

CHAPTER CLXXVII.

[H. B. No. 442.]

AMENDING THE CODE OF PUBLIC INSTRUCTION.

AN ACT to amend an act entitled and cited as the Code of Public Instruction of the State of Washington, amending sections 5, 6, 9, 10, 22, 24, 37, 38, 39, 40, 71, 105, 106, 107, 108, 111, 112, 140, 156, and 177 of said act, approved March 19th, 1897.

Be it enacted by the Legislature of the State of Washington :

Amendment.	SECTION 1. That section 5 of the Code of Public Instruction be amended to read as follows : Section 5.
Transfer of territory.	For the purpose of transferring territory from one district to another or enlarging the boundaries of any school district, a petition in writing shall be presented to the county superintendent, signed by a majority of heads of families residing in the territory which it is proposed to transfer or include, which petition shall
Petition.	describe the change which it is proposed to have made. It shall also state the reason for desiring said change, and the number of children of school age residing in the territory to be transferred. The county superintendent shall file said petition in his office and shall give notice to parties interested by causing to be posted notices at least twenty days prior to the time appointed by him for considering said petition, one of which shall be in a public place in the territory which it is proposed to be annexed or transferred, and one on the door of the school house in each district affected by the change, or if there be no school house in such district, then in some public place in such district or districts ; and at the time stated in said notices he shall proceed to hear said petition, and if he deem it advisable he shall grant the same and make an order fixing the boundaries of the districts affected by this action, and shall certify his action to the board of county commissioners at their next regular meeting: <i>Provided,</i>
Filing of petition and posting of notice.	
Proviso.	That the county auditor shall, in all cases of the formation of new districts or the alteration of school district boundaries, certify the action of the county com-

missioners to the county assessor and to the county superintendent: *Provided further*, That an appeal may be taken, as provided for in section 4 of this chapter. Proviso.

SEC. 2. That section 6 of an act known and cited as the Code of Public Instruction of the State of Washington, approved March 19, 1897, be amended to read as follows: Sec. 6. In forming new districts, or transferring territory from one district to another, or changing boundaries of districts, no school district shall contain less than four sections of land, unless said district can support six months' school per year after such change of territory: *Provided*, That the county superintendent may establish a district with less than four sections on a petition signed by eighty per cent. of all the heads of families of the proposed district, by and with the consent of the State Superintendent of Public Instruction. Amendment. New districts. Proviso.

SEC. 3. That section 9 of an act known and cited as the Code of Public Instruction of the State of Washington, approved March 19, 1897, be amended to read as follows: Sec. 9. Whenever the residents of two or more school districts may wish to unite for the purpose of establishing a union or graded school the clerks of said districts by order of the boards of directors, shall, upon a written or printed petition of five or more heads of families of their respective districts, call a meeting of the voters of such districts at some convenient place by posting written or printed notices in like manner as is provided for calling annual school district elections; and if a majority of the voters of each district shall vote to unite for the purposes herein stated, the boards of directors of the several districts so voting to unite shall constitute the board of directors of such union district, and shall, within ten days thereafter, meet and organize by electing one of their number president of the board, and selecting their clerk for such union district; and the clerk and president chosen at such meeting shall hold their respective offices until the next annual school district election and until their successors are elected; and the election of president and Amendment. Union of districts. Meeting of voters. Term of office of clerk and president.

Annual election, when. clerk shall occur annually thereafter, on the second Saturday, next succeeding the annual school district election: *Provided*, That in union districts consisting of three or more school districts the board of directors of said union district shall be composed of a chairman of the several boards of directors of the districts comprised in such union district: *Provided*, That if local conditions admit of it the directors of any union district may, at their discretion, admit pupils residing in such union district, belonging to [a] grade lower than the high school grades, but no pupil belonging to a grade lower than the seventh shall ever be admitted to any such union school: *Provided, further*, That the course of study for such grade or grades shall not be inconsistent with the laws of this state, and shall be such as shall be approved by the Superintendent of Public Instruction.

Proviso. Proviso as to local conditions. Proviso as to course of study.

SEC. 4. That section 10 of said act be amended to read as follows: Sec. 10. The board of directors and clerk provided for in the preceding section shall, in all matters relating to the union or graded schools of such district, possess all the powers herein provided for school district officers, including the power to levy special taxes for the purpose of furnishing transportation to pupils to and from school and other additional school facilities for the union district, or for the payment of teachers' wages, or for the purchase of fuel, supplies, globes, maps, charts, books of reference or other appliances for teaching, or for any or all of these purposes. They shall discharge all the duties and be governed by the laws herein provided for school district officers, and the clerk of such union district shall, immediately upon his election, inform the county superintendent of the organization of the district. Upon the receipt of such notice of organization the county superintendent shall designate such union district by number, as "Union District No. —, — County," and shall notify the county treasurer of the organization of such district: *Provided*, That such district shall be entitled to and shall receive apportionments from the

Amendment. Powers of directors and clerk. Duty of clerk. Districts to be numbered.

state annual school fund in the manner provided by law for the apportionments from the state annual fund to other school districts: *Provided further*, That the Superintendent of Public Instruction shall apportion annually to each union district the sum of one hundred (\$100) dollars for each grade above the grammar grade maintained in such schools.

Proviso as to apportionments.

Further provision.

SEC. 5. That section 22 be amended to read as follows: Sec. 22. The powers and duties of the Superintendent of Public Instruction shall be:

Amendment.

Powers and duties of Superintendent of Public Instruction.

First. To have supervision over all matters pertaining to the public schools of the state.

Supervision.

Second. To report biennially to the Governor on or before the first day of November preceding the regular session of the Legislature, of which report three thousand copies shall be printed and delivered to the Superintendent of Public Instruction, who shall furnish two copies to be deposited in the state library, one copy to each county superintendent of schools, and one copy to each district library. Said report shall contain a statement of the general condition of the public schools of the state with full statistical tables, by counties, showing the number of schools and the attendance; the state and county school funds apportioned, amount received from special tax and from other sources, amount expended for salaries of teachers, the salaries paid by the several counties to the county superintendent of schools, and the amount paid him for incidentals and expenses; the amount paid for building and providing school houses, furniture and apparatus; the amount of bonded or other school indebtedness, with the rate of interest paid thereon; the reports of all state educational institutions, or such portions of them as he may think advisable, together with such other facts as he may deem of general interest. He shall also include in his report a statement of plans for the management and improvement of the schools.

Biennial report to Governor.

What report shall contain.

Plans for improvements, etc.

Third. To prepare and have printed such blanks, forms, registers, courses of study, rules and regulations for the government of the common schools, questions

Printing of blanks.

prepared for the examination of teachers, and such other blanks and books as may be necessary for the discharge of the duties of teachers and officers charged with the administration of the laws relating to the common schools; and to distribute the same to the county superintendents.

Visit various counties.

Fourth. To travel in the different counties of the state where public schools are taught without neglecting his official duties as Superintendent of Public Instruction, for the purpose of visiting schools, of consulting the county superintendents, and of addressing public assemblages on subjects pertaining to public schools; also to conduct such correspondence as may enable him to obtain all necessary information relating to the system of public schools in other states.

Correspondence.

Monthly statement of expenses.

Fifth. To submit to the State Auditor a monthly statement of his expenditures for traveling expenses: *Provided*, That said expenditures shall not exceed eight hundred dollars in any one year.

Appendix to report.

Sixth. To cause to be printed with an appendix of appropriate forms and instructions for carrying into execution the laws relating to public schools, and to distribute to each county superintendent a sufficient number of copies to supply each district officer and to cause the same to be printed and distributed as often as any change in the laws makes it of sufficient importance, in his opinion, to justify the same.

Ex officio president of board.

Seventh. To act as *ex officio* president of the State Board of Education.

Biennial election.

Eighth. To hold biennially, on or before the first day of October following the election of county superintendents, a convention of county superintendents of the state, at such time and place as he may deem convenient, for the discussion of questions pertaining to the supervision and administration of the school laws, and such other subjects affecting the welfare and interest of the common schools as may be brought before it.

Ninth. Upon the receipt from the State Auditor of a certificate of the state school fund subject to apportion-

ment, to apportion within ten days said fund among the several counties of the state, in proportion to the total days attendance: *Provided*, That each school district shall be credited with two thousand days attendance. The basis of said apportionment shall be the last annual records of the several county superintendents on file in his office at the time of making his apportionment: *Provided further*, If a pupil attends any school of the state outside his resident district, or private school within his resident district, during the time the resident district maintains school of the grade in which the pupil belongs, the attendance shall be credited to the district in which the pupil resides, unless mutually arranged otherwise by the directors; and the clerk of any district whose resident pupils are attending school in another district, shall notify the clerk of the district where such pupils attend, when the school of said pupil's resident district will be in session, and the grades maintained; and without such notice all claim to attendance will be forfeited.

Certificate
from State
Auditor.

Proviso as to
attendance.

Attendance
outside of
district—how
credited.

Tenth. To require annually on or before the fifteenth day of August, of the president, manager or principal of every seminary, academy, or private school, and of the president, manager or principal of every state educational institution in this state, a report of such facts arranged in such form as he may prescribe, and he shall furnish blanks for such reports, and it is made the duty of every such president, manager or principal to fill up and return such blanks within such time as the Superintendent of Public Instruction shall direct.

Annual report
required.

Eleventh. To keep in his office a directory of all boards of regents and trustees of state educational institutions, of the faculties of said institutions, and of all teachers receiving certificates to teach in the common schools of this state.

Directory of
boards, etc.

Twelfth. To issue common school certificates as provided by law.

To issue
certificates.

Thirteenth. To keep in his office at the capital of the state all books and papers pertaining to the business of his office, and to keep and preserve in his office a com-

Books and
papers.

plete record of statistics and all matters pertaining to the educational interests of the state, as well as a record of the meetings of the State Board of Education. He shall file all papers, reports and public documents transmitted to him by the school officers of the several counties of the state each year, separately. Copies of all papers filed in his office, and his official acts may be certified by him and attested by his official seal, and when so certified shall be evidence equally and in like manner as the original paper.

Copies of papers filed.

Fourteenth. To decide all points of law which may be submitted to him in writing by any county superintendent or that may be submitted to him by any other person upon appeal from the decision of any county superintendent, and shall publish his rulings and decisions from time to time, for the information of school officers and teachers; and his decision shall be final unless set aside by a court of competent jurisdiction.

Decide points of law.

Fifteenth. To deliver over to his successor at the expiration of his term of office, all records, books, maps and documents, and papers of whatever kind belonging to his office, or which may have been received by him for the use of his office.

Delivery to successor of all books, etc.

SEC. 6. That section 24 be amended to read as follows: Sec. 24. The Governor shall appoint, by and with the advice and consent of the state senate four suitable persons holding life diplomas issued by authority of this state, who, together with the Superintendent of Public Instruction, shall constitute the State Board of Education: *Provided*, That at least two members of said board shall be selected from those actually engaged in teaching in the common schools of the state. The persons appointed members of the State Board of Education shall hold their office for two years from from the first Monday in March next following their appointment, and shall serve until their successors are appointed and qualified.

Amendment.

Governor to appoint Board of Education.

Proviso.

Term of office.

Amendment.

SEC. 7. That section 37 be amended to read as follows: Sec. 37. The county commissioners shall provide the county superintendent with a suitable office at the

county seat, and all necessary blanks, books, stationery, postage, printing and other expenses of his office shall be paid by the county treasurer out of the county fund upon a sworn statement made quarterly and allowed by the county commissioners: *Provided*, That, as to the necessity for the printing and issuance of circulars of information pertaining to the schools of his county, for the use of schools, school officers and teachers, the county superintendent shall determine.

County commissioners to provide county superintendent with office room, books, etc.

Proviso.

SEC. 8. That section 38 be amended to read as follows: Sec. 38. For each mile actually and necessarily traveled in the performance of their official duties and in attendance on the convention of county superintendents, called by the Superintendent of Public Instruction, county superintendents shall be allowed mileage as follows: In each county of the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, and tenth classes, five cents per mile; in each county of the eleventh class and all counties having a higher class number than the eleventh, ten cents per mile: *Provided*, That no county superintendent shall be allowed to charge or collect any fee for the performance of any other duties herein named: *Provided further*, That no constructive mileage shall be charged.

Amendment.

Mileage.

Five cents per mile.

Ten cents per mile.

Constructive mileage not charged.

SEC. 9. That section 39 of said act be amended to read as follows: Sec. 39. Directors of school districts shall be elected at the regular annual school election. At the first annual election in all new districts three directors shall be elected, for one, two, or three years, respectively. No person shall be eligible to the office of school director who is not able to read and write the English language. The ballot shall specify the term for which each is to be elected. In all districts in which elections have been previously held, one director shall be elected for the term of three years, and if any vacancies are to be filled, a sufficient number to fill them for the unexpired term or terms; and the ballot shall specify the respective term for which each director is to be elected. Directors-elect shall take office on the first Monday in June next succeeding their election, and as soon there-

Amendment.

First annual election.

Eligibility.

Take office—when.

after as practical shall meet and organize by selecting one of their number as chairman, and they shall hold office until their successors are qualified. In case of

Vacancies.

vacancy in the board of directors from any cause, the county superintendent shall fill such vacancy by appointment until the next annual election.

SEC. 10. That section 40 be amended to read as follows: Sec. 40. Every board of directors, unless otherwise specially provided by law, shall have power, and it shall be their duty—

Amendment.

Duties and powers.

First. To employ, and, for sufficient cause, to discharge teachers, mechanics or laborers, and to fix, alter, allow, and order paid their salaries and compensation: *Provided, however,* That no board of directors shall, before the first Monday in June hire any teacher or teachers whose term of teaching does not commence prior to the first Monday in August.

Employ labor.

Second. To enforce the rules and regulations prescribed by the Superintendent of Public Instruction and the State Board of Education for the government of the schools, pupils and teachers, and to enforce the course of study prescribed by the State Board of Education.

Enforce rules.

Third. To provide and pay for such materials, supplies and libraries as may be necessary for the schools, and to purchase such school furniture, charts or other apparatus as may have the written approval of the county school superintendent as to quality and price: *Provided,* That all such purchases of furniture, charts or other apparatus shall be approved at a meeting of said board, at which all members shall be present.

Provide and pay for materials, etc.

Proviso.

Fourth. To rent, repair, furnish and insure school houses.

School houses.

Fifth. To build or remove school houses, purchase or sell lots or other real estate, when directed by a vote of the district to do so: *Provided,* That a school house already built shall not be removed, nor a new site for a school house be designated except when directed by a two-thirds vote of the electors of such district at an

Build or remove school houses.

Proviso.

election to be held for that purpose, which election may be a special or a general school election.

Sixth. To purchase personal property in the name of the district and to receive, lease and hold for their district any real or personal property. Purchase personal property.

Seventh. To suspend or expel pupils from school who refuse to obey the rules thereof, and exclude from school all children under six years of age. Suspension or expulsion of pupils.

Eighth. To provide free text books and supplies to be loaned to the pupils of the schools when directed by a vote of the district to do so; and if not so directed, to provide books for children of indigent parents on the written report of the clerk after investigation that the parents of such children are unable to purchase the same. Provide text books.

Ninth. To require all pupils to be furnished with such books as may have been adopted by the State Board of Education, as a condition to membership in the schools. Furnish books adopted by board.

Tenth. To exclude from school and school libraries all books, tracts, papers and other publications of an immoral or pernicious tendency or of a sectarian or partisan character. Exclusion of certain books, etc.

Eleventh. To authorize the school room to be used for summer or night schools, literary, scientific, religious, political, mechanical or agricultural societies, under such regulations as the board of directors may adopt. Use of school for other than school purposes.

Twelfth. To require teachers to conform to the provisions of the school law. Teachers.

SEC. 11. That section 71 of the Code of Public Instruction be amended to read as follows: Sec. 71. All parents, guardians and other persons in this state having or who may hereafter have immediate custody of any child or children between the ages of eight and fifteen years, shall send the same to school at least three months in each year: *Provided*, That in graded school districts in incorporated cities and towns such children shall be sent to school at least six months in each year. Amendment. Parents and guardians — duty of. Proviso.

SEC. 12. That section 105 be amended to read as follows: Sec. 105. For the purposes of adopting text-books Amendment.

State Board of Education
— to consist of whom.

and prescribing courses of study for the use of the common and graded schools of the state, the State Board of Education shall consist of the state superintendent, the four appointed members and the six city superintendents of the six largest cities of the state.

Amendment.

Provide for school books
— when.

SEC. 13. That section 106 be amended to read as follows: Sec. 106. Before the first of September, 1902 the school district officers of the various schools in the state may provide all text-books necessary for carrying on the school work.

Amendment.

Special tax levy.

Proviso.

SEC. 14. That section 107 be amended to read as follows: Sec. 107. At the time fixed by law in the year 1901 for the levy of a special school tax the officers of the various school districts of the state may levy a special tax sufficient to carry into effect the provisions of section 106 of this act: *Provided*, That said district boards may acquire by purchase or gift the books in use by the pupils of said schools.

Amendment.

Rules for care of books.

SEC. 15. That section 108 be amended to read as follows: Sec. 108. It shall be the duty of the board of directors to adopt such rules and regulations as may be necessary for the care and use of text-books.

Amendment

Additional levy — for what purpose.

SEC. 16. That section 111 be amended to read as follows: Sec. 111. In addition to the provisions for the support of common schools hereinbefore provided, it shall be the duty of the State Board of Equalization, annually, at the time of levying tax for state purposes, to levy a tax that shall be sufficient to produce a sum which, when added to the estimated amount of money to be derived from the interest on the state permanent school fund for the current fiscal year, shall equal ten dollars for each child of school age residing in the state as shown by the last report of the several county superintendents to the Superintendent of Public Instruction:

Proviso.

Provided, That said tax shall not exceed five mills on the dollar. Said tax levy shall be certified to the several county auditors in the same manner as other state taxes are required to be certified, and shall be collected and transmitted to the State Treasurer at the same time and in the same manner as other state taxes

Certification of tax levy — collection thereof.

are required to be collected and transmitted; and it shall be the duty of the State Auditor within thirty days after the date at which county treasurers are required to transmit state funds to the State Treasurer, to certify to the Superintendent of Public Instruction the amount of all state annual school funds in the hands of the State Treasurer subject to apportionment.

Transmission of funds collected.

SEC. 17. That section 112 be amended to read as follows: Sec. 112. The board of directors, when in their judgment it is necessary, for the purpose of furnishing additional school facilities for their district, or for the payment of teachers' wages, or for the building of one or more school houses, or for the repairing of one or more school houses, or for the building of additions thereto, or for the purchase of fuel, supplies, globes, maps, charts, books of reference or other appliances or apparatus for teaching, or for any or all of these purposes, may levy especial tax on the taxable property of the district, not to exceed ten mills on the dollar: *Provided*, That no tax exceeding five mills on the dollar shall be levied until such levy shall have been ordered by a majority vote of the legal electors of the district, at a special election called for that purpose: *Provided, further*, That boards of directors of union schools may levy a special tax on the taxable property of the union district not to exceed three mills on the dollar, and the levying of such tax by such union school district board shall not prevent the electors of any district within such union district from levying a tax of ten mills, as hereinbefore provided. School district elections for the purpose of voting special tax, shall be called and conducted in the manner provided for calling and conducting annual school elections. At such elections the ballots shall contain the words "Tax, yes," or "Tax, no." The officers of the election shall certify the result of the election to the clerk of the district, who shall file said certificate as a part of his records. Whenever a special tax is ordered to be levied, the clerk of the district shall, on or before the first day of September, of the year in which such special tax is ordered to be levied, make to

Amendment.

Board of directors to levy special tax for wages, supplies, books, etc.

Proviso as to limit — not to exceed five mills.

Further proviso.

Three mills.

Elections — how called and conducted.

Certification of results thereof.

Duty of district clerk.

the county auditor a certified statement of the number of mills of such special tax which has been ordered to be levied in such district. The county auditor shall extend the same against all the taxable property within such district upon the general assessment roll of the county, showing the amount and kind of property so assessed, and to certify the same to the county treasurer. The county treasurer shall proceed to collect the tax in the same manner and at the same time and with the same power and authority to enforce payment of the same, as in the case of county and state taxes. The county treasurer shall place any tax so collected to the credit of the district to which it belongs.

Extension of tax.

Collection of tax.

Crediting proper district.

Amendment.

Meeting of voters — what to be determined thereat.

SEC. 18. That section 156 of the Code of Public Instruction be amended to read as follows: Sec. 156. Any board of directors may, at its discretion and shall, upon a petition of the majority of the legal voters of their district, call a special meeting of the voters of the district, to determine the length of time in excess of the minimum length of time prescribed by law that school shall be maintained in the district during the school year; to determine whether or not the district shall purchase any school house site or sites, and to determine the location thereof; or to determine whether or not the district shall build one or more school houses; or to determine whether or not the district shall maintain one or more free kindergartens; or to determine whether or not the district shall sell any real or personal property belonging to the district, borrow money or establish and maintain a school district library.

Amendment.

Neglect of parents to send children to school.

SEC. 19. That section 177 of the Code of Public Instruction, as amended by section 25, chapter CXLII, of the Session Laws of 1899, be amended to read as follows: Sec. 177. Any parent or guardian, who, after being notified by the county school superintendent of the provisions of the law relative to children attending school, shall further refuse or neglect to send such child to school, shall, upon complaint of the county superintendent, be summoned before the judge of the

Superior Court, who shall have power to remove any child, if an orphan, who fails to attend school as required by law, and place it in the care of some other person who will be likely to send such child to school, or if the child be under the care of a parent or parents, then said judge shall have power, upon the complaint of the county school superintendent, to summon such child and such parent or parents before him, and if he shall, upon inquiry, find the said child has not already attained a reasonable proficiency in the common school branches for the first eight years outlined in the course of study for common schools for the State of Washington, he shall issue an order commanding such parent or parents to place such child in school, if school be then in session, or immediately when school shall resume, if school be not in session, or appear before him and show cause for the neglect or refusal so to do: *Provided*, That the county attorney shall act as attorney for the county superintendent in all court proceedings relating to the compulsory attendance of children in school as required by law.

Power of court.

Issuance of order.

Proviso.

Passed the House March 7, 1901.

Passed the Senate March 14, 1901.

Approved by the Governor March 19, 1901.

CHAPTER CLXXVIII.

[S. B. No. 126.]

AMENDING AN ACT RELATIVE TO THE ASSESSMENT AND COLLECTION OF TAXES.

AN ACT to amend sections 13, 14, 15 and 24 of an act entitled "An act amending an act entitled 'An act to provide for the assessment and collection of taxes in the State of Washington,' approved March 15th, 1897, by amending sections 3, 5, 21, 43, 60, 61, 68, 71, 72, 76, 77, 82, 84, 96, 98, 102, 103, 107, 111, 116, 119, and repealing sections 100, 101, 105, 106, 110, 113, 115, 117, 118 and 121 thereof, and by adding sections 97½, 119½, 119¾, 119¾, 120½, 120½, 120¾ to said act, and declaring an emergency, approved March 15th, 1899," and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 13 of an act entitled "An act amending an act entitled 'An act to provide for the as-