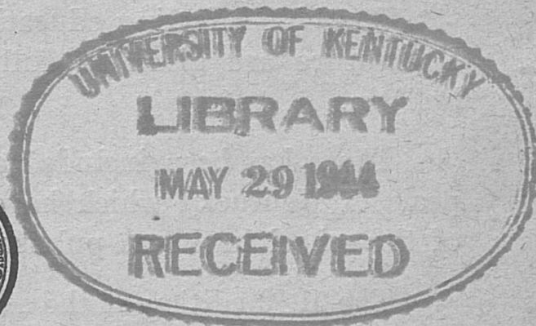


● Commonwealth of Kentucky ●
EDUCATIONAL BULLETIN

**Educational Bills Passed by the 1944
Session of the Legislature
of Kentucky**

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Lexington, Ky.



Published by

DEPARTMENT OF EDUCATION

JOHN FRED WILLIAMS
Superintendent of Public Instruction

ISSUED MONTHLY

Entered as second-class matter March 21, 1933, at the post office at
Frankfort, Kentucky, under the Act of August 24, 1912.

Vol. XII ● May, 1944 ● No. 3

FOREWORD

The bills affecting education passed by the 1944 session of the Legislature are given in full in this number of the Department bulletin.

There has been included also the decisions of the Court of Appeals of Kentucky which have been decided since the 1942 edition of the school laws was published.

The 1942 edition of the school laws and this bulletin give a complete school law reference.

JOHN FRED WILLAMS
Superintendent of Public Instruction

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An Act Relating to Teachers' Tenure

That Section 161.720 to and including 161.810, Kentucky Revised Statutes, be and the same are hereby repealed and re-enacted so that when repealed and re-enacted they shall read as follows:

Definitions For Teachers' Tenure Law.—(1) The term "teacher" for the purpose of this Act shall mean any person for whom certification is required as a basis of employment in the public schools of the state with the exception of the superintendent.

(2) The term "year" as applied to terms of service means actual service of not less than seven school months within a school year, provided, however, that any board of education may grant a leave of absence for professional advancement with full credit for service.

(3) The term "limited contract" shall mean a contract for the employment of a teacher for a term of four years or less.

(4) The term "continuing service contract" shall mean a contract for the employment of a teacher which shall remain in full force and effect until the teacher resigns or retires or until it is terminated or suspended as provided in KRS 161.790 and 161.800.

(5) The term "continuing status" means employment of a teacher under a continuing contract.

(6) The term "standard" or "college" certificate for the purpose of this act shall mean any certificate issued upon the basis of graduation from a standard four-year college.

The superintendent shall be eligible for continuing contract status when he meets all requirements prescribed in this act for continuing contracts for teachers.

Limited or Continuing Contracts With Teachers Required.—Each board of education shall enter into either limited or continuing contracts for the employment of all teachers.

Eligibility For Continuing Service Status; Reemployment of Those Eligible:

Continuing Contracts for Present Teachers; Reinstatement After War Service. (1) Teachers eligible for continuing service status in

any school district shall be those teachers who meet qualifications listed in this section :

- (a) Hold a Standard or College Certificate as defined in Section 161.720.
- (b) Have taught four years in the district.
- (c) Have served two years in the district after they have attained continuing contract status elsewhere. Upon the recommendation of the superintendent the board of education may at the time of the employment or at any time within such two year period declare any of the latter teachers eligible.

(2) A teacher eligible for continuing service status shall be re-employed and a continuing contract shall be entered into between the board of education and such teacher upon the recommendation of the superintendent unless the board by a four-fifth vote of its full membership rejects the continuing contract of the teacher recommended. However, the superintendent may recommend employment of such teacher, under a limited contract, for not to exceed two years but upon subsequent reemployment only a continuing contract may be entered into.

(3) Any teacher or superintendent who has been or may be hereafter inducted into the Armed Forces of this country for service in the present war, shall at the expiration of such service be reemployed or reinstated in his or her former position as of the beginning of the next school year provided application is made at least thirty days before the opening of school, unless physically or mentally incapacitated. Any teacher or superintendent desiring reinstatement in his or her former position shall file application for same with the board of education within a period of sixty days immediately following discharge from the Armed Forces of the country. Vacancies created by military leaves shall be filled by teachers or superintendents employed by the board of education under limited contracts only.

Limited Contracts; When to be Entered Into; Reemployment on Expiration:

Period of Contract.—(1) A limited contract may be entered into by each board of education with each teacher who has not been in the employ of the board for at least four years and shall be entered into, regardless of length of previous employment, with each teacher employed by the board who does not hold a Standard or College Certificate.

(2) Any teacher employed under a limited contract and ineligible for a continuing contract shall at the expiration of such limited contract be deemed reemployed under the provisions of KRS 161.720 to 161.810 for the succeeding school year at the same salary plus any increment or decrease as provided by the salary schedule unless the employing board shall give such teacher written notice on or before the thirty-first day of March of its intention not to reemploy him. Such teacher shall be presumed to have accepted such employment unless he shall notify the board of education in writing to the contrary on or before the first day of May, and a contract for the succeeding year shall be executed accordingly. Provided, however, that:

- (a) Beginning teachers, who have not been previously employed as a teacher in any school, shall be employed for one year only.
- (b) New teachers who have had at least one year's experience as teachers in other schools may be employed from one to three years at the discretion of the board of education.
- (c) Upon reemployment after the termination of the first contract and subsequent contracts the new contract may be for not less than two years nor more than four years at the discretion of the board.

Salaries of Teachers; Notice of; Increase or Reduction.—Each board of education shall cause notice to be given annually not later than August 1 to each teacher who holds a contract valid for the succeeding school year stating the best estimate as to the salary to be paid such teacher during such year. Such salary shall not be lower than the salary paid during the preceding school year unless such reduction be a part of a uniform plan affecting the entire district. But nothing herein shall prevent increases of salary after the board's annual notice has been given.

Leaves of Absence.—Upon written request of a teacher or superintendent, a board of education may grant a leave of absence for a period of not more than two consecutive school years for educational or professional purposes, and shall grant such leave where illness, maternity or other disability is the reason for the request. Upon subsequent request, such leave may be renewed by the board. Without request, a board of education may grant similar leave of absence and renewals thereof to any teacher or superintendent because of physical or mental disability, but such teacher or superintendent shall have the right to a hearing on such unrequested leave of

absence or its renewal in accordance with the provisions for hearing an appeal in KRS 161.790. Upon the return to service of a teacher or superintendent at the expiration of a leave of absence, he shall resume the contract status which he held prior to such leave.

Termination of Contract by Teacher.—No teacher or superintendent shall be permitted to terminate his contract within thirty days prior to the beginning of his school term without the consent of the board; any such teacher or superintendent shall be permitted to terminate his contract at any other time when schools are not in session by giving five days' written notice to the employing board of education. Upon complaint by the employing board to the State Superintendent of Public Instruction and after investigation by him, the certificate of a teacher or superintendent terminating his contract in any other manner than provided in this section may be suspended for not more than one year.

Termination of Contract by Board; Channels for; Procedure; Suspension Pending Trial; Appeal.—(1) The contract of a teacher shall remain in force during good behavior and efficient and competent service by the teacher and shall not be terminated except for any of the following causes :

(a) Insubordination, immoral character or conduct unbecoming a teacher ;

(b) Inefficiency, incompetency, physical or mental disability or neglect of duty.

Marriage of a teacher shall not be cause for termination of the contract.

(2) No contract shall be terminated except upon recommendation of the superintendent and unless the teacher is furnished with a written statement, specifying in detail the charge or charges against said teacher, signed by the proper officer of the board of education and naming a date and place at which the teacher may appear before the board of education and answer said charge or charges. Said date for the hearing shall not be less than twenty nor more than thirty days after the service of such charges upon the teacher. The teacher shall within ten days after the receipt of the written statement of such charges notify the board of education of his intention to appear and answer such charges, and upon failure of the teacher to give such notice the board of education may dismiss the teacher by a majority vote and such dismissal shall be final.

(3) Upon receipt of the teacher's notice of intention to appear and answer such charges the board of education shall issue such subpoenas as shall be necessary for the determination of the issues in-

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involved. The issues shall be heard at the time and place set and the hearing shall be public or private at the discretion of the teacher. Both parties may be represented by counsel and may require the presence of witnesses upon subpoena. Each witness shall be required to take oath or affirmation before an officer of the board of education. The board of education shall provide for a stenographic report of the proceedings and furnish the teacher with a copy. Upon completion of both sides of the case the board of education may by a majority vote dismiss the teacher or may defer its action for not more than five days.

(4) The board of education may, on recommendation of the superintendent, suspend a teacher pending final action to terminate his contract if, in its judgment, the character of the charges warrants such action. If after the hearing the decision of the board is against termination of the contract, the suspended teacher shall be paid his full salary for the period of such suspension.

(5) The teacher shall have a right to make an appeal both as to law and as to fact to the circuit court. If said appeal is not made within thirty days after dismissal, then the decision of the board of education shall be final. Such appeal shall be an original action in said court and shall be commenced by the filing of a petition against such board of education, in which petition the facts shall be alleged upon which the teacher relies for a reversal or modification of the order of termination of contract. Upon service or waiver of summons in said appeal, such board of education shall forthwith transmit to the clerk of said court for filing a transcript of the original notice of charges and a transcript of all evidence adduced at the hearing before such board, whereupon the cause shall be at issue without further pleading and shall be advanced and heard without delay. The court shall examine the transcript and record of the hearing before the board of education and shall hold such additional hearings as it may deem advisable, at which it may consider other evidence in addition to such transcript and record. Upon final hearing, the court shall grant or deny the relief prayed for in the petition as may be proper under the provisions of KRS 161.720 to 161.810 and in accordance with the evidence adduced at the hearing. Either the teacher or the board of education may appeal from the action of the Court to the Court of Appeals.

Suspension of Contracts on Reducing Number of Teachers.—When by reason of decreased enrollment of pupils, or by reason of suspension of schools or territorial changes affecting the district, a board of education decides that it will be necessary to reduce the number of teachers,

it shall have full authority to make reasonable reduction. But, in making such reduction, the board shall proceed to suspend contracts in accordance with the recommendation of the superintendent of schools who shall, within each teaching field affected, give preference to teachers on continuing contracts and to teachers who have greater seniority. Teachers whose continuing contracts are suspended shall have the right of restoration in continuing service status in the order of seniority of service in the district if and when teaching positions become vacant or are created for which any of such teachers are or become qualified.

Continuance of Status in Case of Annexation or Consolidation Schools.—If an entire school district or that part of a school district which comprises the territory in which a school or schools are situated is transferred to any other district, or if the schools in an independent or county school district are consolidated or centralized the teachers in such consolidated or centralized schools employed on continuing contracts immediately prior to such transfer, consolidation, or centralization shall, subject to the limitations imposed by KRS 161.800, have continuing service status in the newly centralized or consolidated school, or in the district to which the territory is transferred.

An Act Providing for the Distribution of an Appropriation for Equalizing Educational Opportunities

That Sections 157.052 and 157.053, Kentucky Revised Statutes, be and the same are hereby repealed and reenacted so that when repealed and reenacted they shall read as follows:

Any board of education that has had its budget and salary schedule 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 of at least seventy-five cents on each one hundred dollars of property subject to local taxation and not less than the ad valorem tax levy made for the school year 1943-1944, shall have the privilege of applying for aid from this special fund. Such application shall be filed with the Superintendent of Public Instruction on or before January 15 prior to the beginning of the school year for which such aid is requested, except the year 1944 and previous to May 15, 1944.

The Superintendent of Public Instruction shall make a careful

study to determine the amount of revenue that is available annually for the education of each child in average daily membership in the public schools in each school district in Kentucky. This study which shall be used as a basis for the distribution of moneys from the special fund shall be based upon records and reports for the school year ending June 30 immediately preceding. For the purpose of this study the Superintendent of Public Instruction shall include all recurring state and local revenues accruing to the board of education and shall calculate the local income at the rate of seventy-five cents per one hundred dollars of property subject to local taxation, or on the basis of the 1943-44 ad valorem tax levy if it is greater than seventy-five cents. This study shall be made annually in the same manner. If the Superintendent of Public Instruction finds that a board of education is unable to provide an average of forty dollars per year for the education of each child in average daily membership in its district, then the Superintendent of Public Instruction with the approval of the State Board of Education shall prorate from the funds appropriated for this purpose an amount sufficient to enable each board of education to provide an income of forty dollars per year for the education of each child in average daily membership in such school district. In the event that the amount appropriated for this purpose is not sufficient to permit an allotment to each board of education of the full amount necessary to provide an income of forty dollars per year per pupil in average daily membership, then the amount appropriated shall be distributed to all school districts which qualify for such aid on a percentage basis to be determined by the ratio of the funds appropriated for this purpose to the total amount necessary to provide an income of forty dollars per child in average daily membership in the public schools of the entire Commonwealth.

Approved February 24, 1944

An Act Authorizing Boards of Education of City School Districts and County School Districts Containing Cities of the Second Class to Set Aside Funds for Building Purposes

Sections 162.431, 162.435, 162.440, 162.450, 162.460, and 162.480 of the Kentucky Revised Statutes prepared by the Statute Revision Commission of the Commonwealth of Kentucky, be and they are hereby amended and re-enacted so that said Sections as amended and re-enacted shall read as follows:

162.431: In addition to other taxes now levied, each city of the second class shall levy, and the County Fiscal Court of a county containing a city of the second class shall levy annually such tax of not less than one cent nor more than five cents on each one hundred dollars' valuation of property assessed by the city and/or the county, as shall be requested by the Board of Education of the independent school district embracing the city, or Board of Education of a county containing a city of the second class, at the same time the regular tax rate is fixed by the Board of Education, to provide a fund for the Board of Education for the purchase of sites for school buildings, for the erection of school buildings and the complete equipping thereof, and for the major alteration and enlargement of existing buildings and the complete equipping thereof. In addition to, or in lieu of, the above special tax, the board of education of any city of the second class and/or of a county containing a city of the second class may pay into this special fund, from time to time, all or any part of the receipts from the sale of land or property no longer needed for school purposes, and may from time to time pay into this special fund all or any part of any balances remaining in the general fund at the end of any fiscal year over and above the amount necessary for discharging obligations for the fiscal year in full. Any additional tax levied under this section shall come within the present permissible maximum school tax levy of school districts affected, and within such permissible maximum school tax levies as the General Assembly may hereafter determine.

The Board of Education shall cause to be made annually an audit of the building fund by a certified public accountant and/or by an accountant approved by the State Department of Education.

The Board of Education of any city of the second class or of a county containing a city of the second class may, by resolution, establish a fund to be known as the "Insurance Fund" after written approval of the plan to administer said fund has been secured from the Superintendent of Public Instruction. The resolution shall state and fix the maximum limit of the fund. The fund shall be maintained separate from the other funds and moneys of the board, and shall be used exclusively for replacing or repairing any injury or destruction to any of the buildings owned by the board or to their contents when caused by fire, tornado, windstorm, cyclone, casualty, explosion, riot or flood, but not when caused by wear and tear or the natural processes of decadence or deterioration.

162.450: The Board of Education of a city of the second class, or of a county containing a city of the second class, may raise the

maximum limit of the insurance fund from time to time as it deems best. Until the amount in the fund equals the maximum limit, the Board of Education shall each year, from the revenues under its control, set apart to the fund a sum equal to from one-twentieth to one-tenth of the maximum limit of the sum. When any portion of the fund is used, payments to restore the fund shall at once be begun and be continued until the restoration is complete. When the fund is, for any reason, below the maximum limit, the interest derived from the investment thereof shall be accumulated and added to the fund; otherwise the interest may be transferred to the general funds of the board.

The insurance fund shall be kept on deposit with the treasurer of the Board of Education, unless by order of the board it is invested in the United States, State, County, or City bonds that are not payable from assessments, and are registered, if practicable. If the bonds are coupon bonds they shall be kept deposited in a safe deposit vault and be opened only by the business manager or secretary of the board in the presence of a member of the board authorized to represent it. Every vote upon the use or investment of any portion of the fund shall be by call of the yeas and nays and the record shall show how each member voted.

162.480: When an injury occurs to any building or its contents from fire, tornado, windstorm, cyclone, casualty, explosion, riot or flood, the business director or secretary of the Board of Education shall, within thirty days thereafter, prepare and file with the board a sworn written proof of loss, showing in detail the items of injury, and in detail an estimate of the extent of the financial loss and whether and to what extent the same is covered by insurance, with the names of the companies, the number of the policies and names of the agents. Before the Board of Education may appropriate any portion of the insurance fund, a committee appointed by the board shall report to the board in writing, answering in detail the following questions and making such recommendations as they deem best:

1. What is the entire loss on the building? When and what caused it?
2. What deduction should be made for wear and tear and the natural processes of decadence or deterioration?
3. What portion of the loss proposed to be made good from this fund resulted from causes covered by this fund?

4. Will it be practicable to make the restoration from the general fund and the proceeds of any insurance policies without assistance from this fund?
5. If assistance is needed from this fund, how much? How will the portion so used be returned to the fund?
6. Does or does not the committee recommend an appropriation from this fund to aid in the restoration proposed? If so, how much?

WHEREAS it is necessary that county school budgets be prepared and submitted to the Fiscal Courts on or before March 20 for the fiscal year beginning July 1,

NOW, THEREFORE, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Approved March 20, 1944.

An Act Appropriating \$3,000,000 For Supplementing Teachers' Salaries for the School Year 1943-44

There is hereby appropriated out of any sums in the General Fund not already appropriated the sum of \$3,000,000 for the purpose of supplementing the salaries of teachers employed in the public elementary and secondary schools of Kentucky for the school year beginning July 1, 1943, and ending June 30, 1944. The funds so appropriated shall be distributed to each school district by the Superintendent of Public Instruction as a supplement to the common school fund appropriated in Item 18 (e) of Part One-A of Chapter 1 of the Acts of the General Assembly of 1942 for the 1943-44 school year. They shall be distributed in accordance with the law.

In making the distribution the Superintendent of Public Instruction shall use the official census figures for the state and for each school district used in the distribution of the common school fund for the 1943-44 school year.

The funds received by each board of education from this appropriation shall be so applied that each teacher of the district shall receive the same amount of increase on the monthly basal salary schedule for the school year 1943-44.

The appropriation provided herein shall be exempt from all provisions of law relating to teacher retirement, Section 161.220 to

and including Section 161.710, Kentucky Revised Statutes, 1942 edition.

“Teacher”, as defined in this Act, shall mean classroom teachers, principals, supervisors, or other certificated employees included in the official salary schedule as adopted by the school district and approved by the State Board of Education for the 1943-44 school year.

WHEREAS, the funds appropriated by this Act supplement the salaries of teachers for the school year 1943-44, and

WHEREAS, if the effective date of the Act is delayed many of the school terms will end before the funds can be distributed as required by the Act:

NOW, THEREFORE, an emergency is hereby declared to exist and this Act shall become effective upon its approval by the Governor.

Approved February 1, 1944

An Act Relating to the Adoption of School Textbooks by an Independent School District With a Pupil Census of 1250

Section 156.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Textbook Commission shall, not later than March 1 in any adoption year, select and publish a list of ten 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, or of an independent school district having a school census in excess of 1250, 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 the recom-

mentation 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 list of books prepared by the State Textbook Commission shall remain unchanged for a period of five years, and not more than 33 1/3% of the list of books currently in use shall be changed at any one adoption period. The adoption periods shall commence in 1930.

Section 156.320 of the Kentucky Revised Statutes is amended to read as follows:

The State Textbook Commission shall, not later than March 1 in any adoption year, adopt a uniform series or system of basal textbooks for use in the public schools of the county schools districts and of those independent school districts not coming within the provisions of KRS 156.310. The commission shall cause the list 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, beginning with 1930. A county board of education of a county maintaining a school term of at least nine months, upon the recommendation of its superintendent and a majority vote of the entire board, may select basal textbooks to be used in the county school district from the list adopted and approved for city school districts under KRS 156.310.

Section 156.330 of the Kentucky Revised Statutes is amended to read as follows:

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, or approved by the State Textbook Commission and adopted by the board of education having jurisdiction over the school district, in the manner provided in KRS 156.260 to 156.320. A change of a textbook made by the State Textbook Commission or by the board of education of an independent school district of any of the classes described in subsection (2) of KRS 156.310 shall not become effective until grades or classes of 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.

Approved March 23, 1944.

An Act Relating to Publication of Financial Statements of Governmental Units, Amending Section 61.290, Repealing Sections 92.390, 68.070, 87.220 and 84.120 and Repealing Sub-sections (1) and (3) of Section 89.270 of the Kentucky Revised Statutes

Section 61.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except in counties containing a city of the first class and cities required by law to publish an annual audit of their financial affairs, of the kind and character contemplated by this section, every public officer of any county, graded school district, city, or subdivision or district less than a county, whose duty it is to collect, receive, have the custody, control or disbursement of public funds, shall at the expiration of each fiscal year prepare an itemized, sworn statement of the funds collected, received, held or disbursed by him during the fiscal year just closed. The statement shall show the amount of public funds collected and received, from what sources received, the amount disbursed, the date of each disbursement, for what purpose expended, and to whom paid; provided, however, that only the total of the amounts paid as salary during the fiscal year to each official or employee of the governmental unit shall be shown in the statement. The officer shall procure and include in or attach to the report as a part thereof a certificate from the cashier or other proper officer of the banks in which the funds are or have been deposited during the past year, showing the balance, if any, of public funds to the credit of the officer making the statement. The officer shall, within sixty days after the close of the fiscal year, cause the statement or the complete audit report, which shall include all the information required for the statement herein provided for, to be published in full in the newspaper published in the county that has the largest bona fide circulation in the governmental unit or district for which the statement is published, and shall file a written or printed copy of the statement or audit report and a copy of the published statement or audit report, subscribed and sworn to, in the office of the county clerk of the county in which the officer holds office.

The fiscal court of each county not containing a city of the first class shall cause to be published annually in the newspaper published in the county that has the largest bona fide circulation therein a state-

ment showing the names of all persons returned by the sheriff on his return of tax warrants, and the amount due from each for the preceding year, with such other information as the fiscal court deems proper to be published, within 30 days after the return has been filed.

(2) All newspaper publications or advertisements required by this section and all newspaper publications or advertisements required by other laws shall be published in the newspaper published in the county which has the largest bona fide circulation in the governmental unit or district for which the publication or advertisement is required. The publications or advertisements shall be made in the size of type provided by law and at the rate provided by law, and paid for out of the funds in the hands of the officer making the publication or advertisement. If no newspaper is published in the county, the officer charged with having the publication or advertisement made shall determine how same shall be made.

(3) Any public officer who fails, refuses or neglects to comply with the provisions of this section shall be fined not less than fifty nor more than five hundred dollars. The fine shall be paid into the treasury of the county, city or other governmental unit in which the convicted officer holds office.

Sections 92.390, 68.070, 87.220 and 84.120 of the Kentucky Revised Statutes are hereby repealed, and Sub-sections (1) and (3) of Section 89.270 of the Kentucky Revised Statutes are repealed.

Approved March 18, 1944

An Act Authorizing the Fiscal Court to Appropriate Funds for the Transportation of Pupils Who Do Not Live Within Reasonable Walking Distance of the School They Must Attend

Each county may furnish transportation from its general funds, and not out of any funds or taxes raised or levied for educational purposes or appropriated in aid of the common schools, to supplement the present school bus transportation system for the aid and benefit of all pupils of elementary grade attending school in compliance with the compulsory school attendance laws of the Commonwealth of Kentucky who do not reside within reasonable walking distance of the school

they attend and where there are no sidewalks along the highway they are compelled to travel; and any county may provide transportation from its general funds to supplement the present school bus transportation system for the aid of any pupil of any grade who does not live within reasonable walking distance of the school attended by him in compliance with the compulsory school attendance laws and where there are no sidewalks along the highway he is compelled to travel.

Approved March 20, 1944

An Act Providing for the Employment of School Bus Drivers Eighteen Years of Age or Over for the Duration of the War and Six Months Thereafter

Section 186.600 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

No person under the age of eighteen shall drive a motor vehicle while it is in use as a school bus for the transportation of pupils to and from school. All drivers and all operators of school buses shall meet the requirements of law and the rules and regulations of the State Board of Education for school bus drivers and operators. Any violation of the rules and regulations of the State Board of Education for school bus drivers and operators shall be subject to the penalty prescribed for violation of this section. No person under the age of twenty-one shall drive any other motor vehicle while it is in use as a public passenger carrying vehicle.

The provisions of this bill shall apply for the duration of the war and six months thereafter.

Approved February 16, 1944

An Act Permitting Persons Under Sixteen Years of Age to Work More Than Eight Hours on Saturday or After Six O'Clock in the Evening on Saturday, etc.

During the duration of the National Emergency which was declared to exist by proclamation of the President of the United States, dated May 27, 1941, and for six months thereafter, KRS 339.110 shall be suspended in so far as it prohibits the working of a person under sixteen years of age more than eight hours on Saturday, or after six

o'clock in the evening on Saturday; providing that such person shall not be employed or permitted to work more than ten hours on any one Saturday nor later than nine o'clock in the evening on Saturday. The provisions of this act shall apply only to retail establishments which employ ten persons or less at any one place of business.

Whereas, the present labor conditions are such in regard to the shortage of labor in the operation of business establishments, an emergency is declared to exist, so therefore, this act shall be effective on its passage by both houses of the General Assembly and the signature of the Governor.

Approved March 20, 1944

An Act Requiring That Boards of Education Shall Pay Toll for Pupils on Privately-Owned Toll Bridges and Ferries and Providing Free Toll for School Children and School Buses on State-Owned Ferries and Bridges

Section 280.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person, unless he is entitled by law to free passage, shall pass or take any vehicles over or upon any part of any privately-owned toll bridge or toll ferry without paying in legal tender to the collector of tolls then stationed at the bridge or ferry the amount of toll prescribed by law or regulation for passage over the bridge or ferry.

(2) The school board of the district which is furnished school service for the children shall pay the proper toll charges over privately-owned toll bridges or toll ferries for children going to or returning from school, and for school busses and other vehicles used exclusively in the transportation of school children to and from school.

Section 180.320 of the Kentucky Revised Statutes is amended to read as follows:

No person except officers and employes of the Department of Highways while engaged in the discharge of their duties, or children going to or returning from school, and school busses and other vehicles used exclusively in the transportation of school children to and from school, and persons exempted by KRS 38.430, shall pass over or upon

any bridge or ferry owned or operated by the Department of Highways, upon which bridge or ferry tolls are at such time regularly collected, without paying the prescribed toll to the collector of tolls stationed at the bridge or ferry at the time of the passage.

Approved March 8, 1944

An Act Relating to Veterans of the World Wars and Amending Section 164.480 and Repealing Section 164.510, Kentucky Revised Statutes

Section 164.480 Kentucky Revised Statutes is amended and reenacted so that said section as amended and reenacted shall read as follows:—

“Every person who was engaged in any branch of the military or naval service of the United States, prescribed and classified by the United States War Department as a part of such service, during the wars that were declared on April 6, 1917, and any wars declared thereafter, respectively, and who at the time of his enlistment was a resident of Kentucky, is entitled to a free scholarship in any State higher educational institution for white or colored persons that he chooses for a period required for the completion of the course of study selected by him. The scholarship includes free tuition, matriculation and other fees, room rent, fuel and lights, and the advantages and privileges of the institution, but does not include free board.”

Provided, however, that if the Federal Government provides for the education of veterans of any of the wars herein referred to, then this Act shall not apply to such veterans.

Section 164.510 Kentucky Revised Statutes be and the same is hereby repealed.

WHEREAS, many persons are now being discharged from the various branches of the armed forces and desire to resume their education but are financially unable to defray the expenses incident thereto, an emergency is hereby declared to exist and this Act shall become immediately effective after its passage and approval by the Governor.

Approved March 20, 1944

An Act Authorizing and Providing for the Purchase, Leasing, Renting or Erection of Buildings to Be Located in Kenton County and to Be Known As Northern Kentucky State Vocational School and Providing for the Maintenance and Operation Thereof By the State Board of Education

The State Board of Education is hereby authorized and empowered to purchase, lease, rent or erect one or more buildings from funds available to it for that purpose, to be located in Kenton County, Kentucky, and to be known as "Northern Kentucky State Vocational School."

The said "Northern Kentucky State Vocational School" is hereby authorized to be established, conducted, maintained and operated by the State Board of Education, in accordance with Kentucky State Plans for Vocational Education to make available vocational training and education.

Approved February 24, 1944

An Act Establishing An Independent School District On the Fort Knox Military Reservation and Providing for Issuance of Operator's License for Motor Vehicles, the Income from Which to Pay for Operation of the School

That, for the purpose of this Act only, the Fort Knox Military Reservation, by and with the consent of the War Department of the United States, be and the same is hereby set apart, established and created a separate school district, to be designated and known as the "Fort Knox Independent School District."

That the Commanding Officer of the Fort Knox Military Reservation, is hereby authorized and empowered to establish, maintain and conduct, a grade and high school for the said Fort Knox Military Reservation.

That whereas, with the advent of war in 1941, the population of Fort Knox increased until there are at the time of this enactment, more than five hundred children within grade and high school age living on the Fort Knox Military Reservation, and whereas there is no State or Federal law providing for the education of said children, and whereas there is no adjacent school district within practical reach of said children which has adequate housing or instructional facilities for the education of said children, and whereas construction of further facilities for such purpose, in view of construction priorities, would in current time be impossible, and with view to normal times, impracticable and uneconomical, and whereas to meet the emergency and to the relief of the said school districts adjacent to said Reservation, by agreement with the proper officials of the State of Kentucky, for the purpose of obtaining revenue to establish, maintain and conduct a grade and high school on said Reservation, the Commanding Officer of said Fort Knox Military Reservation has been authorized to issue to residents of said Military Reservation an operator's license for privately owned motor vehicles and to issue to resident owners of privately owned motor vehicles license plates for such vehicles, said license plates containing the number of the plate, the year in which issued, the word "Kentucky" and the words "Fort Knox", said agreement as herein described is hereby ratified and confirmed and the State of Kentucky hereby consents that said agreement shall continue in effect until formally abrogated, and all motor vehicle license plates and all motor vehicle operator's licenses issued by the Commanding Officer of the said Fort Knox Military Reservation pursuant to said agreement, shall be treated and considered as lawful operator's licenses and lawful motor vehicle license plates of the State of Kentucky and shall entitle the holders thereof to the same rights and privileges as those operator's licenses and motor vehicle plates issued by the various counties of the State of Kentucky.

All Acts and parts of Acts in conflict with this Act are hereby repealed.

Whereas, War conditions require that immediate steps be taken to provide adequate school services at the Fort Knox Military Reservation, an emergency is declared to exist and this Act shall go into effect as soon as same is approved by the Governor.

Approved March 14, 1944

An Act Relating to the Teaching of the Conservation and Preservation of Natural Resources in the Public Schools of Kentucky

Instruction in all phases of conservation and preservation shall be included in the curriculum of the public schools of Kentucky; and text books regarding the proper use and protection of forests, soils, water, minerals and wild life shall be prepared or selected by the State Text Book Commission for this purpose.

Approved March 18, 1944

An Act Empowering and Directing the Treasurer of the Commonwealth of Kentucky to Invest Funds in His Hands Belonging to Boards, Institutions, and Agencies Not Supported in Whole Or in Part By Taxation

(1) The Treasurer of Kentucky is hereby empowered to invest surplus funds of any board, institution or agency of the Commonwealth which is not in whole or in part supported or maintained by means of monies raised by taxation, and whose operating funds are accumulated solely by means of contributions, gifts, private funds or fees collected in the operation of its functions, in War or Victory bonds, or other bonds of the United States of America.

(2) Such surplus funds shall not be so invested unless and until the authorized head, or the governing body of such board, institution or agency shall give direction in writing to the Department of Finance that such investment shall be made, and when so given the Department of Finance shall by its warrant direct that such investment be made on behalf of the particular board, agency or institution.

(3) The Treasurer shall be custodian of such bonds as are purchased, to be held under the same duties, restrictions and liabilities as are now imposed by law as to public funds. Provided that such bonds are to be earmarked for the use and benefit of the particular board, agency or institution, and may be sold or redeemed by the Treasurer, upon the written request of the head or governing body of such board, institution, or agency entitled to the funds, the proceeds

to be administered, cared for and withdrawn as provided by Section 41.290 Kentucky Revised Statutes, or as may hereafter be provided by law.

Approved March 20, 1944

An Act Relating to Public Holidays

Section 2.115 of the Kentucky Revised Statutes of 1942, being a compilation of chapter 149 of the Acts of 1942, is repealed.

Whereas, the suspension of holidays has caused an unwarranted interference with the effective operation of business activities, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Approved February 7, 1944

An Act Relating to Classification of Cities

Section 81.010 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

Cities are classified as follows:

(1) First class:

Louisville, Jefferson County

(2) Second class:

Ashland, Boyd County

Covington, Kenton County

Lexington, Fayette County

Newport, Campbell County

Owensboro, Daviess County

Paducah, McCracken County

(3) Third class:

Bowling Green, Warren County

Corbin, Whitley and Knox Counties

Frankfort, Franklin County

Henderson, Henderson County

Hopkinsville, Christian County

Maysville, Mason County

Middlesboro, Bell County

Winchester, Clark County

(4) Fourth class:

Barbourville, Knox County

Bellevue, Campbell County

Carrollton, Carroll County
Catlettsburg, Boyd County
Central City, Muhlenberg County
Cynthiana, Harrison County
Danville, Boyle County
Dayton, Campbell County
Earlington, Hopkins County
Elizabethtown, Hardin County
Fort Thomas, Campbell County
Franklin, Simpson County
Fulton, Fulton County
Georgetown, Scott County
Greenville, Muhlenberg County
Harlan, Harlan County
Harrodsburg, Mercer County
Hazard, Perry County
Hickman, Fulton County
Irvine, Estill County
Jackson, Breathitt County
Lawrenceburg, Anderson County
Lebanon, Marion County
Ludlow, Kenton County
Madisonville, Hopkins County
Marion, Crittenden County
Mayfield, Graves County
Morganfield, Union County
Mount Sterling, Montgomery County
Murray, Calloway County
Nicholasville, Jessamine County
Olive Hill, Carter County
Paintsville, Johnson County
Paris, Bourbon County
Pikeville, Pike County
Pineville, Bell County
Prestonsburg, Floyd County
Princeton, Caldwell County
Providence, Webster County
Richmond, Madison County
Russell, Greenup County
Russellville, Logan County
Scottsville, Allen County
Shelbyville, Shelby County

Somerset, Pulaski County
Sturgis, Union County
Versailles, Woodford County
Williamsburg, Whitley County

(5) Fifth class:

Albany, Clinton County
Augusta, Bracken County
Bardstown, Nelson County
Bardwell, Carlisle County
Beattyville, Lee County
Beaver Dam, Ohio County
Benton, Marshall County
Berea, Madison County
Brooksville, Bracken County
Burkesville, Cumberland County
Burnside, Pulaski County
Cadiz, Trigg County
Calhoun, McLean County
Campbellsville, Taylor County
Carlisle, Nicholas County
Clay, Webster County
Clinton, Hickman County
Cloverport, Breckinridge County
Columbia, Adair County
Columbus, Hickman County
Corydon, Henderson County
Cumberland, Harlan County
Dawson Springs, Hopkins County
Drakesboro, Muhlenberg County
Eddyville, Lyon County
Elkhorn City, Pike County
Elkton, Todd County
Eminence, Henry County
Evarts, Harlan County
Falmouth, Pendleton County
Flemingsburg, Fleming County
Glasgow, Barren County
Grand River, Livingston County
Grayson, Carter County
Greenup, Greenup County
Guthrie, Todd County
Hartford, Ohio County

Carrollton, Carroll County
Catlettsburg, Boyd County
Central City, Muhlenberg County
Cynthiana, Harrison County
Danville, Boyle County
Dayton, Campbell County
Earlington, Hopkins County
Elizabethtown, Hardin County
Fort Thomas, Campbell County
Franklin, Simpson County
Fulton, Fulton County
Georgetown, Scott County
Greenville, Muhlenberg County
Harlan, Harlan County
Harrodsburg, Mercer County
Hazard, Perry County
Hickman, Fulton County
Irvine, Estill County
Jackson, Breathitt County
Lawrenceburg, Anderson County
Lebanon, Marion County
Ludlow, Kenton County
Madisonville, Hopkins County
Marion, Crittenden County
Mayfield, Graves County
Morganfield, Union County
Mount Sterling, Montgomery County
Murray, Calloway County
Nicholasville, Jessamine County
Olive Hill, Carter County
Paintsville, Johnson County
Paris, Bourbon County
Pikeville, Pike County
Pineville, Bell County
Prestonsburg, Floyd County
Princeton, Caldwell County
Providence, Webster County
Richmond, Madison County
Russell, Greenup County
Russellville, Logan County
Scottsville, Allen County
Shelbyville, Shelby County

Somerset, Pulaski County
Sturgis, Union County
Versailles, Woodford County
Williamsburg, Whitley County

(5) Fifth class:

Albany, Clinton County
Augusta, Bracken County
Bardstown, Nelson County
Bardwell, Carlisle County
Beattyville, Lee County
Beaver Dam, Ohio County
Benton, Marshall County
Berea, Madison County
Brooksville, Bracken County
Burkesville, Cumberland County
Burnside, Pulaski County
Cadiz, Trigg County
Calhoun, McLean County
Campbellsville, Taylor County
Carlisle, Nicholas County
Clay, Webster County
Clinton, Hickman County
Cloverport, Breckinridge County
Columbia, Adair County
Columbus, Hickman County
Corydon, Henderson County
Cumberland, Harlan County
Dawson Springs, Hopkins County
Drakesboro, Muhlenberg County
Eddyville, Lyon County
Elkhorn City, Pike County
Elkton, Todd County
Eminence, Henry County
Evarts, Harlan County
Falmouth, Pendleton County
Flemingsburg, Fleming County
Glasgow, Barren County
Grand River, Livingston County
Grayson, Carter County
Greenup, Greenup County
Guthrie, Todd County
Hartford, Ohio County

Hawesville, Hancock County
 Hellier, Pike County
 Horse Cave, Hart County
 Hustonville, Lincoln County
 La Grange, Oldham County
 Lancaster, Garrard County
 Leitchfield, Grayson County
 Livermore, McLean County
 London, Laurel County
 Louisa, Lawrence County
 Manchester, Clay County
 Midway, Woodford County
 Millersburg, Bourbon County
 Monticello, Wayne County
 Morehead, Rowan County
 Morton's Gap, Hopkins County
 Neon, Letcher County
 Nortonsville, Hopkins County
 Owenton, Owen County
 Owingsville, Bath County
 Park Hills, Kenton County
 Perryville, Boyle County
 Raceland, Greenup County
 Ravenna, Estill County
 Salyersville, Magoffin County
 Sebree, Webster County
 Shively, Jefferson County
 Southgate, Campbell County
 Springfield, Washington County
 Stanford, Lincoln County
 Tompkinsville, Monroe County
 Uniontown, Union County
 Vanceburg, Lewis County
 Vine Grove, Hardin County
 Warsaw, Gallatin County
 Whitesburg, Letcher County
 Wickliffe, Ballard County
 Wilmore, Jessamine County
 Williamstown, Grant County

(6) All other incorporated cities belong to the sixth class.

Approved March 11, 1944

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**DECISIONS OF THE COURT OF APPEALS BEGINNING WITH
VOLUME 291, PAGE 308 AND INCLUDING VOLUME 296, PAGE 520**

Duff v. Chaney et al.—291 Ky. 308—April 21, 1942. A teacher who is legally qualified for a position and who has been duly nominated by proper officer and whose name has not been withdrawn acquires a "vested right" to teach and to receive emoluments of employment. Such teacher may recover damages from members of the board and new superintendent individually.

Mason et al. v. Montgomery County Board of Education et al.—291 Ky. 654—October 20, 1942. Appeals from an order of the county board of education making a change in school district boundary lines does not permit litigants to proceed beyond the judgment of the circuit court.

Commonwealth ex rel. Meredith, Atty. Gen. v. Whitt et al.—291 Ky. 682—October 23, 1942. Action of county board of education in establishing districts noncontiguous, if wrong, was merely erroneous and not void. Action cannot be maintained against newly elected member from noncontiguous districts that they were usurpers.

Johnson, Governor v. Commonwealth ex rel. Meredith, Atty. Gen.—291 Ky. 829—August 26, 1942. State executive departments, boards, or commissions may be represented by an attorney other than the Attorney General.

Stith v. Board of Education of Pendleton County School District—292 Ky. 91—November 17, 1942. A county board of education, renting school building from corporation which constructed it, had no right to incur indebtedness at taxpayers' expense to reconstruct building after its destruction by fire, nor to issue funding bonds for payment of such indebtedness, though board might become owner of building under rental contract after liquidating corporation's bonded indebtedness for original construction of building by paying rentals to corporation. (See also 293 Ky. 536.)

Hines v. Pulaski County Board of Education et al., 292 Ky. 100—November 17, 1942. Statute requiring free transportation for all children of elementary grades not within reasonable walking distance of the school they are to attend is mandatory.

Board of Education of Taylor County v. Board of Education of City of Campbellsville et al.—292 Ky. 261—November 27, 1942. Where school property held in trust for the particular purpose of educating colored children and where nothing in statutes prohibits, it is only reasonable and just that the use and control of the property should be placed under jurisdiction of the city board upon which the statutes place the duty of educating them.

Board of Education of Kenton County v. Highland Cemetery—292 Ky. 374—December 8, 1942. Board of education must spend funds for purposes for which they were voted or levied. Where board used funds for

general purposes which were collected over and above what was needed for bonds and did not pay bonds it cannot refuse to pay bonds when due, etc.

Taylor v. Knox County Board of Education—292 Ky. 767—December 15, 1942. Statutes authorizing boards of education to carry liability and indemnity insurance does not make board liable. It permits board to be sued to determine measure of insurance carriers liability. It authorizes child to maintain action against board for negligence of drivers where board of education carries such insurance.

Begley et al. v. George E. Dum Co.—293 Ky. 351—February 23, 1943. Validity of claim against the board for school supplies was not challenged prior to time board entered into agreement with seller to settle original claim. Board should be held to agreement.

Stith v. Board of Education of Pendleton County School District.—293 Ky. 536—March 9, 1943. Only valid indebtedness may be funded. Did not establish fact that teachers' claims will not be for current school year before year closes so as to determine what indebtedness will be. (See also 292 Ky. 91.)

Sherrard v. Jefferson County Board of Education et al.—294 Ky. 469—December 18, 1942. The portion of the school law requiring that pupils attending private schools be given the same transportation rights as pupils of the public schools is unconstitutional.

Morgan et al. v. Fayette Board of Education et al.—294 Ky. 597—May 28, 1943. Schools and school districts.—Where board of education had conveyed land to corporation which erected school building thereon, issued revenue bonds, and leased the building to board for one year with option to renew upon such terms that the property would be reconveyed to board with the improvements, county was authorized to accept title to the property and to issue revenue liquidating bonds to cover the cost thereof including several properties in one mortgage and bond issue and to exchange the bonds to corporation's bondholders or to sell the bonds at public sale and to lease the properties to board under terms similar to the original financing scheme. (KRS 162.100 to 162.300)

Kirkpatrick's Adm'x. (Bronaugh) v. Murray et al.—294 Ky. 715—June 15, 1943. Members of boards of education are individually responsible if they fail to act as required by statute concerning carrying liability insurance on school buses.

Fiscal Court of Monroe County v. Board of Education, Monroe County—294 Ky. 758—June 22, 1943. To qualify for receiving equalization fund board of education must have maximum poll tax as well as the tax on bank shares and ad valorem tax.

Asher et al. v. Huffman, 295 Ky. 312—October 1, 1943. Any person having an appreciable admixture of negro blood is not legally entitled to attend a school conducted for white people.

Cotton et al. v. Walton-Verona Independent Graded School District
—295 Ky. 478—October 15, 1943. Bond of sheriff in this case effective for his whole term even though law had been changed.

Montague v. Collins. Heird et al v. Same—296 Ky. 57—December 3, 1943. Defendants having failed to contest the election within 30 days or to present facts to show election void, were precluded from the election.

Dance et al v. Board of Education of City of Middlesboro—296 Ky. 67—December 3, 1943. Contractors must look to records of the board to determine authority of its agent.

Richardson v. Bell County Board of Education—296 Ky. 520—February 1, 1944. Positions of teacher and Asst. Supt. incompatible.

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