided in Section 9 of this Act, and then only in such occupations as are authorized in accordance with that section, or unless he has graduated from high school.
- (2) He may not be employed:
 - (a) In, about or in connection with any manufacturing or mechanical establishment.

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- (b) On or in connection with any power-driven machinery except under school supervision as provided in Section 22.
- (c) As a messenger for any person, firm or corporation engaged primarily in the business of transmitting or delivering goods or messages.
- (d) In the manufacture, transportation, or use of explosives or highly inflammable substances; in or about mines or quarries; in any tunnel or excavation; in logging operations or in any sawmill, lath mill, shingle mill, or cooperage stock mill; as engineers, firemen, brakemen, or switchmen on any railroad; in the operation of motor vehicles; upon any scaffolding or in heavy construction work; in operating steam boilers carrying a pressure of 15 pounds or more; in operating or assisting in operating elevators, cranes, derricks, or hoists; in operating or assisting in operating any punch presses or stamping machines, metal or paper cutting machines having a guillotine action, metal shears or plate bending machines, machines used for cold rolling of heavy metal stock, woodworking machines, grinding, abrasive or polishing machines, laundry or dry cleaning machines, calendar rolls or mixing rolls in paper or rubber manufacturing, dough breakers or dough mixing machines, or machines used for opening, picking or carding of cotton or wool; in ore reduction works; smelters; hot rolling mills; plant manufacturing iron and steel; foundries; forging shops, and in any other place in which the heating, melting, or heat treatment of metals is carried on; in the manufacture or use of dangerous or poisonous dyes or chemicals and their compounds, or in the manufacture of lead, or in exposure to lead or its compounds; in any occupation involving exposure to radioactive substances; in oiling or cleaning machinery in motion; in stone cutting or polishing; or in assorting, manufacturing or packing tobacco.
- (e) In, about or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, sold for consumption or dispensed (except he may be employed in places where the sale of alcoholic beverages by the

package is merely incidental to the main business actually conducted); or in a public bowling alley, or in a pool or billiard room.

- (f) In any place of employment, or at any occupation, that is hazardous or injurious to the life, health, safety or welfare of such minor.
- (3) A female minor of such age may not be employed in the distribution or sale of newspapers, magazines or periodicals, or in the street occupations of peddling or bootblacking or in any other occupation pursued in any street or public place.

Section 4. A minor who has passed his sixteenth birthday but is under eighteen may be employed, permitted, or suffered to work in, about or in connection with any gainful occupation, except the occupations enumerated or described in paragraphs (d), (e) and (f) of subsection (2) of Section 3 of this Act, and except that a female minor of such age may not be employed in the distribution or sale of newspapers, magazines or periodicals, or in the street occupations of peddling or bootblacking or in any other occupations pursued in any street or public place, nor as a messenger for any person, firm or corporation engaged primarily in the business of transmitting or delivering goods or messages.

Section 5. No person shall furnish or sell to any minor any article of any description with the knowledge that the minor intends to sell said article in violation of this Act. No person shall continue to furnish or sell articles of any description to a minor after having received written notice from any officer charged with the enforcement of this Act, or from the officer issuing employment certificates, that the minor is not permitted to sell such articles.

Section 6.

- (1) No minor under 18 years of age shall be employed, permitted or suffered to work in any gainful occupation more than six consecutive days in any one week, nor more than eight hours in any one day, nor more than forty hours in any week, except that the six-day limitation shall not apply to employment as a newsboy in the sale or delivery of newspaper.
- (2) No minor under sixteen years of age who is attending school and working outside of school hours shall be employed, permitted or suffered to work outside of school hours

for more than three hours on a school day or more than twenty-three hours during a school week.

- (3) No minor of sixteen or seventeen years of age who is attending school in session during the day other than a part-time or continuation school, and working outside of school hours, shall be employed, permitted or suffered to work for more than four hours on a school day or more than twenty-eight hours during a school week.
- (4) No minor under fifteen years of age shall be employed, permitted or suffered to work in any gainful occupation before seven o'clock in the morning or after six o'clock in the evening of any day; nor shall any minor fifteen years of age be employed, permitted or suffered to work before seven o'clock in the morning or after eight o'clock in the evening of any day; nor shall any minor of sixteen and seventeen years of age be employed, permitted or suffered to work before six o'clock in the morning or after ten o'clock in the evening of any day, provided that minors between sixteen and eighteen years of age may be employed in a concert of theatrical performance up to 11:00 p. m.

Section 7. No minor under eighteen years of age shall be permitted to work for more than five hours continuously without an interval of at least thirty minutes for a lunch period, and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work.

Section 8. Before any minor under eighteen years of age shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation, the person employing such minor shall procure and keep on file and accessible to any school attendance officer, inspector of labor or other person authorized or charged with the enforcement of this Act, an employment certificate for such minor as hereinafter provided.

Section 9.

- (1) Employment certificates shall be of three kinds: General Employment Certificates, Vacation Employment Certificates, and Special Employment Certificates. A general employment certificate shall permit the employment of minors between 16 and 18, or a minor who has completed high school, during the entire year. A vocation employment certificate shall permit the employment of minors between 14 and 16 during school vacations or outside school hours, and the em-

ployment of minors 12 and 13 years of age as permitted by Section 2 of this Act. A special employment certificate shall permit the employment during the entire year of minors of 14 and 15 years of age who have been found to be incapable of profiting from further schooling. Such special employment certificate may be issued to a minor found to be incapable of profiting by further instruction available, upon compliance with the same requirements as in the case of a general employment certificate except that a schooling record shall not be required. The fact that a minor is incapable of profiting from further instruction available shall be determined in such manner as may be specified in the regulations of the Commissioner of Industrial Relations and the Superintendent of Public Instruction acting jointly. A special employment certificate shall not authorize the employment of a minor in or in connection with or for a factory.

- (2) If on account of mental condition a minor has been exempted from attendance at school or recommended by a state child guidance clinic or other approved examiner to be placed in an institution for retarded children, the certifying officer shall issue an employment certificate to such minor only when satisfied that the work available and the supervision under which it will be performed are such that the job is suitable and safe for said minor to undertake.

Section 10. The employment certificates required by this Act shall be issued by the local Board of Education through its superintendent or other authorized agent, in such form and under such conditions as may be prescribed by the Department of Education.

Section 11. The Department of Education shall prescribe such rules and regulations for the issuance of employment certificates and age certificates as will promote uniformity and efficiency in the administration of this Act. It shall also supply to local issuing officers all blank forms to be used in connection with the issuance of such certificates. Duplicates of each employment or age certificate shall be mailed by the issuing officer to the Department of Industrial Relations within one week after issuance.

Section 12. A person designated to issue employment certificates may refuse to grant such a certificate if in his judgment the best interests of the minor would be served by such refusal.

Section 13. The Department of Industrial Relations, the Superintendent of Public Instruction, or the officer issuing any employ-

ment certificate or age certificate, may revoke any such certificate if in its or his judgment it was improperly issued or if the minor is illegally employed, and may cancel any employment certificate or age certificate at any time it is found that the conditions for its legal issuance do not exist. The employer shall be notified of such revocation or cancellation in writing, and such minor shall not thereafter be employed or permitted to work until a new certificate has been legally obtained. If the revocation or cancellation is made other than by the Department of Industrial Relations, the department shall be notified thereof in writing, and if the revocation or cancellation is made other than by the issuing officer, such officer shall be notified thereof in writing.

Section 14. The person designated to issue employment certificates shall issue such certificates only upon the application in person of the minor desiring employment, accompanied in case he is under 16 years of age by his parent, guardian, or the person having control or custody of him, and after having approved and filed the following papers:

- (1) A promise of employment signed by the prospective employer or by one duly authorized by him, setting forth the specific nature of the occupation in which he intends to employ such minor, and the number of hours per day and days per week which said minor shall be employed.
- (2) Evidence of age showing that the minor is of the age required by this Act, which evidence shall consist of one of the following proofs of age and shall be required in the order herein designated, as follows:
 - (a) A duly attested transcript of the birth certificate filed according to law with a register of vital statistics, or other officer charged with the duty of recording births, or;
 - (b) A baptismal certificate or transcript of the record of baptism, duly certified, and showing the date and place of birth, or;
 - (c) Other documentary record of age (other than a school record not based on school census or an affidavit of age) such as a bible record, school census record, passport or transcript thereof, duly certified; or life insurance policy which shall appear to the satisfaction of the issuing officer to be good and sufficient evidence of age, or;

- (d) In the case none of the aforesaid proofs of age shall be obtainable, and only in such case, the issuing officer may accept the signed statement of the physician authorized to make the physical examination required by this section, stating that, after examination, it is his opinion that the minor has attained the age required by law for the occupation in which he expects to engage. Such statement shall be accompanied by an affidavit, signed by the minor's parent or guardian, certifying to the name, date and place of birth of the minor and that the proofs of age specified in the preceding paragraphs of this subsection cannot be produced.
- (3) A statement of physical fitness, signed by a public health or public school physician, or in case there are no such physicians available, by a private physician who has examined the minor, certifying the medical examination of the minor shows that he is physically fit to be employed at the work he intends to do, or to be employed at such work under limitations specified in the statement. If the statement of physical fitness is limited, the employment certificate issued thereon shall state clearly the limitations upon its use, and shall be valid only when used under the limitations so stated. In any case where the physician shall deem it advisable, he may issue a certificate of physical fitness for a specified period of time, at the expiration of which the person for whom it was issued shall appear and be reexamined before being permitted to continue to work. Such examination shall be made in accordance with standards and procedures prescribed by the Superintendent of Public Instruction in consultation with the Commissioner of Health and Commissioner of Industrial Relations, and shall be recorded on a form furnished by the Department of Education. Where examinations are given by public health or public school physicians, they shall be made without charge to the minor.
- (4) A school record signed by the principal of the school which the minor last attended or by someone duly authorized by him, giving the full name, date of birth, grade last completed, scholastic standing and residence of the minor.

The officer authorized to issue employment certificates shall administer the oaths required by this section, but no fee shall be charged for administering the oaths or for issuing the certificate.

The certificate shall be issued in triplicate. One copy shall be mailed to the prospective employer of the minor for whom it is issued, one shall be sent to the Department of Industrial Relations, and one copy shall be kept on file in the issuing office. It shall be signed by the issuing officer and by the minor for whom it is issued in the presence of such officer. It shall contain the name and address of the child, the name and address of the employer, the industry and occupation in which the minor is to be employed, the type of evidence of age accepted, and such other information as the Department of Education shall require.

Section 15. Upon request, it shall be the duty of the officer authorized to issue employment certificates to issue to any minor between the ages of eighteen and twenty-one years desiring to enter employment a certificate of age upon presentation of the same proof of age as is required for the issuance of employment certificates under this Act.

Section 16. An employment certificate or certificate of age duly issued shall be conclusive evidence of the age of the minor for whom issued in any proceeding involving the employment of the minor under the child labor or workmen's compensation law or any other labor law of the state, as to any act occurring subsequent to its issuance.

Section 17. School districts may organize part-time schools and any child to whom an employment certificate is issued may be required to attend such school.

Section 18.

- (1) Every employer receiving an employment certificate shall, upon the commencement of the employment of such minor, so notify the issuing officer in writing, and immediately after termination of the employment shall return said certificate to the issuing officer. A new certificate shall not be issued for any minor except upon presentation of a new promise of employment and a new certificate of physical fitness. An employment certificate shall be valid only for the employer for whom issued and for the occupation designated in the promise of employment.
- (2) Said employer shall, during the period of the child's employment, keep such certificate on file at the place of employment and accessible to any issuing officer, attendance officer, inspector, or other person authorized to enforce this Act. The failure of any employer to produce for inspection such

employment certificate, or the presence of any minor under eighteen years of age in his place of work at any time other than that specified in the posted schedule of hours required by this Act, shall be prima facie evidence of the unlawful employment of the minor, except that in common meeting places such as drug stores and neighborhood stores, actual evidence of employment other than mere presence must be obtained.

Section 19. Every person employing minors under eighteen years of age shall keep a separate register containing the names, ages and addresses of such employes, and the time of commencing and stopping work for each day, and the time of the beginning and ending of the daily meal period, and shall post and keep conspicuously posted in the establishment wherein any such minor is employed, permitted or suffered to work, a printed abstract of this Act, and a list of the occupations prohibited to such minors, together with a notice stating the working hours per day for each day in the week required of them. These records and files shall be open at all time to the inspection of the school attendance and probation officers, and representatives of the Department of Industrial Relations and the Department of Education.

Section 20. No female under twenty-one years shall be employed or permitted to work at any occupation that compels her to remain standing constantly.

Section 21. The walls and ceilings of each room in every manufacturing establishment where minors are employed shall be lime-washed or painted when, in the opinion of the Commissioner of Industrial Relations, it would be conducive of the health or cleanliness of the persons working there.

Section 22. Nothing in this Act shall prevent the use of suitable machinery for instruction in schools where the mechanical arts are taught in connection with and as part of the usual school curriculum. The use of such machinery in any public or private school shall be subject to the approval of the board of education of the district where the school is situated, and shall be subject to the general industrial safety standards as to supplying safe-guards for the protection of those using such machinery.

Section 23. In any manufacturing establishment where any person under twenty-one years of age is employed, the owner, his agent, superintendent or person in charge shall furnish and maintain when practicable, belt shifters or other safe mechanical contrivances

to throw belts on or off pulleys. Whenever practicable, machinery therein shall be provided with loose belts. All vats, pans, saws, planes, cogs, gearings, belting, set screws and machinery which is palpably dangerous shall be properly guarded. No person shall remove or make ineffective any safeguard around or attached to any such appliance or machinery, while in use, except to make immediate repairs. All such safeguards shall be promptly replaced.

Section 24.

- (1) It shall be the duty of the Department of Industrial Relations and of the inspectors and agents of said department, with the assistance of the school attendance officers, police officers and juvenile court probation officers, to enforce the provisions of this Act, to make complaints against persons violating its provisions, and to prosecute violations thereof. The Department of Industrial Relations, its inspectors and agents shall have authority to enter and inspect at any time any place or establishment covered by this Act, and to have access to employment certificates kept on file by the employer and such other records as may aid in the enforcement of this Act. School attendance officers are likewise empowered to visit and inspect places where minors may be employed, and shall report any cases of employment that they find in violation of this Act to the Department of Industrial Relations.
- (2) Any person authorized to enforce this Act may require an employer of a minor for whom an employment certificate is not on file either to furnish him within ten days the evidence required for an employment certificate showing that the minor is at least 18 years of age or to cease to employ or permit or suffer such minor to work. Proof of the making of such demand and of failure to deliver such proof of age shall be prima facie evidence, in any prosecution brought for violation of this Act, that such minor is under 18 years of age and is unlawfully employed.

Section 25. Whoever employs or permits or suffers any minor to be employed or to work in violation of this Act, or of any order or ruling issued under the provisions of this Act, or obstructs the Department of Industrial Relations, its officers, or agents, or any other person authorized to inspect places of employment under this Act, or whoever, having under his control or custody any minor, permits or suffers him to be employed or to work in violation of this Act, or who sells to a minor any articles with the knowledge that the minor

intends to sell said article in violation of this Act, shall be fined not less than twenty-five nor more than one hundred dollars. Every employer who continues to employ a minor in violation of this Act after he has been notified by the Department of Industrial Relations, its officers or agents, shall be fined twenty-five dollars for each day the violation continues and the employment of any minor in violation of this Act shall with respect to each minor so employed constitute a separate and distinct offense.

Section 26. Sections 339.010, 339.020, 339.030, 339.040, 339.050, 339.060, 339.070, 339.080, 339.090, 339.100, 339.110, 339.115, 339.120, 339.130, 339.140, 339.150, 339.160, 339.170, 339.180, 339.190, 339.200 and 339.990 of the Kentucky Revised Statutes are repealed.

Section 27. Section 159.030 of the Kentucky Revised Statutes is amended to read as follows:

- (1) The board of education of the district in which the child resides shall exempt from the requirement of attendance upon a regular public day school every child of compulsory school age:
 - (a) Who is a graduate from an accredited or an approved four-year high school; or
 - (b) Who is enrolled and in regular attendance in a private or parochial regular day school approved by the State Board of Education; or
 - (c) Whose physical or mental condition prevents or renders inadvisable attendance at school or application to study; or
 - (d) Who is deaf and blind to an extent that renders him incapable of receiving instruction in the regular elementary or secondary schools, but whose mental condition permits application to study.
- (2) Before granting an exemption under paragraph (c) of subsection (1) of this section the board of education shall require satisfactory evidence, in the form of a signed statement of a licensed physician or public health officer, that the condition of the child prevents or renders inadvisable attendance at school or application to study. On the basis of such evidence the board may exclude any such child from school.

Section 28.

- (1) Minors 16 and 17 years of age who have been lawfully employed for a period of at least ninety days prior to the effec-

tive date of this Act shall be exempt from the provisions of this Act.

- (2) Minors 14 and 15 years of age who have been lawfully employed during school hours for a period of at least ninety days prior to the effective date of this Act, may continue to be so employed subject to all other provisions of this Act, notwithstanding the provisions of subsection (1) of Section 3.

High School services for War Veterans:

Each school district in this state shall admit to its twelve-grade school service, without tuition, any veteran of the Armed Forces whose attendance was interrupted, before completing the approved twelve-grade school course, by reason of induction or enlistment in the Armed Forces, who applies for re-enrollment in the public school system of the district of his residence not later than four years after his honorable discharge from the Armed Forces. However, this is not intended to apply to enrollment by veterans in special courses for whom tuition is paid under the provisions of Federal laws, or otherwise.

Licensing motor vehicles owned by governmental units:

1. Section 186.060 of the Kentucky Revised Statutes is amended to read as follows: Applications for registration for motor vehicles owned exclusively by a county, city, or board of education in the state, or by the state or federal government, shall be accompanied by a statement from the head of a department of the governmental unit that owns the motor vehicle certifying that the motor vehicle is exclusively owned and operated by the governmental unit. The application and statement shall be forwarded by the county clerk to the department, which shall give special authority to the clerk to register it. Upon receiving that authority, the clerk shall issue a registration receipt and the official number plate described in Section 186.240, Sub-section (3), as amended by this Act, and report the registration to the head of the department authorizing the registration. For his services in issuing such certificate of registration and number plate and reporting the same, the county clerk shall be entitled to a fee of fifty cents in each instance, to be paid by the department upon whose authorization such license was issued.

2. After such registration of any vehicle owned exclusively by the state and after issuance of such number plate for such vehicle so owned, no subsequent registration or renewal of same, and no subsequent renewal of a number plate of said vehicle shall be necessary so

long as said vehicle is owned exclusively by the state, except in the case of loss or destruction of said license plate. In the event of such loss or destruction, said number plate shall be replaced in the same manner as if no plate has ever been issued.

3. No person shall use on a motor vehicle, not exclusively owned by a county, city board of education in the state, or the state or federal government, any license plate that has been issued for use on a motor vehicle owned by such a governmental unit.

Amend Section 186 of the Constitution of the Commonwealth:

Section 1. Section 186 of the Constitution of the Commonwealth of Kentucky is amended by repealing said section in its entirety and enacting in lieu thereof the following:

All funds accruing to the school fund shall be used for the maintenance of the public schools of the Commonwealth, and for no other purpose, and the General Assembly shall by general law prescribe the manner of the distribution and use of the public school fund for public school purposes. Provided that each school district in the Commonwealth shall receive on a census pupil basis its proportionate part of at least seventy-five per cent of any fund accruing to the school fund. The remainder of any fund accruing to the school fund may be distributed upon other than a census pupil basis.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.170 and 118.430.

Junior Colleges and Teacher Retirement System:

Section 161.240 of the Kentucky Revised Statutes is amended to read as follows:

- (1) Districts, Institutions and Offices Included in System.—The retirement system shall embrace all of the public elementary and secondary schools of the state and the institutions and offices enumerated in subsection (4) of KRS 161.220.
- (2) The retirement system shall further embrace any existing public Junior Colleges established and maintained under 165.160 to 165.260, KRS, inclusive, the members of the instructional and administrative staffs of which shall on and after July 1, 1948, be eligible to membership in the Teachers' Retirement System of the State of Kentucky with the following options as to said membership:

- (a) Any present member of the instructional and administrative staffs may individually decline membership and waive all obligations and rights under the statutes 161.220 to 161.710, KRS, inclusive, by acknowledgment on a proper form provided by the Board of Trustees.
- (b) Any present member of the instructional and administrative staffs may come into membership with the status of "new" teacher entering service on July 1, 1948.
- (c) Any present member of the instructional and administrative staffs may make the retirement contribution provided by law for any year or years subsequent to July 1, 1940, taught in the institution in which now employed and in addition thereto an actuarial adjustment of three per cent compound interest and receive service credit as if payment had been made currently as their respective duties were performed. Members of the staff taking this option shall be entitled to prior service credit as defined in KRS 161.220 (7). A true record of all such service shall be filed in the office of the Board of Trustees of the Teachers' Retirement System.
- (3) The foregoing options must be determined in writing prior to July 1, 1948. If no option is made on the part of any member of the staffs, his status shall be that of option (b) and membership in the Retirement System shall be required as a condition of employment. On and after July 1, 1948, membership shall be compulsory as a condition of employment for all new members of the instructional and administrative staffs of said existing public Junior Colleges.
- (4) The obligations, rights, benefits, and privileges created by subsections (2) and (3) of this section shall be extended to any public Junior College or Colleges created after July 1, 1948, and created and maintained under Section 165.160 to 165.260, KRS, inclusive, under such rules and regulations not inconsistent with the statutes as the Board of Trustees of the Teachers' Retirement System may adopt.

Act relating to state boards and commissions and terms of the members thereof:

Section 1. Section 164.130 of the Kentucky Revised Statutes is amended to read as follows:

The government of the University of Kentucky is vested in a board of trustees, consisting of the Governor, who shall be chairman

of the board, the Superintendent of Public Instruction, the Commissioner of Agriculture, Labor and Statistics, and twelve competent citizens of Kentucky appointed by the Governor. The terms of the appointed members shall be for four years and until their successors are appointed and qualify. The terms of the four present members appointed in January 1948, to succeed those members who were appointed under the former statute for terms beginning in January 1942, shall be calculated to have begun as of January 1, 1948. The terms of the four present members who were appointed under the former statute for terms beginning in January 1944 shall be deemed to have expired on December 31, 1947, but they shall be deemed to have continued in office pending the appointment and qualification of their successors, who shall be appointed for terms of four years, calculated as if they had begun on January 1, 1947. The terms of the four present members who were appointed under the former statute for terms beginning in January 1946 shall expire on December 31, 1949, and their successors shall be appointed for terms of four years beginning as of January 1, 1950. Thereafter, as the terms of each group of four members expire, successors shall be appointed for terms of four years. One member of each group of four shall be a member of the State Board of Agriculture, one shall be from the alumni of the university and two shall be distinguished citizens of the state. The Governor shall so make the appointments as to divide the representation upon the board, including the ex officio members, equally between the two leading political parties of this state. With the exception of the members of the board of trustees appointed from the alumni of the university, no two appointed members of the board shall be residents of any one county in Kentucky. Appointments to fill vacancies shall be made for the unexpired term in the same manner as provided for original appointments.

Section 2. Section 167.020 of the Kentucky Revised Statutes is amended to read as follows:

The Kentucky School for the Deaf shall be governed by a board of commissioners consisting of nine members appointed by the Governor. The terms of the members shall be for four years and until their successors are appointed and qualify. The terms of the three present members who were appointed under the former statute for terms beginning in 1942 shall be deemed to have expired in 1946, four years from the date of commencement of the terms, but such members shall be deemed to have continued in office pending the appointment and qualification of their successors, who shall be appointed, in 1948, for terms of four years calculated as if they had begun on January 1,

1947. The terms of the three present members who were appointed under the former statute for terms beginning in 1944 shall be deemed to expire in 1948, four years from the date of commencement of the terms, but such members shall continue in office pending the appointment and qualification of their successors, who shall be appointed, in 1948, for terms of four years calculated as if they had begun on January 1, 1948. The terms of the three present members who were appointed under the former statute for terms beginning in 1946 shall expire in 1950, four years from the date of commencement of the terms, and their successors shall be appointed in 1950 for terms of four years calculated to begin as of January 1, 1950. Thereafter, as the terms of each group of three members expire, successors shall be appointed for terms of four years. Two members out of each group of three members appointed shall be residents of Boyle County, Kentucky. Vacancies shall be filled by the Governor. The board shall be a corporate body for the benefit of the state by the name of Board of Commissioners of the Kentucky School for the Deaf. The board may make contracts, sue and be sued, have a common seal, and exercise all other rights and privileges incident to corporations that are necessary to carry out the purposes for which it is created. It may make such lawful bylaws as it deems proper. All action of the board shall be subject to the control of the General Assembly. A majority of the board shall constitute a quorum for the transaction of business.

Merger of districts:

Section 1. When a Board of Education of an independent school district desires to have its district become a part of the county school district, it shall by motion so record its desire in the Minutes of the Board. The Board, or its executive officer, shall convey this request to the County Board of Education. At its next regular meeting, or at a special meeting held prior thereto, the County Board of Education shall pass upon this request.

Section 2. If the County Board of Education refuses, or the two Boards of Education cannot agree upon such a proposition of merger of the independent district with the county district, the independent Board of Education may appeal to the Superintendent of Public Instruction and ask that its request to become a part of the County School District be submitted to the State Board of Education for final settlement.

Section 3. If the State Board of Education approves the proposition of merger, it shall become effective and the independent district shall become a part of the county school district on the basis

of the conditions of merger as set out by action of the State Board of Education.

Age of school bus drivers:

Section 186.600 of the Kentucky Revised Statutes is amended to read as follows:

No person under the age of twenty-one shall drive a motor vehicle while it is in use as a school bus for the transportation of pupils to or from school, or to drive a motor vehicle while it is in use as a public passenger-carrying vehicle.

This Act shall become effective with the license year beginning August 1, 1952.

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**DECISIONS OF THE COURT OF APPEALS BEGINNING
WITH VOLUME 302, PAGE 647, AND INCLUDING
VOLUME 307, PAGE 24.**

Volume 302

City of Louisville et al. v. Board of Education of Louisville, 302 Ky. 647, June 21, 1946. Sec. 162.090 (2) KRS valid bonds of boards of education of first and second class cities charge against city.

City of Middlesboro et al. v. Board of Education of Middlesboro, 302 Ky. 683, June 21, 1946. Board of education must include in budget a reasonably anticipated amount of collection of delinquent taxes for the previous year based upon experience. It may deduct amount of anticipated delinquencies in collection of taxes under current levy.

Volume 303

Webster County Board of Education et al. v. Wynn et ux., 303 Ky. 110, October 18, 1946. In absence of affirmative showing of purpose or plan of county board of education to erect new school building within reasonable time on school lot, from which original building, sold by board, was removed, stronger and superior presumption against such purpose or plan must prevail.

Board of Education of Louisville v. Klein et al., 303 Ky. 234, November 8, 1946. A football game is not a "nuisance per se." The operation of high school stadium for night high school football games was not a "nuisance per se."

Injunction against proposed night high school football games on assumption that they would constitute a nuisance per se or that they would become a nuisance per accident was erroneous.

A thing may or may not be a nuisance according to the manner in which it is used, the situation in which it is placed, or the time it has been carried on without complaint, when measured by the mind and taste of the average citizen.

Roland et al. v. Coleman, 303 Ky. 650, January 14, 1947. School bus operator, in carriage of school children, is not required to guard against consequences which no reasonable man could expect to occur.

Volume 304

Schmidt et al. v. Payne et al., 304 Ky 58, Feb. 18, 1947. (3) The hazards and highway conditions of any particular route should be considered in determining what constitutes a reasonable walking distance from school as respects duty of school board to furnish transportation to pupils, and such hazards and highway conditions may be more decisive than the mere distance involved.

Lone Jack Graded School Dist. v. Hendrickson, 304 Ky. 317, March 21, 1947. Board of Education speaks only through its minutes. Must have contract to be enforceable. It was held teacher had no contract. Action of Board was refusal of recommendation of Superintendent.

Salyers v. Lyons, 304 Ky. 320, March 21, 1947. Board of Education cannot declare office of Board Member vacant. Attorney General only has this authority.

Dicken et al. v. Kentucky State Board of Education, 304 Ky. 343, February 21, 1947. Regulation of State Board of Education requiring 60 students as a minimum to maintain a high school is valid and does not constitute a legislative function.

Pulliam et al. v. Williams et al., 304 Ky. 351, February 21, 1947. Where high school attendance was below 60, the minimum requirement for accreditation until after order for discontinuance was made, and where sudden increase was made to obtain rescission of the order discontinuing school, injunction to require discontinuing was not and could not be granted.

Phelps et al. v. Witt et al., 304 Ky. 473, February 11, 1947. County Board of Education abused its discretion in locating a school building in that it did not have approval of Superintendent of Public Instruction, contrary to recommendation of Department of Education, not in center of population.

Weber v. True et al., 304 Ky. 681, May 6, 1947. In counties where sheriff is compensated by fees, sheriff is not entitled to charge 4% fee enacted by 1946 session of Legislature since this would increase his compensation during present tenure of office.

Volume 305

Fyfe et al. v. Hardin County Board of Education, 305 Ky. 589, October 17, 1947. Where Board of Education of county concluded that it was necessary to enlarge and improve school facilities of

county and board requested Fiscal Court to cooperate with it in issuance of school revenue bonds, court acted without authority in refusing to issue bonds merely because court disagreed with board as to the need for new school buildings.

Stokley, County Judge, et al. v. Fleming County Board of Education, etc., 305 Ky. 602, October 17, 1947. A board of education has exclusive right to determine within lawful limits the amount necessary to be expended and items for which it shall be expended in operation of schools, and governing authorities of tax levying district must levy a tax within limits prescribed by Constitution and statutes sufficient to raise the revenue required under budget filed by board, in absence of showing of illegal expenditure, computation unlawfully arrived at, or bad faith of board.

Inaccuracies in estimated items in county school budget due to subsequent developments did not justify fiscal court in refusing to levy taxes required by budget in absence of showing that budget was tainted with illegality or bad faith.

Hapner v. Carlisle County Board of Education et al., 305 Ky. 858, June 13, 1947. Under statute authorizing termination of a teaching contract for certain specified causes, unless the decision (of Circuit Court) is flagrantly or palpably against the evidence, the Court of Appeals may not set it aside.

Volume 306

Jefferson County Board of Education et al. v. Goheen, 306 Ky. 439, April 29, 1947. Kentucky Children's Home is home of children committed to it. Jefferson County Board of Education required to furnish educational facilities for them because the home through its officers stood in loco parentis to the children.

Volume 307

Lykins v. Wolfe County Board of Education et al., 307 Ky. 24, March 19, 1948. Schools and School Districts.—Where conveyance of half-acre tract to school trustees contained reversionary clause and subsequent conveyances of the large tract of land, the description of which embraced the half-acre conveyed to the school, expressly excluded the half-acre tract, on abandonment of property for school purposes, the school lot reverted to original grantor rather than to then owner of the large tract. KRS 162.010.

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