

## CHAPTER XII.—EDUCATIONAL.

---

### SCHOOLS AND SCHOOL DISTRICTS.

AN ACT to establish a general uniform system of Common Schools in the State of Washington, and declaring an emergency.

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

#### TITLE I.—OUTLINE OF SYSTEM.

SECTION 1. A system of common schools shall be maintained throughout the State of Washington.

SEC. 2. The administration of the common school system shall be entrusted to the state superintendent of public instruction, a state board of education, county superintendents of common schools, boards of directors, and a district clerk for each district.

#### TITLE II.—SUPERINTENDENT OF PUBLIC INSTRUCTION.

State superintendent of public instruction.

SEC. 3. The superintendent of public instruction shall be elected by the qualified electors of the state on the first Tuesday after the first Monday in November of the years in which state officers are elected, and shall hold his office for the term of four years, and until his successor is elected and qualified, and his powers and duties shall be as hereinafter enumerated: *First*, he shall have supervision over all matters pertaining to the common schools of the state. He shall receive an annual salary of twenty-five hundred dollars, payable quarterly upon warrant of the state auditor drawn upon the state treasurer in the same manner as other state officers are paid. *Second*, he shall report to the governor biennially on or before the first day of November preceding the regular session of the legislature. The governor shall transmit said report to the legislature, and three thousand copies thereof shall be printed and delivered to the superintendent of public in-

Biennial report of superintendent.

struction, who shall furnish two copies to be deposited in the state library, one copy to each county superintendent of schools, to be held by him as public property and delivered to his successor in office, and one copy to each district clerk within the state, for the district library. Said report shall contain a statement of the general condition of the common schools of the state, with full statistical tables, by counties, showing the number of schools and the attendance; the state and county school fund apportioned, amount received by special tax or from other sources, amount expended for salaries of teachers, the salaries paid by the several counties to the superintendent of schools, the amount they are paid for visiting schools, and the mileage they draw for same; building and providing school houses, the amount of bonded or other school indebtedness, with rate of interest paid; a list of the school officers of the state, 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. *Third*, he shall prepare and superintend the printing and distribution to county superintendents of such blanks, forms, registers and blank books as may be necessary to the proper discharge of the duties of county superintendents, teachers, and all other school officers charged with the administration of the laws relating to common schools; also the rules and regulations for the use and government of the common schools, and the questions prepared for the examination of teachers. *Fourth*, to travel in the different counties of the state where common schools are taught, as far as possible, without neglecting his other official duties as superintendent of public instruction, for the purpose of visiting schools, of consulting the county superintendents, and addressing public assemblies on subjects pertaining to common schools; also, to open such correspondence as may enable him to obtain all necessary information relating to the system of common schools in other states. He shall submit, quarterly, a statement of expenditures for traveling expenses, which shall be audited by the state auditor, who shall issue a warrant on the state treas-

Form and scope  
of report.

Must prepare  
and distribute  
blanks to  
county superin-  
tendents.

Quarterly state-  
ments.

Limit of ex-  
penses.

President of  
board of educa-  
tion.

Must certify ap-  
portionment.

urer for the payment of such amounts as shall be found to have been properly incurred: *Provided*, That said expenditures shall not exceed eight hundred dollars in any one year: *And provided further*, That the postage, stationery and other office expenses shall be paid for in the same manner as in case of other state officers. *Fifth*, he shall cause to be printed, with an appendix of appropriate forms and instructions for carrying into execution, the laws relating to common schools, and distribute to each county superintendent a sufficient number of copies to supply each school and district officer, and shall cause the same to be re-printed and distributed as often as any change in the laws is made of sufficient importance, in his opinion, to justify the same. *Sixth*, he shall be *ex-officio* president of the board of education. *Seventh*, he shall biennially, on or before the first day of May following the election of county superintendents, call a convention of county superintendents of this state, at such time and place as he may deem most convenient, for the discussion of questions pertaining to the supervision and administration of the school laws, and such other subjects affecting the welfare and interests of the common schools as may be properly brought before it. *Eighth*, he shall, between the first and tenth days of March and September of each year, apportion the state common school funds, subject to apportionment, among the several counties of the state, in proportion to the number of children in each county between the ages of five and twenty-one years, as the same shall appear by the reports of the several county superintendents for the school year just closed: *Provided*, That in case no report of the enumeration of any county for the school year last closed has been received, the apportionment shall be made on the basis of the number of children in said county as shown by the last census received from said county. He shall certify said apportionment to the state auditor, and upon said certification the state auditor shall draw his warrant on the state treasurer in favor of the county treasurer of each county for the amount apportioned to said county, and transmit the same to the several county treasurers. The superintendent of

public instruction shall also certify to the county superintendents of schools of each county, the amount apportioned to that county. It shall be the duty of the state auditor to notify the superintendent of public instruction on or before the first day of March and September of each year the amount of the state common school fund subject to apportionment. *Ninth*, he shall annually require of the president, manager or principal of every seminary, academy and private school, 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 state superintendent may direct.

SEC. 4. The superintendent of public instruction shall have his office at the capital of the state, where he shall keep all books and papers appertaining to the business of his office, and shall keep and preserve in his office a complete 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 papers. He shall decide all points which may be submitted to him in writing by any school officer, teacher or person in this state, on appeal from the decision of the county superintendents of schools, and his decision shall be final unless set aside by a court of competent jurisdiction. He shall, at the expiration of his term of office, deliver over to his successor 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.

SEC. 5. The superintendent of public instruction shall be allowed, and is hereby authorized, to appoint a clerk for his office, whose compensation shall not exceed five

hundred dollars per annum, to be paid in the manner prescribed for the payment of state officers.

TITLE III.—BOARD OF EDUCATION.

SEC. 6. The governor shall appoint, by and with the  
 Four members. advice and consent of the state senate, four suitable persons, at least two of whom shall be selected from those actually engaged in teaching in the common schools of this state, who, together with the superintendent of public instruction, shall constitute the state board of education. The persons appointed shall hold their office for two years from the first Monday in March next following their appointment, and shall serve until their successors are appointed and qualified: *Provided*, That the term of office of the first board appointed in accordance with this act shall expire on the first Monday in March, 1891.

Annual meetings of board.

SEC. 7. The state board of education shall hold an annual meeting at the capital of the state on the first Tuesday in June of each year, and may hold such special meetings as deemed necessary for the transaction of public business, such special meetings to be called by the superintendent of public instruction. The persons appointed as members of the board of education shall be paid for their services at the rate of five dollars per diem for the actual number of days' attendances at said meetings, and shall be further entitled to actual traveling expenses in attending said meeting, compensation and traveling expenses to be paid by the state treasurer, on warrant of the state auditor, out of funds not otherwise appropriated, upon the certificate of the superintendent of public instruction: *Provided*, That the expenses of the whole board shall not exceed the sum of one thousand dollars in any one year.

Expense limit.

Powers of board.

SEC. 8. The said board shall have power—*First*, to adopt or re-adopt, at their first regular meeting in June, eighteen hundred and ninety, a uniform series of textbooks for the use of the common schools, including graded common schools, throughout the state: *Provided*, They can secure an exchange of books at any time in use for those of the same grade, or an exchange of those of a lower

grade for those of the next higher grade, without a greater average cost to the people than two-fifths of the contract retail price of the books in use at the time of adoption; and enter into contract with the publishers for the supply of the same, to take effect on the first day of the following September; and the books so adopted shall not be changed within five years thereafter, unless the publishers of such adopted books shall fail to comply with the terms of the contract. Before making any adoption, the superintendent of public instruction shall advertise for at least six weeks in such papers or periodicals of general circulation, as he may determine, that the board of education will receive sealed proposals for the supply of text-books to the people of the state. Said advertisements shall state the day and hour upon which said proposals shall cease to be received. It shall, also, name all the kinds of books for the supply of which proposals are invited, and be signed by the superintendent of public instruction, and that proposals so advertised for shall state the price at which the books proposed shall be exchanged for the books in use at the time of making such proposals, and it shall state the wholesale price which shall be maintained in the state, and also the uniform retail price which shall be maintained in at least one place in every county in this state during the time the books shall continue in use. Said proposals shall be marked "Sealed proposals to furnish text-books for the common schools of the state of Washington," and shall be addressed to the superintendent of public instruction, and shall not be opened before the hour advertised, nor in the presence of less than three members of the board. Immediately upon the opening of the bids they shall be read in open board, and adoption of books and award of the contract shall be made within ten days following. No books shall be adopted without a majority vote of the whole board: *Provided*, That the board shall have power to reject any and all proposals and to advertise again as before for new proposals, which may be considered at a special meeting to be called by the superintendent of public instruction, who shall re-advertise for proposals as above pro-

Must advertise for bids for supply of text-books.

Form of bids.

Powers of board.

vided. The publishers awarded the contract by the board shall guarantee all the terms of the proposal on which it is made, by a bond, with two or more sufficient sureties for faithful performance, which sureties shall be citizens of the state, and shall cover such period as the books may remain in use, said bond to be approved by the board and the attorney general. *Second*, to prepare a course of study for the common schools, except graded schools, and to prescribe such rules for the general government of the common schools as shall secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interests of the common schools. *Third*, to use a common seal and elect one of their own members secretary. He shall keep a correct record of all proceedings of the board, and shall file a certified copy of the same in the office of the superintendent of public instruction. *Fourth*, to sit as a board of examination at their annual or special meetings, and grant state certificates and life diplomas. State certificates shall be granted only to such applicants as shall file with the board satisfactory evidence that they have taught successfully twenty-seven months, at least nine months of which have been in the public schools of this state. The applicant must also either pass a satisfactory examination in all the branches required for first grade county certificates, also pedagogy, plane geometry, geology, natural history, civil government, psychology, book-keeping, composition, English literature and general history, or file with the board a certified copy of a diploma from some state normal school, or of a state or territorial certificate from any state or territory, the requirements to obtain which shall not have been less than those required by this act. State certificates shall be valid for five years, and may be renewed without examination, and shall entitle the holder to teach in any common school in the state. They may be revoked at any time for cause deemed sufficient by the board. Life diplomas shall be granted to such applicants only as shall file with the board satisfactory evidence that they have taught successfully for ten years, not less than one of which shall have been in the common schools of this state. In other respects the requirements

Course of study.

Seal.

Certificates and life diplomas.

State certificates valid for five years.

shall be the same as those required for state certificates; but life diplomas shall be valid during the life of the holder, unless revoked for cause deemed sufficient by the board, and shall entitle the holder to teach in any common school in the state. The fee for state certificates shall be three dollars, and for life diplomas five dollars. Said fees must be deposited with the application, and cannot be refunded to the applicant unless the application be withdrawn before it has been considered by the board. The fees collected shall be paid into the state treasury. *Fifth*, to prepare a uniform series of questions to be used by the county boards of examiners in the examination of teachers. Any member of said board who shall, directly or indirectly, disclose any questions thus prepared, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than one hundred nor more than five hundred dollars.

Fees.

Questions for county examiners.

SEC. 9. Whenever any vacancy in the board shall occur, whether by death, removal, resignation or otherwise, the governor shall fill the vacancy by appointment.

Vacancies.

#### TITLE IV.—COUNTY SUPERINTENDENTS.

SEC. 10. A county superintendent of common schools shall be elected in each county of the state at each general election, whose term of office shall begin on the second Monday in January next succeeding his election, and continue for two years, and until his successor is elected and qualified. He shall take the oath or affirmation of office, and shall give an official bond in a sum to be fixed by the board of county commissioners. He may, at his own cost, appoint a deputy, who shall qualify in the same manner as the county superintendent, and perform all the duties of the office, subject, however, to revision by the county superintendent. The county commissioners of each county shall fill any vacancy that may occur in the office of county superintendent until the next general election.

Term of office.

Deputy.

Vacancy.

SEC. 11. Each county superintendent shall have the power, and it shall be his duty — *First*, to exercise a careful supervision over the schools of his county, and to see that all the provisions of this act are observed and followed

Duties of county superintendents.



by teachers and school officers. *Second*, to visit each school in his county not less than one nor more than three times in each year: *Provided*, That in incorporated towns and cities where city superintendents are employed, the county superintendent shall be entitled to pay for one visit only in each year: *Provided*, That he shall receive mileage in going to and returning from said school for not more than two trips annually. *Third*, to distribute promptly all reports, laws, forms, circulars and instructions which he may receive for the use of the schools and the teachers. *Fourth*, to enforce the course of study adopted by the board of education, and to enforce the rules and regulations required in the examination of teachers. *Fifth*, to keep on file and preserve in his office the biennial report of the superintendent of public instruction. *Sixth*, to keep in a good and well bound book, to be furnished by the county commissioners, a record of his official acts. *Seventh*, to carefully preserve all reports of school officers and teachers, and at the close of his term of office deliver to his successor all records, books, documents and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the county auditor. *Eighth*, to administer oaths and affirmations to school directors, teachers and other persons, in all official matters connected with or relating to schools, but shall not make or collect any charge or fee for so doing. *Ninth*, to keep in a suitable book an official record of all persons examined for teachers' certificates, showing the name, age, nationality, date of the examination and grade of certificate issued. He shall also retain, for six months, a list of the questions and the written answers to the same, of all applicants, and hold the same subject to the order of the superintendent of public instruction, and in case a certificate is refused by the county board of examiners, or revoked by the county superintendent, the right of appeal to the superintendent of public instruction shall not be denied the teacher or applicant: *Provided*, That said appeal be taken within thirty days from the date of the notice of such revocation or refusal. *Tenth*, to make an annual report to the superintendent of public instruction, on the first day of August

Records of office.

Preserve certain papers.

Annual report.

of each year, for the school year ending June 30th, next preceding. The report shall contain an abstract of the reports made to him by the district clerks, and such other matters as the superintendent of public instruction shall direct. The county superintendent shall retain a copy of said report and file the same in his office. *Eleventh*, to keep in his office a full and correct transcript of the boundaries of each school district in the county. Boundaries of districts. In case the boundaries of districts are conflicting or incorrectly described, he shall change, harmonize and describe them, and make a report of said action to the county commissioners, who shall cause said report to be entered on their records. The county superintendent shall, on request, furnish the district clerks with descriptions of the boundaries of their respective districts. *Twelfth*, to appoint directors and district clerks to fill vacancies; to appoint directors and district clerks for any new districts: *Provided*, That when any new district is organized, such of the directors and district clerk of the old district as reside within the limits of the new one shall be directors and district clerk of the new one, and the vacancies in the old district shall be filled by appointment. *Thirteenth*, to apportion, Apportion funds. on or before the first Monday in January, April, July and October of each year, the county school fund and such state common school funds as have been apportioned to his county, in the following manner: He shall apportion one-fourth of the total amount to be apportioned to each district, in proportion to the number of teachers employed therein, and shall determine the number of teachers by allowing one teacher for every seventy school census children and fraction thereof over thirty: *Provided*, That each school district shall be entitled to at least one teacher, except that to joint or union districts he shall give such proportionate amount as will be just and equitable. The remaining three-fourths to be apportioned to each district in proportion to the number of census children as shown by the reports of the district clerks for the school year last closed. He shall certify the result of the apportionment to the county treasurer, and also notify each district clerk of the amount apportioned to that district. Certify apportionment.

*Fourteenth*, to appoint, for one year, two persons holding the highest grade certificate in his county, and such persons, with the county superintendent, shall constitute a board of examiners for the examination of teachers. It shall be the duty of the county board of examiners in all counties having one thousand or more children of school age to be at the county seat on the second Thursday of the months of February, May, August and November of each year, for the purpose of examining teachers; but in counties having less than one thousand children of school age, the county board of examiners shall meet the second Thursday of the months of May and November for the purpose of examining teachers. The superintendent shall give ten days' notice of the same by publication in some newspaper of general circulation, published in his county, or if there be no newspaper, then by posting up handbills, or otherwise. Such examination shall be conducted according to the rules prescribed by the state board of education, and no other questions shall be used except those furnished by the said board.

Duties of county examiners.

Rules for examinations.

Grades of certificates.

SEC. 12. There shall be three grades of certificates—first, second and third. Unless revoked for cause, first grade certificate shall entitle the holder to teach for three years; second grade for two years, and third grade for one year; but the issuing of more than one third grade certificate to any person shall be left to the discretion of the county board of examiners. No first grade certificate shall be granted until the applicant shall have filed with the county superintendent satisfactory written evidence of having taught successfully one school year of nine months. Boards of examiners may, in their discretion, issue certificates without examination to the graduates of the normal department of the State University of Washington, or to the graduates of any state normal school, or to the holder of a state certificate or life diploma from any state or territory. Those holding first grade county certificates, and who shall have been actually engaged in teaching for three years, shall be eligible to examination for state certificates. Any teacher holding a certificate in force and effect, granted by any county board of examiners in this state, or by a

lawful board of examiners in any other state, the requirements to obtain which shall not be less than those required in this state, shall be entitled to exercise all the duties of teacher in any county in this state, upon presenting such certificate to the county superintendent of the county in which said certificate is desired to be used, whose duty it shall be to endorse it, and such certificate shall be in full force and effect until the next meeting of the county board of examiners, and no longer: *Provided*, That the county board may, at their discretion, endorse certificates from other counties in this state for the unexpired term thereof. All applicants for certificates shall be at least seventeen years of age, shall have attended a teachers' institute, and shall be examined in reading, penmanship, orthography, written and mental arithmetic, geography, English grammar, physiology and hygiene, history and constitution of the United States, school law and constitution of the State of Washington, and the theory and art of teaching; but no person shall receive a first grade certificate who does not pass a satisfactory examination in the additional branches of natural philosophy, English literature and algebra.

Effect of certificate.

Age of applicants.

SEC. 13. County examiners appointed by the county superintendent shall receive not less than three nor more than five dollars per day for the time actually employed in the examination of teachers and, in addition thereto shall receive mileage from their homes to the place of meeting of said board and return by the most usual route, at the rate of ten cents per mile.

Compensation of examiners.

SEC. 14. The county commissioners shall provide the county superintendent with a suitable office at the county seat, and all necessary blanks, books, stationery, postage and other expenses of his office shall be paid by the county treasurer out of the county fund upon a statement made quarterly and certified to by him, and allowed by the board of county commissioners. He shall keep his office open for the transaction of official business such days each week as the duties of the office may require, and shall keep posted on the door of his office a notice of said office days and hours of such days.

Office of superintendent at county seat.

Penalty for failure to make full report.

SEC. 15. If the county superintendent fails to make a full and correct report to the superintendent of public instruction of all statements required by him, 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 information from the superintendent of public instruction that such reports have not been made.

Appeal.

SEC. 16. Any person or board of directors aggrieved by any decision or order of the county superintendent may, within thirty days after the rendition of such a decision or making of such order, appeal therefrom to the superintendent of public instruction. The basis of the proceeding shall be an affidavit by the party aggrieved, filed with the superintendent of public instruction within the time for taking the appeal. The affidavit shall set forth the errors complained of in a plain and concise manner. The superintendent of public instruction shall, within five days after the filing of such affidavit in his office, notify the county superintendent in writing of the taking of such appeal, and the county superintendent shall, within ten days after being thus notified, file in the office of the superintendent of public instruction a complete transcript of the record and proceedings relating to the decision complained of, which shall be certified to be correct by the county superintendent. The superintendent of public instruction shall examine the transcript of such proceedings and render a decision thereon, but no new testimony shall be admitted, and his decision shall be final unless set aside by a court of competent jurisdiction. When an applicant for a certificate at a regular examination shall feel aggrieved at the decision of the county board of examiners, and shall appeal to the superintendent of public instruction, the questions used and the answers given shall be examined by him, and if the decision of the county board of examiners be reversed, the superintendent of public instruction shall instruct the county board of examiners to issue to the applicant a certificate of such grade as the answer shall warrant: *Provided*, That a good moral character can

Transcript of proceedings.

be shown by the applicant to the satisfaction of the superintendent of public instruction.

SEC. 17. The county superintendent shall, in addition to the salary fixed by law, be allowed three dollars for each school visited, and mileage at the rate of ten cents per mile for each mile actually and necessarily traveled in making such visits and attending convention of county superintendents, called by the superintendent of public instruction, but shall not be allowed to charge or collect any fee for the performance of any other duty herein named: *Provided*, That no constructive mileage shall be charged.

Compensation and mileage of county superintendent.

#### TITLE V.—SCHOOL DISTRICTS.

SEC. 18. The term "school district," as used in this act, is declared to mean the territory under the jurisdiction of a single school board, designated as "board of directors," and shall be organized in form and manner as hereinafter provided, and shall be known as district No. ———, ——— county: *Provided*, That all school districts now existing, as shown by the records of the county superintendents, are hereby recognized as legally organized districts.

Definition.

SEC. 19. For the purpose of organizing a new district, a petition in writing shall be made to the county superintendent, signed by at least five heads of families residing within the boundaries of the proposed new district, which petition shall describe the boundaries of the proposed new district and give the names of all children of school age residing within the boundaries of such proposed new district at the date of presenting said petition. The county superintendent shall give notice to parties interested by posting notices at least twenty (20) days prior to the time appointed by him for considering said petition, in at least three of the most public places in the proposed new district, and one on the school-house door of each district affected by the proposed change, or if there be no school-house, then in one of the most public places of said old district, and shall, on the day fixed in the notice, proceed to hear said petition, and if he deem it advisable to grant the petition, he shall make an order establishing said dis-

Organizing new districts.

County superintendent must give notice.

tract and describing the boundaries thereof, from which order an appeal may be taken by three resident taxpayers of said new district to the board of county commissioners, in the same manner that appeals may be taken from justices courts to the superior courts, and their decision shall be final.

Transfer of territory.

SEC. 20. 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 on the territory which it is proposed to transfer or include, which petition shall 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 on the territory to be transferred. The county superintendent shall file said petition in his office, and shall give notice to parties interested by posting 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, and unless an appeal be taken to the board of county commissioners, or upon the decision of said board, he shall certify his action to the county commissioners at their next regular session, stating the change or changes in boundaries so made, and they shall cause such certificate to be entered in their records, with the description of said boundaries.

Certify action to commissioners.

Rights of new district.

SEC. 21. No new district formed by the subdivision of an old one shall be entitled to any share of public money belonging to the old district until the school has actually been taught one month in the new district, and unless within eight months from the order of the county superintendent granting such new district a school is opened,

the action making a new district shall be void, and all elections or appointments of directors or clerks made in consequence of such action, and all rights and office of parties so elected or appointed shall cease and determine; and all taxes which may have been levied in such old district shall be valid and binding upon the real and personal property of new districts, and shall be collected and paid into the school fund of the old district.

SEC. 22. When a new district is formed by the division of an old one, it shall be entitled to a just share of the school moneys to the credit of the old district after the payment of all outstanding debts at the time when school was actually commenced in such new district, and the county superintendent shall divide such remaining moneys, and such as may afterwards be apportioned to the old district, according to the number of school children resident in each district, for which purpose he shall order a census to be taken: *Provided*, That the new district shall be entitled to such portion of any special tax levied and collected for the year in which the new district is created, as the amount of such tax paid by that portion of the old district which is embraced in the new bears to such old district.

Superintendent shall apportion surplus money.

SEC. 23. No school district shall be entitled to receive any apportionment of any school moneys, unless the teachers who have been employed in the schools of such districts held legal certificates of fitness for the occupation of teaching, in full force and effect. Any district using text-books other than those prescribed by the board of education, or any district failing to comply with the course of study prescribed by the board of education, shall forfeit twenty-five per cent. of their school fund for that 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 both of the above named requirements, and the amount thus deducted shall revert to the general school funds of the county.

Must use proper text-books.

SEC. 24. No school district shall be entitled to receive any apportionment of county school moneys which shall not have maintained school for at least three months dur-



ing the preceding year: *Provided*, That any new district formed by the division of an old one 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 three months.

Must maintain school three months each year.

#### TITLE VI.—BOARDS OF DIRECTORS.

SEC. 25. 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 and three years, respectively. The ballots 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 ballots shall specify the respective term for which each director is to be elected. Directors-elect shall take office immediately after qualifying, and shall hold their office until their successors are elected and qualified. Any director who fails to qualify within ten days after his election, shall forfeit all rights to his office, and the county superintendent shall fill the office by appointment, to hold until the next annual election. Upon the death, removal or resignation of any director, the county superintendent shall fill such vacancy by appointments, to hold office until the next annual election.

How elected.

Vacancies.

Powers and duties of directors.

SEC. 26. Every board of directors, unless otherwise specially provided by law, shall have power, and it shall be their duty—*First*, to employ, and for sufficient cause discharge, teachers, mechanics or laborers, and to fix, alter, allow and order paid their salaries and compensation; *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; *third*, to provide and pay for school furniture and apparatus, and such other articles, materials and supplies as may be necessary for the use of the schools; *fourth*, to rent, repair, furnish

and insure 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 so to do; *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; *seventh*, to suspend or expel pupils from school, who refuse to obey the rules thereof, and may exclude from school all children under six years of age; *eighth*, to provide books for the children of indigent parents on the written statement of the parents of such children that they are unable to purchase the same; *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; *tenth*, to exclude from school and school libraries all books, tracts, papers and other publications of any immoral or pernicious tendency or of a sectarian or partisan character; *eleventh*, to authorize the school room to be used for summer and night schools, literary, scientific, religious, political, mechanical or agricultural societies with the consent of and under such regulations as the board of directors may adopt; *twelfth*, to require teachers to conform to the provisions of the school law.

SEC. 27. Any board of directors shall be liable as directors in the name of the district for any judgment against the district for any salary due any teacher and for any debts legally due, contracted under the provisions of this act, and they shall pay such judgment or liability out of the school funds to the credit of the district.

Liability for debts.

SEC. 28. Any board of directors shall have power to make arrangements with the directors of an adjoining district for the attendance of such children in the school of either district as may be best accommodated therein, and to transfer the school money due by apportionment to such children to the district in which they may attend school: *Provided*, That in case such arrangements are not made, or children from school districts not adjoining desire to attend school in their district, they may charge reasonable tuition for such attendance, and the moneys so collected shall be used in payment of salaries of teachers.

Children from adjoining district.

SEC. 29. Any board of directors shall have the power to make such by-laws for their own government, and for the government of the common schools under their charge, as they deem expedient, not inconsistent with the provisions of this act, or the instructions of the superintendent of public instruction, or the state board of education.

Regular meet-  
ings.

A regular meeting of each board of directors shall be held on the last Saturday of March, June, September and December. They may, however, hold such other special or adjourned meetings as they may from time to time determine, or as may be specified in their by-laws.

School prop-  
erty.

SEC. 30. The board of directors of each school district shall have custody of all school property belonging to the district, and shall have power, in the name of the district or in their own names as directors of the district, to convey by deed all the interest of their district in or to any school-house or lot directed to be sold by vote of the district, and all conveyances of real estate made to the district, or to the directors thereof, shall be made to the board of directors of the district and to their successors in office; said board in the name of the district shall have power to transact all business necessary for maintaining schools and protecting the rights of the district.

SEC. 31. It shall be unlawful for any director to have any pecuniary interest, either directly or indirectly, in any erection of school-houses, or for warming, ventilating, furnishing or repairing the same, or be in any manner connected with the furnishing of supplies for the maintenance of the schools, or to receive or accept any compensation or reward for services rendered as director.

Appeal.

SEC. 32. Any person aggrieved by any decision or order of the board of directors may, within thirty days after the rendition of such decision or making of such order, appeal therefrom to the county superintendent of the proper county; the basis of such proceeding shall be an affidavit filed by the party aggrieved with the county superintendent within the time for taking the appeal. The affidavit shall set forth the errors complained of in a plain and concise manner. The county superintendent shall, within five days after the filing of such affidavit in his office, notify

Form of pro-  
cedure.

the clerk of the proper district, in writing, of the taking of such appeal, and the latter shall, within ten days after being thus notified, file in the office of the county superintendent a complete transcript of the record and proceeding relating to the decision complained of, which shall be certified to be correct by the clerk of the district. After the filing of the transcript aforesaid in the office, he shall notify, in writing, all persons interested, of the time and place where the matter of the appeal will be heard by him. At the time thus fixed for hearing he shall hear testimony for either party, and for that purpose may administer oaths if necessary, and he shall make such decision as may be just and equitable, which shall be final unless appealed from, as provided for in this act.

#### TITLE VII.—DISTRICT CLERKS.

SEC. 33. A district clerk shall be elected in each district at each annual school election, to hold office for one year, and until his successor is elected and qualified. In case of the death, removal or resignation of the district clerk, the county superintendent shall fill the vacancy by appointment.

SEC. 34. The duties of the district clerk shall be as follows: *First*, to attend all meetings of the board of directors; but if he shall not be present, the board of directors shall select one of their number to act as clerk, who shall certify the proceedings of the meeting to the clerk of the district, to be recorded by him. He shall keep his records in a book, to be furnished by the board of directors, and he shall preserve copies of all reports made to the county superintendent, and safely preserve and keep all books and documents belonging to his office, and shall turn the same over to his successor. *Second*, to keep accurate and detailed accounts of all receipts and expenditures of school money. At each annual school meeting the district clerk must present his record book for public inspection, and shall make a statement of the financial condition of the district and of the action of the directors, and such record must always be open for public inspection. *Third*, to take, annually, between the first and the twentieth of June

Duties of clerk

School census. . . of each year, an exact census of all children and youth between the ages of five and twenty-one years who were *bona fide* residents of the district upon the first day of June of that year: *Provided*, That Indian children not living under the guardianship of white persons, or who have not severed their tribal relations, or Mongolian children not native born, shall not be included in said census, and shall specify the number and sex of such children, and the names of their guardians or parents. He shall also note all defective youth between the ages of five and twenty-one years. He shall, under oath, make a full report thereof, on blanks furnished for that purpose, to the county superintendent on or before the first day of July thereafter. He shall also, at the same time, make out and file in the office of the county superintendent a report of the affairs of his district. Said report shall be made upon blanks furnished by the superintendent of public instruction, and contain such items of information as said superintendent or the state board of education shall require, including the following:

Defective youth.

Report.

Form of report. The number of persons, male and female, in his district between the ages of five and twenty-one years; the number of schools and the branches taught in each; the number of pupils enrolled in each school during the year; the number of teachers employed in each school, and the compensation of each per month; the number of days school was taught during the year then passed, and by whom; the number of pupils enrolled during the year, and the average daily attendance; the average cost of school per month for each pupil, based upon the total enrollment, and also the average cost, based upon the average daily attendance. In estimating these averages the clerk shall take account of the teachers' salaries and all current expenses, the text-books used in each school by name, the number of volumes in the library in each school, the aggregate amount paid teachers during the year, the number of school-houses and the estimated value of each, the amount raised by tax in the district during the year for the support of schools, and for buildings, sites and furniture, the amount raised by subscription or by other means than tax, the amount of bonded indebtedness of the district and

the rate of interest paid; also such other items as he may deem of importance and as may be required by the blanks furnished for said report, and record a copy of all reports in his record book. *Fourth*, to keep an accurate account of all the expenses incurred by him in his district in keeping the school-house in repair, in providing for necessary janitor work, and in providing school supplies, and for other expenses incurred by him on account of the school, which accounts must be audited by the board of directors and paid out of the district school fund. *Fifth*, to give the required notice of all annual or special elections; also, to give notice of the regular and special meetings of the board of directors as herein authorized. *Sixth*, to report to the county superintendent at the beginning of each term of school, the name of the teacher and the proposed length of the term, and to supply the teacher with the school register furnished by the superintendent of public instruction.

Record of expenses.

Notice of election.

SEC. 35. The district clerk shall be paid three dollars per day for time actually and necessarily spent in taking the census, to be determined and paid by the directors out of the funds of the district. He shall receive such other compensation for other services as may be allowed by the board of directors.

Compensation of clerk.

SEC. 36. In case the district clerk fails to make the reports herein provided at the proper time, 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, to be recovered in a suit brought by any citizen of such district, in the name of and for the benefit of such district.

Penalty for failure to report.

#### TITLE VIII.—TEACHERS.

SEC. 37. No person shall be accounted as a qualified teacher, within the meaning of the school law, who has not first appeared before the board of examiners of the county in which he proposes to teach, and received a certificate setting forth his qualifications; or has not a state certificate, or life diploma from the state board of educa-

Qualifications.

tion, or a certificate from some other county or state endorsed by the county superintendent.

Teachers must report to county superintendent.

SEC. 38. Every teacher employed in any common school shall make a report to the county superintendent at the time of the contract to teach such school, the number of the district in which he is to teach, the grade of his certificate, date it expires, and the proposed length of term, and at the close of any school to report to the county superintendent on the blanks prescribed by the superintendent of public instruction. Any teacher who shall be teaching at the close of the school year, shall make a report to the county superintendent immediately upon the close of such school year. Copies of all reports made by teachers shall be furnished to the clerk of the district, to be by him filed in his office. No board of directors shall draw any order or warrant for the salary of any teacher for the last month of his service until the reports herein required shall have been made and received: *Provided*, That in all schools acting under the direction of a city superintendent, the report of such superintendent shall be accepted by the county superintendent and the directors in lieu of the teacher's report; and that when there is no city superintendent, the report of the principal shall be accepted in lieu of the teacher's report.

School register.

SEC. 39. Every teacher shall keep a school register in the manner provided for, and no board of directors shall draw any warrant for the salary of any teacher for the last month of his service in the school, at the end of any term or year, until they shall have received a certificate from the district clerk that the said register has been properly kept, the summaries made and the statistics entered, or until, by personal examination, they shall have satisfied themselves that it has been done. Teachers shall faithfully enforce in school the course of study and regulations prescribed, and if any teacher shall wilfully refuse or neglect to comply with such regulations, then the board of directors shall be authorized to withhold any warrant for salaries due until such teacher shall comply therewith. No teacher shall be employed except by written order of a majority of directors, at a regular or special meeting

thereof, nor unless the holder of a legal teacher's certificate in full force and effect.

SEC. 40. In every contract between any teacher and board of directors, a school month shall be construed to be twenty school days, or four weeks of five days each, and no teacher shall be required to teach school on Saturdays or any legal holiday, and no deduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught.

SEC. 41. Every teacher shall have the power to hold every pupil to a strict accountability in school for any disorderly conduct on the way to or from school, or on the grounds of the school, or during intermission or recess; to suspend from school any pupil for good cause: *Provided*, That such suspension shall be reported to the directors as soon as practicable for their decision.

SEC. 42. It shall be the duty of all teachers to endeavor to impress on the minds of their pupils the principles of morality, truth, justice, temperance and patriotism; to teach them to avoid idleness, profanity and falsehood; to instruct them in the principle of free government, and to train them up to the true comprehension of the rights, duty and dignity of American citizenship.

SEC. 43. Any teacher who shall maltreat or abuse any pupil by administering any undue or severe punishment, or inflict punishment on the head or face, 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.

#### TITLE IX.—SCHOOLS.

SEC. 44. A common school is hereby defined to be a school that is maintained at the public expense in each school district and under the supervision of boards of directors. Every common school, not otherwise provided for by law, shall be open to the admission of all children between the ages of six and twenty-one years residing in that school district, and the board of directors shall have



the power to admit adults and children not residing in the district, as hereinbefore provided, and to fix the terms of such admission as hereinbefore provided.

*Course of study.* SEC. 45. All common schools shall be taught in the English language, and instruction shall be given in the following branches, viz.: Reading, penmanship, orthography, written arithmetic, mental arithmetic, geography, English grammar, physiology and hygiene, with special reference to the effects of alcoholic stimulants and narcotics on the human system, history of the United States, and such other studies as may be prescribed by the board of education. Attention must be given during the entire course to the cultivation of manners, to the laws of health, physical exercise, ventilation and temperature of the school room.

*Hours of study.* SEC. 46. The school day shall be six hours in length, exclusive of any intermission at noon, but any board of directors may fix as the school day a less number of hours than six: *Provided*, That it be not less than four hours for primary schools under their charge, and any teacher may dismiss any or all scholars under eight years of age, after an attendance of four hours, exclusive of an intermission at noon.

*Contagious disease.* SEC. 47. No teacher or scholar shall be permitted to attend school from any house in which small-pox, varioloid, scarlet fever, diphtheria, or any other contagious or loathsome disease is prevalent. No teacher or scholar shall be permitted to return to school from any house where the above mentioned diseases, or any form of them, has prevailed, until three weeks shall have elapsed from the beginning of convalescence of the patient. In case several individuals have been affected with such disease within the same house, the period of the time must be reckoned from beginning of convalescence of the last case.

*Requirements of pupils.* SEC. 48. All pupils who may attend common schools, shall comply with the regulations established in pursuance of the law for the government of the schools, shall pursue the required course of studies and shall submit to the authority of the teachers of such school. Continued and willful disobedience and open defiance of authority of the teacher shall constitute good cause for expulsion from

school. Any pupil who shall, in any way, cut, deface or otherwise injure any school-house, furniture, fence or out-building thereof, or any book belonging to other pupils, or any 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 damage on complaint of the teacher or any director, and upon proof of the same.

SEC. 49. The school year shall begin on the first day of <sup>School year.</sup> July and end on the last day of June.

#### TITLE X.—SUPPORT OF SCHOOLS.

SEC. 50. The principal of the state school fund shall <sup>School fund irreducible.</sup> remain irreducible and permanent. The said fund shall be derived from the following sources, to-wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or common schools; the proceeds of land and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state, when the purpose of the grant is not specified or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of timber, stone, minerals or other property from school and state lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section fifteen (15) of the act of congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been and hereafter may be granted to the state for the support of common schools, and such other funds as may be provided by legislative enactment.

SEC. 51. The interest accruing on said fund, together with rentals and other revenues derived therefrom from lands and other property devoted to the common school fund shall be exclusively applied to the current use of the common school. All schools maintained or supported

Sectarian control or influence.

wholly or in part by the public funds shall be forever free from sectarian control or influence. All losses to the permanent common school fund which shall be occasioned by defalcation, mismanagement or fraud of the agent or officers controlling or managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than six per cent. annual interest shall be paid.

County tax.

SEC. 52. In addition to the provisions for the support of the common schools hereinbefore provided, it shall be the duty of the county commissioners of each county in the state to levy an annual tax, which levy shall be made at the time and in the manner provided by law for the levying of taxes for county purposes, and said levy shall not be less than four mills on a dollar and not more than ten mills on a dollar of the assessed value of all taxable property, real and personal, within the county, which tax shall be collected by the county treasurer at the same time and in the same manner as state and county taxes are collected. For the support of the common schools there shall also be set apart by the county treasurer all moneys paid into the county treasury arising from fines for breach of any law regulating license for the sale of intoxicating liquors, or for keeping of bowling alleys or billiard saloons, or of any penal law of the state.

#### TITLE XI.—SPECIAL TAXES.

Directors may submit question to vote.

SEC. 53. The board of directors of any district may, at any time when in their judgment it is advisable, submit to the qualified school electors of the district the question whether a tax not to exceed ten mills on each dollar on the taxable property in the district shall be levied to furnish additional school facilities for said district, or for building one or more school-houses, or for removing or building additions to one already built, or for the purchase of supplies, globe[s], maps, charts, books of reference and other appliances or apparatus for teaching, or for any or all of these purposes. Such election shall be called and

conducted, as nearly as practicable, according to the provisions herein made for holding annual school elections. At such elections the ballot shall contain the words, "Tax, yes;" or "Tax, no." If a majority of votes cast are "Tax, yes," the officers of the election shall certify the fact to the district clerk, who shall proceed at once to copy from the assessment roll of the county the list of persons and property liable to taxation situated in or owned by residents of the district, and shall certify to the correctness of the list and attach to said list the certification of the election board, showing the result of the election and the rate of tax levied, and deliver the same to the county auditor on or before the first day of October of the year in which said special tax is levied. The county auditor shall extend the same upon the general assessment roll of the county, showing the amount and kind of property so assessed, and 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.

Collecting  
special tax.

#### TITLE XII.—ELECTIONS.

SEC. 54. The election of directors and district clerks shall be held on the first Saturday of November of each year, at the district school-house, if there be one, or if there be none, or if there be more than one, then at a place to be designated by the board of directors.

Directors and  
clerk.

SEC. 55. The district clerk must at least give ten days' notice of such election, by posting, or by causing to be posted, written or printed notices thereof in at least three public places in the district, one of which must be the place of holding the election. Said notice must designate the place of holding the election, day of holding the election, hours between which polls are to be kept open, names of offices for which persons are to be elected, and terms of office, with a statement of any other questions which the board of directors may desire to submit to the electors of said district. Notices must be signed by the district clerk

Notice of elec-  
tion.

“by order of the board of directors.” Unless otherwise designated in the notice of election, the polls shall be open at one o'clock in the afternoon and close at four o'clock in the afternoon, but the board of directors may, previous to giving notice of election, determine on a longer time during which the polls shall be kept open: *Provided*, That in

Rules of election.

In no case shall the polls be opened before nine o'clock in the forenoon nor kept open later than eight o'clock in the afternoon. In no case shall the polls be opened before the hour named in the notice, nor kept open after the hour fixed for closing the polls, but if there is not a sufficient number of electors present at the hour named for opening the polls to constitute a board of election, it shall be lawful to open the polls as soon thereafter as a sufficient number of electors is present: *Provided*, That in cities and incorporated towns the polls shall open not later than one o'clock P. M. and close not earlier than eight o'clock P. M.

SEC. 56. At the hour fixed for opening the polls the electors present shall select two electors to act as judges of the election, and one elector to act as clerk of the election, and the three selected shall constitute the election board, and no election shall be held unless a sufficient number of electors is present to constitute the board. The judges and clerk aforesaid shall, before entering upon the duties of their office, severally take and subscribe an oath or affirmation faithfully to discharge the duties as such officers of the election, said oath or affirmation to be administered by any school officer or other person authorized to administer oaths. The judges shall, before they commence receiving ballots, cause to be proclaimed aloud at the place of voting that the polls are now open.

Officers must be sworn.

Manner of voting.

SEC. 57. The voting shall be by ballot. The ballot shall be a paper ticket, containing the names of the persons for whom the electors intend to vote, and designating the office to which such persons so named is intended by him to be chosen. Whenever any person offers to vote, one of the judges shall pronounce his name in an audible voice, and if there be no objections to the qualification to such person as an elector, he shall receive the ballot in the presence of the election board and deposit

the same, without being opened or examined, in the ballot-box, and the clerk shall immediately enter the name upon the list headed "Names of voters."

SEC. 58. Every person, male or female, over the age of <sup>Qualifications of voters.</sup> twenty-one years, who shall have resided in the school district for thirty days immediately preceding any school election, and in the state one year, and is otherwise, except as to sex, qualified to vote at any general election, shall be a legal voter of any school election, and no other person shall be allowed to vote. Persons offering to vote may be challenged by any legally qualified school elector of the district, and one of the judges of election shall thereupon administer to the person challenged an oath, in substance as follows: "You do swear (or affirm) that you are a citizen of the United States, or have declared your intention to become such; that you are twenty-one years of age, according to your information and belief, that you have resided in this district thirty days next preceding this election, and in the state one year, and that you have not voted before on this day." If he shall refuse to take the oath, his vote shall be rejected. Any person guilty of illegal voting shall be punished as provided in the general election laws of the state.

SEC. 59. When the polls are closed, proclamation thereof shall be made at the place of voting and no vote shall afterward be received. As soon as the polls are closed, <sup>Counting ballots.</sup> the judges shall open the ballot-box and commence counting the votes, and in no case shall the box be removed from the room in which the election is held until all the votes are counted. The counting shall be in public. The ballots shall be taken out one by one, by one of the judges, who shall open them and read aloud the name of each person contained therein, and the office for which such person was voted for. The clerk shall write down each office to be filled and the name of each person voted for such office, and shall keep the number of votes by tallies as they are read aloud by one of the judges. The counting of the votes shall continue without adjournment until all the votes are counted. No ticket shall be rejected on account of form or mistake in the initials of

names, if the judges can determine to their satisfaction the person voted for and the office intended.

*Duty of clerk.* SEC. 60. Persons having the highest number of votes given for each office shall be declared duly elected, and the clerk of election shall immediately make out and deliver to each person so elected a certificate of election. The clerk of election shall also make out a certificate showing the persons elected to each office at such election, with oath of office of persons elected attached, and mail such certificate to the county superintendent of schools of the county in which the election is held. If two persons have an equal and highest number of votes for one and the same office, they shall, within ten days after the election, appear before the clerk of election of said district and publicly decide by lot which of the persons so having an equal number of votes shall be declared elected, and the clerk of election shall make out and deliver to the person thus elected a certificate of his election and notify the county superintendent of the county as before provided. If the persons above named do not, within ten days after the election, thus decide, the office shall be declared vacant, and the county superintendent shall, when notified of the vacancy, fill the same by appointment.

*Deciding a tie.*

#### TITLE XIII.—UNION SCHOOLS.

*How formed.* SEC. 61. Whenever the residents of two or more school districts may wish to unite for the purpose of establishing a graded school, the clerks of said districts shall, upon a written application of five heads of families of their respective districts, call a meeting of the voters of such district at some convenient place by posting up written or printed notices in like manner as provided for calling district election, and if a majority of the voters of each district shall vote to unite for the purpose herein stated, they shall, at their meeting, or any adjourned meeting, elect three directors and a clerk for such union district.

SEC. 62. The board of directors and clerk provided for in the preceding section shall, in all matters relating to graded schools, possess all the power, discharge all the duties, and be governed by the laws herein provided for

district directors, and they shall be elected in the same manner as provided in the preceding section.

SEC. 63. The union district thus formed shall be entitled to an equitable share of the school fund, to be apportioned in accordance to section 11, clause thirteen (13) of this act.

TITLE XIV.—GRADED SCHOOLS IN INCORPORATED CITIES AND TOWNS.

SEC. 64. Each incorporated city or town in this state shall be comprised in one district and under one board of school directors, and in all such cities or towns where the enumeration of school children entitled to draw school money is three hundred or more, the directors shall be required to adopt the graded system of teaching in their schools: *Provided*, That nothing in this section shall be so construed as to prevent the extension of such city or town districts a reasonable distance outside the limits of such incorporated city or town: *And provided further*, That the schools of such cities and towns may be graded in such manner as the directors thereof may deem best suited to the wants of such districts.

Extension of districts.

SEC. 65. The directors of incorporated city or town districts may, in their discretion, elect one city or town school superintendent in each district, who may be a teacher of the district, and who shall have the control or management of all the schools in his district, subject to the concurrence of the board of directors.

City superintendent.

SEC. 66. When two or more districts in any town or city are united by the provisions of this act, all the directors of the districts so united shall act as directors of the said new district, and shall have all the powers and authority conferred by the laws of this state upon school directors, and they may designate the person to act as clerk of said district until the next annual school meeting in said district, at which time there shall be three directors and one clerk elected for said district, in the manner provided by law, who shall hold their respective offices as provided for officers of new districts.

Directors of union district.

SEC. 67. Districts thus formed shall be entitled to their full share of common school moneys.



Penalty for neglect or failure.

SEC. 68. Directors failing to organize their districts as herein provided within one hundred and twenty days after the incorporation of such cities or towns, as herein provided, shall be deemed guilty of a misdemeanor, and fined in a sum not exceeding five hundred dollars: *Provided*, That they are supplied with sufficient money to organize the same.

#### TITLE XV.—SCHOOL OFFICERS.

Officers liable.

SEC. 69. When any school officer is superseded, by election or otherwise, he shall immediately deliver to his successor in office all books, papers and moneys pertaining to his office, and every officer who shall refuse to do so, or who shall wilfully mutilate or destroy any such books or papers, or any part thereof, or who shall misapply moneys entrusted to him by virtue of his office shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by any fine not to exceed one hundred dollars.

Oath of office.

SEC. 70. Every person elected or appointed to any office mentioned in this act shall, before entering upon the discharge of the duties thereof, take an oath or affirmation to support the constitution of the United States and of the State of Washington, and to promote the interest of education, and faithfully discharge the duties of his office according to the best of his ability. In case any officer has a written appointment or commission, his oath or affirmation shall be endorsed thereon and sworn to before any officer authorized to administer oaths. School officers are hereby authorized to administer all oaths or affirmations appertaining to their respective offices without charge or fee.

#### TITLE XVI.—COUNTY TREASURER.

Special deposit.

SEC. 71. It shall be the duty of the county treasurer of any county — *First*, to receive and hold all school moneys as a special deposit and keep separate accounts of their disbursements to the school districts which shall be entitled to receive the same, according to the apportionment of the county superintendent of common schools; *second*, to notify the county superintendent of common schools of the amount of county school fund in the county treasury at the time fixed for making the apportionment, and to

inform such superintendent of the amount of school money belonging to any other fund subject to apportionment; *third*, to pay the amount of common school tax levied and such other moneys paid into the school fund on the warrant of the directors whenever such warrants are countersigned by the district clerk and properly endorsed by the holder; *fourth*, to make, annually, on the 30th day of June of each year, to the county superintendent of common schools a financial report showing the amount of money on hand at the beginning of the school year, the amount expended during the year and the sum to the credit of the school districts at the close of the school year, on such blanks as may be furnished by the superintendent of public instruction. Annual report.

#### TITLE XVII.—TEACHERS' INSTITUTE.

SEC. 72. Whenever the number of school districts in any county is twenty-five or more, the county superintendent must hold a teachers' institute each year, and every teacher employed in a common school in the county must attend such institute during its whole time.

SEC. 73. In any county where there are less than twenty-five school districts, the county superintendent may, in his discretion, hold an institute. Superintendent may hold institute.

SEC. 74. Each session of the institute must continue not less than three days.

SEC. 75. When the institute is held during the time the teachers are employed in teaching, their pay shall not be diminished by reason of their attendance when certified to by the county superintendent.

SEC. 76. The county superintendent must keep an accurate account of the actual expenses of the institute, with vouchers for the same, and present the bill to the county commissioners, who shall allow the same: *Provided*, That such amount shall not exceed the sum of two hundred dollars for any year. Expenses of institute.

SEC. 77. Any teacher failing to attend the institute in the county in which he holds a certificate to teach, unless on account of sickness, or for other good and sufficient reasons, shall be deemed to have forfeited his certificate. Teachers must attend.

## MISCELLANEOUS.

SEC. 78. Whenever the word he or his occurs in this act, referring to either the members of the board of education, county superintendents, city superintendents, teachers, or other school officers, it shall be understood to mean also she or her.

Text-books.

SEC. 79. Any series of text-books adopted by the board of education shall remain in use not less than five years.

SEC. 80. All school districts in the state shall maintain school during at least three months each year. All graded school districts in incorporated cities and towns shall maintain school at least six months each school year, and no district which has been organized more than one year shall receive any portion of the school fund which has not, during the preceding school year, complied with the provisions of this section.

Compulsory education.

SEC. 81. 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 said child or children may remain under their supervision.

Penalty.

SEC. 82. Any person mentioned in the preceding sections who shall fail or refuse to comply with the provisions of said sections shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten (\$10) dollars or more than twenty-five (\$25) dollars, and the fine so collected shall be paid into the school fund of the district.

Report as to orphans.

SEC. 83. District clerks shall report to the superior judge before the first day of December of each year the name and residence of every orphan child that failed to attend school, and the superior judge shall have power to remove such child and place it in the care of some other person who will be likely to send such child to school.

Validity of certificates heretofore granted.

SEC. 84. Nothing in this act shall be construed to invalidate life diplomas or territorial certificates granted under the laws of the Territory of Washington, but the same shall continue in effect the same as life diplomas and state

certificates granted under the provisions of this act, and all county certificates heretofore granted by any county board of examiners shall continue in full force and effect until the expiration thereof, and any contract made in good faith by any teacher, school officer or other person under the provisions of the territorial school law is hereby recognized as a valid contract the same as if made under the provisions of this act.

SEC. 85. Specialists in music, languages, drawing and painting shall not be required to pass a regular teachers' examination: *Provided*, That satisfactory evidence of fitness to teach these branches is furnished to the board of directors.

Teachers of music, languages, drawing and painting.

SEC. 86. Any parent, guardian or other person who shall insult or abuse a teacher in the presence of the school, or anywhere on the school grounds or premises, shall be deemed guilty of a misdemeanor, and liable to a fine of not less than ten dollars nor more than one hundred dollars.

Penalty for abusing a teacher.

SEC. 87. Any person who shall wilfully disturb any school or school meeting shall be deemed guilty of a misdemeanor, and upon conviction be fined in any sum not less than fifty dollars.

Disturbance.

SEC. 88. It shall be the duty of the county auditor to notify the superintendent of public instruction of the election of the county superintendent, or of his appointment to fill a vacancy, at the time said election or appointment is ascertained.

Duty of auditor.

SEC. 89. All fines, penalties and forfeitures provided by this act may be recovered by action of debt, in the name of the people of the State of Washington, for the use of the proper school district or county, and shall, when they accrue, belong to the respective districts or counties in which the same may have been incurred; and the county treasurers for their counties are hereby authorized to receive and cause to be placed to the proper credit such forfeitures. Except as otherwise provided by law, all sums of money derived from fines imposed for violations of orders of injunction, mandamus, and other like writs, or for contempt of court, shall be paid into the school fund of the county wherein the contempt or such violation

Fines and penalties.

was committed, and the clear proceeds of all fines collected within the several counties of the state for breach of the penal laws, and all funds arising from the sale of lost goods and estrays, shall be paid over in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued, and shall be by him credited to the general county school fund. He shall indicate in such entry the source from which such money was derived.

Penalty for neglect or failure to pay over moneys from fines.

Any officer or person collecting or receiving any such fines, forfeitures or other moneys, 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 the 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.

Complaints for violation of law.

SEC. 90. Upon complaint, in writing, being made to any county superintendent by any district clerk, or by any head of 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 provision for the teaching of hygiene, with special reference to the effects of alcoholic drink, stimulants and narcotics upon the human system, as provided in this act, in the common schools of such district, it shall be the duty of such county superintendent to at once investigate 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 said section of this act,

Duty of county superintendent.

Duty of treasurer.

and are causing physiology and hygiene to be taught in the public schools of such district as hereinbefore provided, he shall notify said county treasurer, and said treasurer shall thereupon honor the warrants of said board of directors.

SEC. 91. 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 common school fund of the county in which suit is brought, 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 or neglect.

SEC. 92. All acts and parts of acts upon any subject matter contained in this act shall be and the same are hereby repealed: *Providing*, That nothing herein contained shall repeal or in any wise affect any law passed, or which may be passed, during the present session of the legislature, relating to schools in cities having a population of ten thousand and upwards. Qualified repealing clause.

SEC. 93. Whereas, many new conditions exist with regard to the common schools of the state, and the appointment and confirmation of the members of the board of education, and the first meeting of said board, requires the immediate taking effect of this act; therefore, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor. Emergency clause.

Approved March 27, 1890.

## SCHOOLS IN CITIES OF MORE THAN TEN THOUSAND INHABITANTS.

AN ACT to establish a system of common schools in cities of ten thousand or more inhabitants, and to provide for properly maintaining, governing and grading the same.

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

SECTION 1. Whenever any incorporated city in this state shall have a population of ten thousand or more inhabitants, as shown by any regular or special census, together with any adjacent or contiguous territory that now is or may be hereafter attached to said city for school purposes, it shall constitute one school district, and be known by the name "——— [name of city] school district No. —," in —— county, State of Washington, and the board of directors shall constitute the city board of education, and as such in that name shall be a body corporate and possess all the usual powers of a corporation for public purposes, and in that name and style may sue and be sued, purchase, hold and sell such personal and real estate, and enter into such obligations as are authorized by law; and the title to all school buildings or other property, real or personal, owned by any school district within the corporate limits of any city shall, upon the organization of a district under the provisions of this act, vest immediately in the new district; and the board of directors by this act provided shall have exclusive control of the same for all the purposes herein contemplated.

City board of directors.

Powers of.

Number.

Length of term.

SEC. 2. The said board of education shall consist of five members, who shall be elected by ballot by the qualified electors of the district, and shall hold their office for the term of three (3) years and until their successors are elected and qualified: *Provided*, That the board or boards of directors, should there be more than one in any city, to which the provisions of this act apply, shall continue to serve out their unexpired term and shall constitute the board of education of the school district, as provided for in this act: *Provided*, That at the first regular election, and

annually thereafter, there shall be elected one or more directors as may be necessary to perpetuate a board of five members for the full term of three years.

SEC. 3. The regular district election for the election of Annual election. members of the board of education shall be held annually in each district contemplated by this act on the first Saturday of November. The board of education shall cause written or printed notices to be posted, specifying the day Notice of. and the places of such election, and the time during which the ballot-box shall be kept open; not less, however, than six (6) hours. Said notices shall be posted in at least three (3) places in the district at least twenty (20) days previous to the time of the election. Said notices shall also be published for the same length of time in two daily papers published in the district, and if there be no daily or dailies, then in the weekly paper or papers in three (3) regular issues next preceding the day of such election. If the board of education fail to give notice at such time as herein provided, then any five (5) legal voters residing in the district may give such notice over their own names, and such election may be held after the day fixed by this act for such election. All elections shall be by ballot, and How conducted. in the absence of any notice specifying the hour, the ballot-box shall be open at 2 o'clock P. M. and be closed at 8 o'clock P. M.

SEC. 4. The board of education, at a regular meeting, shall determine the number and location of the voting places, and shall also be judges of said election, with authority to appoint additional judges and clerks of election, who shall observe and cause to be observed at such election all the election laws of this state applicable thereto. Should any of the judges be absent at the opening of the polls, the electors present shall appoint a legal voter, who, upon taking oath, shall be qualified to fill the vacancy. Board of education shall regulate.

SEC. 5. The board of education shall immediately, upon closing the polls, if there be but one voting place, proceed to count the votes, and shall issue certificates of election in accordance with the results. But if there be more than one voting place, then the board of education shall receive the returns at the time and place it shall direct, and shall,



Canvassing  
board.

within five (5) days from said election, meet as a canvassing board, and in the presence of any duly qualified justice of the peace in and for said county, canvass the returns and ascertain the result. The result of said election shall be certified by the board of election to the county school superintendent, who shall preserve said certificate, entering upon his records the receipt of said certificate and the names of the person or persons elected as members of such board of education for said district, together with the term for which elected.

Must qualify  
within ten days.

SEC. 6. That all persons elected as members of the board of education shall, within ten (10) days thereafter, appear before some officer authorized to administer oaths, take and subscribe the usual oath of office, and deliver the same to the county superintendent of schools. In case any person elected shall fail so to do, his election shall be void, and the vacancy occasioned thereby shall be filled by the board as hereinafter provided.

Officers of  
board.

SEC. 7. The members of each board of education at their first regular meeting succeeding the election each year, shall also elect a president and vice-president from their number, who shall serve for a term of one year or until their successors are elected. They shall elect annually a secretary, at such salary as they, the board, may deem just. Said secretary shall not be a member of the board of education, and may be removed by the board at any time.

How elected.

SEC. 8. The election of the officers of the board of education, the city superintendent, the secretary, teachers and janitors shall be by *viva voce* vote upon a call of the roll of all the members, and no person shall be declared elected except he receive a majority vote of all the members of the board.

Duty of presi-  
dent.

SEC. 9. It shall be the duty of the president to preside at all meetings of the board and to perform such other duties as the board may prescribe.

SEC. 10. It shall be the duty of the vice president to perform all the duties of the president in case of his absence or disability.

Vice president.

SEC. 11. It shall be the duty of the secretary to be

present at all the meetings of the board, to keep an accurate journal of the proceedings, to take charge of its books and documents, to countersign all warrants for school moneys drawn upon the county treasurer by order of the board; he may be authorized by the board of education to purchase needed supplies for the schools, and also shall act as superintendent of buildings, and shall be charged with the special care of the school buildings of the district; he shall also perform such other duties as the board may direct. Secretary.

SEC. 12. Before entering upon the discharge of his duties the secretary of the board shall give bonds in such sum as the board of education may fix from time to time, but not less than five thousand dollars (\$5,000), with good and sufficient sureties, and shall take and subscribe an oath or affirmation, before a proper officer, that he will support the constitution of Washington and faithfully perform the duties of his office. He shall, from time to time, as he may be required by the board, make a complete and detailed record of his transactions as purchasing agent of the board and as superintendent of buildings, which shall be combined with his annual report, to be published in the manner determined by the board. Secretary's bond.

SEC. 13. The regular meetings of the board of education shall be held monthly at such a time as the by-laws of the board may prescribe, but special meetings may be held from time to time as circumstances may demand, at the call of the board, or on petition of a majority of the members thereof, and all meetings shall be open to the public unless otherwise specially ordered. Meetings of board.

SEC. 14. The board of education shall maintain an office where all regular meetings shall be held, and all records, vouchers and other important papers belonging to the board may be preserved and at all times ready for inspection of resident taxpayers. Office of board.

SEC. 15. The county treasurer shall be the *ex-officio* treasurer of the board of education; he shall prepare and submit to the secretary, in writing, on the first day of March, May, August and November of each year a report of the state of the finances, and shall pay school moneys Treasurer.

placed to the credit of the district only upon warrants signed by the president or by a majority of the board of education and countersigned by the secretary.

Vacancies.

SEC. 16. That the board of directors shall have the power to fill any vacancy which may occur in its body, but such appointment to fill vacancy shall be valid only until the next regular district election, and the ballots and returns shall be designated as follows: "To fill unexpired term."

Quorum.

SEC. 17. A majority of all members of the board of education shall constitute a quorum, but a less number in attendance at any regular meeting shall have, and a quorum at any special meeting may have, power to compel the attendance of absent members in such manner and under such penalties as the board may see fit to prescribe; and the absence of any member from four consecutive regular meetings of the board, unless on account of sickness, or by resolution of the board, shall vacate his position in the board, which facts shall be passed on by the board of education and spread upon their records.

Auditing accounts.

SEC. 18. All accounts shall be audited and approved by a committee, to be styled the "auditing committee," and no expenditure greater than five hundred dollars (\$500) shall be voted by the board except in accordance with a written contract, nor shall any money or appropriation be paid out of the school fund except on a recorded affirmative vote of a majority of all members of the board, and said accounts and the records of said board in cities organized under the provisions of this act shall, at all times, be subject to the inspection and examination of the county superintendent of said county, whose duty it shall be, annually, to examine said records and check said accounts, and report in writing to the board of county commissioners of said county, the nature and state of said accounts, and any facts that may be required concerning said records.

Powers and duties of board.

SEC. 19. Every board of education shall have the power, and it shall be their duty — *First*, to employ a city superintendent of schools of the district, and for cause to dismiss him, and to fix his duties and compensation. *Second*, to enforce the rules and general regulations of the state superintendent and the state board of education; to pre-

scribe the course of study, the exercises and the kind of Course of study. text-books to be used, in addition to the text-books prescribed by the state board of education, for use of the common schools of this state: *Provided*, That after the adoption of any text-book, it shall not be changed in less than five (5) years, unless the price thereof shall be unwarrantably advanced, or the mechanical quality lowered, or the supply stopped. Text-books cannot be changed under five years. *Third*, to provide for school furniture and for everything needed in the school-houses. *Fourth*, to make necessary by-laws for more effectively carrying out the provisions of this act, and for facilitating the work of the board, as required by law. *Fifth*, to adopt and enforce such rules and regulations as may be deemed Rules. essential to the well being of the schools, and to establish and maintain such grades and departments, including night schools, as shall, in the judgment of the board, best promote the interests of education in that district. *Sixth*, to suspend or expel pupils from school who refuse to obey the rules thereof. *Seventh*, to employ, and for cause to dismiss, teachers, to determine the length of time over and above eight (8) months that school shall be maintained; to fix the time for the annual opening and closing of schools, and for the daily dismissal of primary pupils before the regular time for closing schools. *Eighth*, to provide books for indigent children on the written statement of the superintendent that the parents of such children are not able to purchase them. Books for indigent children. *Ninth*, to require successful vaccination Vaccination. as a condition of school membership, and to provide free vaccination for all who are unable to pay for the same. *Tenth*, to make, as soon as possible after the close of the school year, an annual printed report to the taxpayers of Annual report. the district, showing in detail the receipts and disbursements of the school funds.

SEC. 20. The boards of education shall annually cause Annual census. to be taken an enumeration of all persons between the ages of five and twenty-one years residing in the district, and shall report the same, together with such information as required by the general school laws of Washington, to the county superintendent of schools at the time and in the manner specified by law for like returns in other dis-

tricts. The census shall be taken by the secretary and such census marshals as he shall select, subject to approval of the board or its proper committee. The census marshals shall receive such compensation as the board may deem just. Each census marshal shall verify by oath the correctness of his report in the same manner as by law required of the district clerk.

No member of board must be pecuniarily interested.

SEC. 21. It shall be unlawful for any member of the board of education, or any of its officers, to have any pecuniary interest, either directly or indirectly, in any contract for the erection of school-houses, or for warming, ventilating, furnishing or repairing the same, or be in any manner connected with the furnishing of supplies for the maintenance of the schools, or to receive or accept any compensation for services performed in discharging the duties of his office, except as provided in sections 24 and 29 of this act.

Sale of property.

SEC. 22. No school property of any kind shall be sold by the board of education without the consent of the district be first obtained, except it be personal property, the value of which shall not exceed five hundred dollars (\$500).

Purchase of supplies.

SEC. 23. In all districts contemplated by this act, when in the opinion of the board the cost of any lot of furniture, stationery, apparatus, fuel, buildings or improvements, or repairs to the same, will equal or exceed the sum of five hundred dollars (\$500), it shall be the duty of the board to give due notice by publication in at least one daily newspaper published within the said city, and if there be no daily, then in one or more weekly papers in three (3) regular consecutive issues, of the intention to receive bids for such lot of furniture, stationery, fuel and other supplies, or for said improvements and repairs. The board shall determine the specifications for such bids, which shall be public.

Board of examination.

SEC. 24. In all districts contemplated by this act there may be a board of examination, which shall consist of the city superintendent of schools, as *ex-officio* chairman, and four (4) other members, two of whom shall be members of the board of education, and the other two experienced

teachers elected by the board of education for a term of one year.

SEC. 25. Public examinations of teachers shall be held at such times and places as the examining board may determine, and a certified record of the proceedings shall be made to the board of education. Examination of teachers.

SEC. 26. Each board of examination has the power, and it shall be the duty of such board — *First*, to adopt rules and regulations not inconsistent with the general school law of this state, subject to the approval of the board of education, for its own government and for the examination of teachers. *Second*, to examine applicants and to prescribe standards of proficiency, which shall entitle the person examined to a certificate, and to grant city certificates of four grades: (1) High school certificates, valid for six years, and authorizing the holder to teach in any public school in the city; (2) grammar school certificates, valid for five years, and authorizing the holder to teach any primary or grammar school in such city; (3) primary school certificates, valid for five years, and authorizing the holder to teach in any primary school in such city: *Provided*, That a second-class grammar school or primary certificate may, at the discretion of the board of examiners, be issued for two years, but no applicant shall receive a second-class certificate a second time; (4) special city certificates, valid for five years, may be issued to applicants to teach such special branches as may be authorized by the board of education of such city. Powers and duties of examining boards.

SEC. 27. The board of examiners may also, without examination, grant city certificates and fix the grade thereof to holders of state and life diplomas or certificates, and city certificates issued by other cities in Washington; and may also, without examination, renew, and for immoral or unprofessional conduct, profanity, intemperance or evident unfitness for teaching, gross negligence of duty or incompetency, revoke any certificate previously granted in such city. Such board may also issue a permit to such teachers as may not have the opportunity to pass the regular examination, but such permit shall be valid not to exceed Granting and revoking certificates. Temporary permits.

six (6) months, and shall not in any case be renewed or extended.

SEC. 28. The city certificates issued in accordance with this act shall be valid only in the district in and for which the same were granted: *Provided*, That no city certificate shall be granted to any person who is not the holder of a county certificate in full force and effect, granted in the county in which such city is located, or the holder of a life diploma or state certificate, issued by the board of education of this state; and no teacher shall be employed in such city schools who does not hold a valid county or state certificate in full force and effect.

Compensation  
of board.

SEC. 29. The members of the board of examiners shall receive such compensation as may be allowed them by the board of education, payable out of the funds of the district.

Annual esti-  
mate of funds  
required.

SEC. 30. The board of education shall annually, at a meeting next preceding the annual tax levy for state and county purposes, report to the county commissioners an estimate of the amount of funds required for the support of the schools, for the purchase of school sites, the erection and furnishing of school buildings, the payment of interest upon all bonds issued for school purposes, and the creation of a sinking fund for the payment of such indebtedness, if any, and the county commissioners are hereby authorized and required to levy and collect said amount the same as other taxes: *Provided, however*, That in case the purchase of school sites and erection of buildings shall require an expenditure exceeding twenty-five thousand dollars (\$25,000) for any one calendar year, the question shall be submitted to a vote of the electors of the district, at the time and places the board of education may appoint. The board of education shall, previous to such election, designate in at least one daily paper published in the district, if there be one, if not, then in such weekly papers as may be selected by the board, the place or places where such an election shall be held, the locality of the site or sites required, and the proposed cost of the buildings to be erected thereon.

When sub-  
mitted to vote.

Aggregate  
school tax.

SEC. 31. The aggregate school tax shall in no one year

exceed one per cent. upon all the taxable property of the district.

SEC. 32. No county tax for school purposes shall be levied upon the property situate within the limits of any school district provided for in this act, nor shall any such district be entitled to or receive any portion of the common school fund raised by county tax. County school tax.

SEC. 33. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Approved March 26, 1890.

---

## STATE UNIVERSITY.

AN ACT in relation to the establishment and government of the University of the State of Washington.

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

SECTION 1. There shall be established in this state, at or near the city of Seattle, in the county of King, on grounds secured for that purpose, or that may be secured pursuant to subsequent acts of the legislature of the State of Washington, an institution of learning under the name and style of the University of Washington. Location.

SEC. 2. The objects of the University of Washington shall be to provide the best and most efficient means of imparting to young men and women on equal terms a liberal education and thorough knowledge of the different branches of literature the arts and sciences with their varied applications. The university, so far as practicable, shall begin the course of study in the collegiate and scientific departments at the points where the same are completed in the high schools, and no student shall be admitted who has not previously completed the elementary studies, and such branches as are taught in the common schools Object and character.



throughout the state: *Provided*, That nothing in this section shall be construed to apply to any student now attending the university.

Board of regents.

SEC. 3. The government of the university shall vest in the board of regents, to consist of seven members, who shall be appointed as hereinafter provided, and the state superintendents of public instruction shall also, during their respective terms of office, be *ex-officio* members of said board; four members of said board shall constitute a quorum for the transaction of business. The members of the board of regents shall be appointed by the governor of the state, by and with the advice and consent of the senate, and shall hold their offices for a term of six years from the second Monday in March next succeeding their appointment, and until the appointment of their successors: *Provided*, That those appointed on the first board under this act shall hold their offices: two for five years, two for three years, and three for one year, the length of their respective terms to be decided by lot at the first meeting of the board after their appointment.

Number and terms of office.

Vacancies.

SEC. 4. Whenever there shall be a vacancy in the office of the regents of the university, from any cause whatever, it shall be the duty of the governor to fill such office by appointment, and the person or persons so appointed shall continue in office until the close of the legislature then next thereafter, and until others are appointed in their stead.

Free from sectarian control.

SEC. 5. The university shall never be under the control of any religious or sectarian denomination or society whatever.

Secretary and treasurer.

SEC. 6. The regents shall appoint a secretary, a treasurer and librarian, who shall hold their respective offices during the pleasure of the board. It shall be the duty of the secretary to record all proceedings of the board and carefully preserve the same, and all the books and papers. The treasurer shall keep a true and faithful account of all moneys received and paid out by him, and shall give bonds for the faithful performance of the duties of his office in such amount as the regents may require.

SEC. 7. The regents shall have power, and it shall be

their duty, to enact laws for the government of the university, to elect a chancellor, who shall be *ex-officio* president of the board of regents, or when absent the board may appoint a president *pro tem*. They may also appoint the requisite number of professors and tutors, and such other officers as they may deem expedient, and also determine the amount of their respective salaries. The method and course of instruction in each department shall be prescribed by the board of regents, who shall grant to every student, upon graduation, a suitable diploma or degree, such student having been recommended for such honor by the faculty of the college in which he shall have pursued his studies. The regents shall also have power, upon the recommendation of the faculty, to confer the usual honorary degrees upon other persons than graduates of this university, in recognition of the learning or devotion to literature, art or science; but no degree shall be conferred in the consideration of the payment of money or other valuable thing. Any diploma granted by the normal college shall entitle the holder to teach in any public school in this state during life.

Powers and duties of regents.

Honorary degrees.

SEC. 8. The board of regents is authorized to expend such portion of the income of the university fund as it may deem expedient for the purchase of apparatus, library and cabinets of natural history, providing suitable means to keep and preserve the same, and in the procurement of other means of facility for instruction.

Apparatus and cabinets.

SEC. 9. The regents of the university shall receive as compensation four dollars for each day actually employed in the business of the university, including time necessarily spent in going to and from the meetings of the board, which shall be at the same rate and computed in the same manner as the mileage allowed to members of the legislature, and they shall receive no other pay, fees or allowance whatever. The claims of the regents shall be submitted under oath to the auditor of the state, who is hereby authorized to audit and allow the same for such attendance and mileage.

Compensation of regents.

SEC. 10. All students residing within the state, outside the county of King, once during their term of scholarship,

Traveling ex-  
penses of  
students.

shall have deducted from their tuition the actual fare for traveling to and from the university to their respective homes, by the shortest route: *Provided, always,* That deduction shall be made in no cases of non-resident students of this state: *Provided further,* The board of regents is authorized to prescribe regulations for the admission of students, and prescribe such rates of tuition as it may deem expedient.

Annual report  
of regents.

SEC. 11. The board of regents shall transmit, on the first day of January preceding each regular session of the legislature, to the governor, to accompany his message, a printed report of all their doings since their last report, giving in detail all receipts and expenditures of money, and furnishing an estimate of future income and expenses, a catalogue of professors, officers and students at the commencement of the last summer vacation.

Instructors.

SEC. 12. The regents shall, when the number of students in any particular branch of study shall require, elect one or more instructors to teach such branch of study, but such instructors shall not be considered as belonging to the faculty of the college in which they may be employed.

Government of.

SEC. 13. The immediate government of each college shall be by its own faculty, which shall consist of the professors thereof and the president of the university.

Employment of  
professors.

SEC. 14. In the organization of the university the regents shall fill only such chairs in the several colleges as the wants of the institution shall demand, and may require the several professors chosen to perform duties in their respective branches of education, in more than one department or college, until the students shall so increase in number as to demand exclusive attention in their own respective departments.

Funds: how  
derived.

SEC. 15. The fund of the university shall be derived from the proceeds of the sales of lands donated by the United States for the endowment of a university, and the admission and tuition fees of the students, and such appropriations as the legislature may make.

SEC. 16. None of the lands now located and belonging to the University of Washington, nor any lands donated to the University of Washington by the congress of the

United States that hereafter may be located, shall be sold Lands; how sold. except as may be provided by the legislature of the State of Washington, and whenever the said lands are sold the proceeds of such sale, being for the whole or in part of said lands, must be paid into the state treasury, and cannot be drawn therefrom except as provided for in this act. Said money so paid shall be forever kept as the state university fund, and no part of the principal shall ever be expended for any purpose whatever, but the income of said fund may be used under the direction of the board of regents for the general purposes of the university, at the discretion of the board of regents.

SEC. 17. The funds arising from the sale of the lands Investment of funds. belonging to the university shall be invested by the state: first, in bonds of the State of Washington, if such are to be had; but if not, then in the bonds of the United States, and said funds shall not be invested in any other manner or upon any other securities whatever.

SEC. 18. All donations of money, security or other Donations. property shall be paid into the state treasury and invested as other funds of the university, and donations may be made to and for the sole use of any one of the departments of the university, and donations so made shall be kept as a separate fund for the use of such department.

SEC. 19. The attorney general of the state shall be the Legal adviser. legal adviser of the president and board of regents of the university, and he shall institute and prosecute or defend all suits in behalf of the same.

SEC. 20. The board of regents are hereby prohibited Debt or incumbrance. from creating any debt as against the university, or in any manner encumbering the same, or of incurring any expense beyond their ability from the annual income of the university for the then current year.

SEC. 21. The sum of ten thousand dollars is hereby ap- Appropriation. propriated out of the state treasury, not otherwise appropriated, to carry into effect the provisions of this act.

SEC. 22. All laws or parts of laws in conflict with this law be and the same are hereby repealed.

Approved March 27, 1890.