

CHAPTER 156.

[S. B. No. 73.]

RELATING TO PUBLIC SCHOOLS, DEFINING OFFENCES;
PRESCRIBING PENALTIES, AND REFERRING TO CODE
OF PUBLIC INSTRUCTION.

AN ACT relating to the public schools of the State of Washington; defining certain offences; providing penalties therefor; repealing Sections 159 to 175, both inclusive, approved March 19, 1897; and declaring that this chapter shall constitute Chapter 11 of said Code of Public Instruction and declaring an emergency.

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

SECTION 1. Any member of the State Board of Education, any employe of the State of Washington, any county superintendent or any employe of his office, who shall directly or indirectly disclose any question or questions prepared for the examination of teachers or of eighth grade pupils, or any teacher or other person connected with the instruction of or the examination of eighth grade pupils, who shall, before the time appointed for the use of the questions in the examination of such pupils, disclose the questions, or make known their character, or who shall directly or indirectly assist any such eighth grade pupil to answer any question submitted, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred nor more than five hundred dollars. Said fine shall be turned over to the County Treasurer of the county in which it [is] collected, and shall be by him transmitted to the State Treasurer, who shall place the same to the credit of the current school fund of the State.

Eighth grade
—examina-
tions.
Penalty for
disclosure of
questions.

SEC. 2. If any county superintendent fails to make a full and correct report to the Superintendent of Public Instruction of all statements required by him, or if he shall fail to file with the Superintendent of Public Instruction a full and correct annual report within ten days after the time prescribed by law for filing said report he shall forfeit the sum of fifty dollars from his salary, and the board of county commissioners are hereby authorized and required to deduct therefrom the sum aforesaid upon the information from the

Failure of
County Su-
perintendents
to report.

Superintendent of Public Instruction that such reports have not been made.

Refusal to
turn over
school
moneys.

SEC. 3. Any officer or person collecting or receiving any fines, forfeitures or other moneys belonging to the schools of the State of Washington, or belonging to the school fund of any county or school district in this State, and refusing or failing to pay over the same, as required by law, shall forfeit double the amount so withheld, and interest thereon at the rate of five per cent. per month during the time of so withholding same; and it shall be a special duty of the County Superintendent of Schools to supervise and see that the provisions of this section are fully complied with, and report thereon to the county commissioners semi-annually or oftener. Such fines and penalties, when collected, shall be turned over to the County Treasurer and by him transmitted to the State Treasurer, who shall place the same to the credit of the current school fund of the State.

Complaints
on failure to
teach hygiene,
etc.

SEC. 4. Upon complaint in writing being made to any county superintendent by any district clerk, or by any head of a family, that the board of directors of the district of which said clerk shall hold his office, or said head of family shall reside, have failed to make provisions for the teaching of hygiene or have failed to require it to be taught, with special reference to the effects of alcoholic drink, stimulants and narcotics upon the human system, as provided by law, in the common schools of such districts, it shall be the duty of such County Superintendent to investigate at once the matter of such complaints, and if found to be true, he shall immediately notify the County Treasurer of the county in which such school district is located, and after the receipt of such notice, it shall be the duty of such County Treasurer to refuse to pay any warrants drawn upon him by the board of directors of such district subsequent to the date of such notice and until he shall be notified to do so by such County Superintendent. Whenever it shall be made to appear to the said County Superintendent, and he shall be satisfied that the board of directors of such district are complying with the provisions of law in this matter, and are causing physiology and hygiene to be taught in the public schools of such district as hereinbefore provided, he shall notify

Duties of
County Su-
perintendent
and Treas-
urer.

said County Treasurer, and said Treasurer shall thereupon honor the warrants of said board of directors.

SEC. 5. Any county superintendent of common schools who shall fail or refuse to comply with the provisions of the preceding section shall be liable to a penalty of one hundred dollars, to be recovered in a civil action in the name of the State, in any court of competent jurisdiction, and the sum recovered shall go into the State current school fund; and it shall be the duty of the prosecuting attorneys of the several counties of the State to see that the provisions of this section are enforced.

Penalty for failure of County Superintendent to comply with Sec. 4.

SEC. 6. In case the district clerk fails to make the reports as by law provided, at the proper time and in the proper manner, he shall forfeit and pay to the district the sum of twenty-five dollars for each and every such failure. He shall also be liable if, through such neglect, the district fails to receive its just apportionment of school moneys, for the full amount so lost. Each and all of said forfeitures shall be recovered in a suit brought by the County Superintendent or by any citizen of such district, in the name of and for the benefit of such district, and all moneys so collected shall be paid over to the County Treasurer and shall be by him placed to the credit of the general fund of the district to which it belongs.

Failure of District Clerks to report.

SEC. 7. Any school officer who shall refuse or fail to deliver to his qualified successor all books, papers, records and moneys pertaining to his office, or who shall wilfully mutilate or destroy any such property, or any part thereof, or who shall misappropriate moneys entrusted to him by virtue of his office, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not to exceed one hundred dollars; said fine, when collected to be turned over to the County Treasurer and by him transmitted to the State Treasurer, who shall place the same to the credit of the current school fund of the State.

Failure of school officers to deliver records, etc., to successors.

SEC. 8. Any teacher who wilfully refuses or neglects to enforce the course of study or the rules and regulations required by the State Board of Education, or by any other lawful authority, shall not be allowed by the directors any warrant for salary due until said teacher shall have complied with said requirements.

Failure to enforce course of study.

Abuse of
pupils.

SEC. 9. Any teacher who shall maltreat or abuse any pupil by administering any undue punishment, or who shall inflict punishment on the head or face of a pupil, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be fined in any sum not exceeding one hundred dollars. Said fine, when collected, shall be turned over to the County Treasurer and by him transmitted to the State Treasurer, who shall place the same to the credit of the current school fund of the State.

Failure to
attend
teachers'
institute.

SEC. 10. In addition to other causes for the revocation of teachers' certificates as provided by law, any teacher failing to attend the annual institute held in the county in which he is employed, or the annual joint institute held by the county in which he is employed and another county or other counties, as provided in section 99 of the Code of Public Instruction of the State of Washington, unless on account of sickness, or for other good and sufficient reasons satisfactory to the Superintendent of Public Instruction, may upon complaint of the Superintendent of the county in which he is employed to teach have any certificate he may hold forfeited by order of the Superintendent of Public Instruction: *Provided*, That said forfeiture shall be duly published after the said teacher shall have been given opportunity to present his reasons for such non-attendance, and after final action thereon.

Insult to or
abuse of
teachers.

SEC. 11. Any parent, guardian or other person, who shall insult or abuse a teacher in the presence of his school, or anywhere on the school grounds or premises, shall be deemed guilty of a misdemeanor and be liable to a fine of not less than ten dollars nor more than one hundred dollars, and said fine shall be turned over to the County Treasurer, and by him remitted to the State Treasurer, who shall place the same to the credit of the current school fund of the State.

Penalty for
disturbing
a school.

SEC. 12. Any person who shall wilfully disturb any school or school meeting shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not more than fifty dollars. Said fine, when collected, shall be turned over to the County Treasurer and by him transmitted to the State Treasurer, who shall place the same to the credit of the current school fund of the State.

SEC. 13. Any teacher, principal or superintendent who shall knowingly report, cause to be reported, or permit to be reported, the presence of any pupil or pupils at school, when such pupil or pupils were absent, or when school is not in session, shall forfeit his certificate or subject it to revocation by the Superintendent of Public Instruction, and the same shall not be restored or a new one granted within one year after such forfeiture or revocation: *Provided*, That if the teacher, principal or superintendent shall be the holder of a State certificate, life diploma or normal school diploma, it shall be the duty of the State Board of Education to declare such forfeiture or revocation.

False reports
—forfeits cer-
tificate.

SEC. 14. Any pupil who shall cut, deface or otherwise injure any school house, furniture, fence or outbuilding thereof, or any book or books belonging to the district library, shall be liable to suspension and punishment, and the parent or guardian of such pupil shall be liable for damages, on complaint of the teacher or of any director or other person residing in the district; and when such damages shall have been collected they shall be turned over to the County Treasurer and by him placed to the credit of the school district sustaining such damages.

Punishment
for defacing
school
property.

SEC. 15. Any person violating the provisions of Chapter XVI., Laws of 1897, entitled "An act to prevent vivisection and regulate dissection in the schools of the State of Washington, except medical and dental schools, or the medical department of any school, and providing a penalty therefor," approved February 17, 1897, shall upon conviction thereof, be deemed guilty of a misdemeanor, and be fined in any sum of not less than fifty nor more than one hundred dollars. Said fine, when collected, shall be turned over to the County Treasurer, and by him transmitted to the State Treasurer, who shall place the same to the credit of the current school fund of the State.

Vivisection,
etc., pro-
hibited.

SEC. 16. Any district using text books other than those prescribed by the State Board of Education or by other lawful authority, or any district failing to comply with the course of study prescribed by the State Board of Education or by other lawful authority, or any district in which warrants are issued to a teacher not legally qualified to teach in the common school of the said district, shall forfeit twenty-

Forfeiture
by district
for not com-
plying with
rules.

five per cent. of their school fund for that or the subsequent year, and it is hereby made the duty of the County Superintendent to deduct said amount from the apportionment to be made to any district failing in either or all of the above requirements, and the amounts thus deducted shall revert to the general school funds of the State, and the County Treasurer shall return the same to the State Treasurer for reapportionment.

Apportionments.

SEC. 17. No school district shall be entitled to receive any apportionment of school moneys which shall not have maintained school for the minimum time required by law during the preceding school year: *Provided*, That any new district formed by the division of an old one and which new district shall have maintained at least one month's school during the preceding school year, as shown by the last annual report of the County Superintendent on file in the office of the Superintendent of Public Instruction, shall be entitled to its just share of school moneys when the time that school was maintained in the old district before division, and in the new one after division, shall be equal to at least the minimum time required by law in the old district: *Provided, further*, That if any school district has heretofore failed to receive apportionment of State school funds because of a failure to hold school the time required by law, and there are unpaid warrants drawn on the general funds of said district for maintenance of school prior to the said failure, a special tax shall be levied on the property of the district, the proceeds of which tax shall be applied to the payment of its indebtedness.

Substitution of sections. School Code.

SEC. 18. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of this act shall be known and cited as chapter eleven (11), of the Code of Public Instruction of the State of Washington, said Code of Public Instruction being Chapter CXVIII. of the Session Laws of 1897, approved March 19th, 1897, and the sections above named shall be substituted for and shall supersede sections 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174 and 175 of the said Code of Public Instruction.

Repeal.

SEC. 19. Sections 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174 and 175 of the Code of Public Instruction, said Code being Chapter CXVIII. of

the Laws of 1897, approved March 9th, 1897, and all other laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 20. An emergency exists and this act shall take Emergency. effect immediately.

Passed the Senate February 26, 1903.

Passed the House March 10, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 157.

[H. B. No. 178.]

AMENDING ACT RELATIVE TO GEOLOGICAL SURVEY.

AN ACT to amend Section 6 of an act entitled "An act establishing a State Geological Survey, defining his [its] duties, and repealing an act to create a Mining Bureau and to define its powers and duties, and declaring an emergency, being Sections 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, and 183, of Ballinger's Annotated Codes and Statutes of Washington," approved February 25, 1890; also repealing 'An act to create the office of a State Geologist, prescribing his duties and compensation, making an appropriation for the same, and declaring an emergency,' being Sections 3145, 3146, 3147, 3148, 3149 and 3150 of Ballinger's Annotated Codes and Statutes of Washington, approved February 28th, 1890," approved March 18, 1901.

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

SECTION 1. That section 6 of an act entitled "An act establishing a State Geological Survey, defining his [its] duties, and repealing 'An act to create a mining bureau, and to define its powers and duties, and declaring an emergency,' being sections 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182 and 183 of Ballinger's Annotated Codes and Statutes of Washington, approved February 25, 1890; also repealing 'An act to create the office of State Geologist, prescribing his duties and compensation, making an appropriation for the same, and declaring an emergency,' being sections 3145, 3146, 3147, 3148, 3149 and 3150 of Ballinger's Annotated Codes and Statutes of Washington,' approved February 28,

Sec. 3145-50
Ballinger's
Code, Sec.
8147 Pierce's
Code.