

## CHAPTER 90.

[S. B. 93.]

## SCHOOL CODE AMENDMENTS.

AN ACT relating to education and to the Public Schools; to the consolidation of school districts; to the powers of school directors; to the display of the United States Flag and penalty for violation; to interest of directors in contracts or purchases of district and to compensation of directors for expense of attending meetings; to approval of building plans and specifications by County Superintendent; to duties of School Secretaries; to apportionment of school funds; to holding of teachers institutes; to the issuance and sale of school bonds; to school elections in districts of the first class; to appeals; to investment of school funds and amending Sections 4445, 4470, 4481, 4482, 4487, 4493, 4494, 4500, 4509, 4569, 4575, 4580, 4607, 4609, 4667, 4668, 4669, 4670, 4671, 4672, 4675, 4694, 4685, 4707, and adding a new section thereto, to be known as Section 4482A, and repealing Sections 4674, 4676, 4677, 4679, 4680, 4681 and 4682 of Remington and Ballinger's Annotated Codes and Statutes of the State of Washington.

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

SECTION 1. That Section 4445 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4445. All school districts formed by the uniting of two or more districts, as provided for in this act, shall be entitled to the public property of school districts so united and to all current funds in excess of outstanding indebtedness, other than bonded indebtedness, and the county superintendent shall transfer all such excess funds to the new district, in accordance with this provision and shall certify such transfer to the county treasurer: *Provided*, that for the purpose of apportionment the consolidated district shall be considered one district: *Provided, further*, that for the purpose of apportionment the consolidated district shall be credited with two thousand days' attendance in ad-

Property rights attach to consolidation district.

Rule for apportionment of school funds.

dition to actual attendance for each district, less one, so consolidated: *Provided, further*, that in order to be entitled to apportionment when two or more districts have consolidated, the board of directors of such district shall elect a superintendent or principal who shall be subject to all conditions, duties and powers fixed by the Code of Public Instruction for superintendents or principals in districts of the second class.

Election of principal for new district.

SEC. 2. That Section 4470 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Disorganization of districts.

Section 4470. In case any school district shall have less than an average daily attendance of four pupils or shall not have maintained at least the minimum amount of school required by law during the last preceding school year, or in case of territory which is not now a part of any school district, or in which there are no children of school age, the county superintendent shall have power to attach such territory to some contiguous school district or school districts without being petitioned to do so: *Provided*, that if any school district so disorganized shall have any outstanding bonds, warrants or other indebtedness the assessable property of such district shall be holden for the payment of such indebtedness.

SEC. 3. That Section 4481 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Powers of district board.

Section 4481. Every board of directors, unless otherwise specially provided by law, shall have power and it shall be its duty:

First: To employ for not more than one year, and for sufficient cause to discharge teachers, and to fix, alter, allow and order paid their salaries and compensation. The directors, except in districts of

the first class, shall make with each teacher employed by them a written or printed contract, which shall be in conformity with the laws of this state, and every such contract shall be made in duplicate, one copy of which shall be retained by the school district clerk, and the other shall be delivered to the teacher after having been approved and registered by the county superintendent as by law required.

Employment  
and dis-  
charge of  
teachers.

Second: To enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils and teachers, and to enforce the course of study lawfully prescribed for the schools of their districts.

Enforcement  
of rules and  
courses of  
study.

Third: To rent, repair, furnish and insure school-houses, to employ janitors, laborers and mechanics.

Care of  
school-  
houses.

Fourth: To cause all school-houses to be properly heated, lighted and ventilated, and to cause all school premises to be maintained in a cleanly and sanitary condition.

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

Purchase  
and lease  
of property.

Sixth: To suspend or expel pupils from school who refuse to obey the rules thereof, and they shall exclude from school all children under six years of age.

Suspension,  
etc., of  
pupils.

Seventh: To provide free text books and supplies to be loaned to the pupils of the school, when in their judgment the best interests of their district will be subserved thereby, and to prescribe such rules and regulations as they shall deem necessary to preserve such books and supplies from unnecessary damage, also to provide for the expendi-

Free text  
books.

tures of a reasonable amount for suitable commencement exercises.

Pupils to procure necessary books.

Eighth: To require all pupils to be furnished with such books as may have been adopted by the lawful authority of this state, as a condition to membership in the schools.

Exclusion of immoral publications.

Ninth: To exclude from schools and school libraries all books, tracts, papers and other publications of an immoral or pernicious tendency.

Use of schoolroom for other purposes.

Tenth: To authorize the school-room to be used for summer or night schools, or for public, literary, scientific, religious, political, mechanical and agricultural meetings, under such regulations as the board of directors may adopt.

Transportation of pupils.

Eleventh: To provide and pay for transportation of children to and from school whether such children live within or without the district when in their judgment the best interests of their district will be subserved thereby, but the directors shall not be compelled to transport any pupil living within two miles of the school house. When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division of the cost of such transportation between the districts.

Division of cost between districts.

Night schools.

Twelfth: To establish and maintain night schools.

SEC. 4. That Section 4482 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

National flag, display and exercises.

Section 4482. Every board of directors of the several school districts of this state shall procure a United States flag, which shall be replaced with a new one whenever the same becomes tattered, torn or faded, and shall cause said flag to be displayed upon or near each public school building during

school hours, except in unsuitable weather, and at such other times as to said board may seem proper, and shall cause appropriate flag exercises to be held in every school at least once in each week at which exercises the pupils shall recite the following salute to the flag: "I pledge allegiance to my flag and to the republic for which it stands. One nation indivisible with liberty and justice for all."

SEC. 5. That Remington & Ballinger's Annotated Codes and Statutes of Washington be amended by adding thereto a new section known as Section 4482A, and to read as follows:

Section 4482A. Any member of any board of directors of any school in the state, or any person employed by any board of directors of any school district, wilfully refusing or neglecting to comply with Section 4482, shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed \$10.00. Providing that any person so convicted may be discharged from further service by the said school board.

Failure to discharge flag duties.

Penalty.

SEC. 6. That Section 4487 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4487. It shall be unlawful for any director to have any pecuniary interest, either directly or indirectly in the purchase of school sites or in the erection of school houses, or in the warming, ventilating, furnishing, repairing or insuring of the same, or to be in any manner interested in or connected with the furnishing of supplies for the maintenance of schools, or to receive or accept any compensation or reward for services rendered as director or be employed for hire by said district or by any person having a contract with said district: *Provided*, that nothing in this section shall be construed to prevent a director elected as clerk from acting

Pecuniary interest in contracts prohibited.

as purchasing agent for his district, or for receiving such compensation for performing the duties of school district clerk as are now or may hereafter be provided by law: *Provided further*, that the actual expenses of directors incurred in going to and returning from and while in attendance upon any directors' meeting or other meeting called or held in compliance with this code, also like expenses of superintendents or other school representatives, chosen by the directors attending any conferences or meetings or upon any urgent school business, called by the state superintendent or authorized by the directors, may be paid by the district.

Actual expenses allowed.

SEC. 7. That Section 4493 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4493. Whenever any board of directors of school districts of the third class shall be authorized, by the electors of their district, to erect a school building, it shall be the duty of such board, before entering into any contract for the erection of any buildings, to obtain the approval of the county superintendent of the county in which the building is to be erected, of the plans and specifications for the building to be erected, said superintendent to give special attention to the provisions made therein for heating, lighting and ventilation.

Approval of building plans in third-class districts.

SEC. 8. That Section 4500 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4500. It shall be the duty of the secretary to be present at all 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 money drawn upon the county treasurer by order of the board; he may be authorized by the board to act as business manager,

Duties of secretary of first-class district.

purchasing agent, superintendent of buildings and janitors, and charged with the special care of school buildings and other property of the district; he shall also perform such other duties as the board may direct.

SEC. 9. That Section 4509 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4509. Every board of directors of a school district of the first class shall, in addition to the general powers enumerated in Chapter XVII (XV) of this title have the power:

Powers of boards in first-class districts.

First: To employ for a term of not exceeding three years a city superintendent of schools of the district, and for cause to dismiss him; and to fix his duties and compensation.

Second: To prescribe a course of study and a program of exercises which shall not be inconsistent with the course of study prepared by the state board of education for the use of the common schools of this state.

Third: 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.

Fourth: To adopt and enforce such rules and regulations as may be deemed essential to the well being of the schools, and to establish and maintain such grades and departments, including night, high, kindergarten, manual training and industrial schools and schools and departments for the education and training of any class or classes of defective youth, as shall, in the judgment of the board, best promote the interests of education in that district.

Fifth: To employ, and, for cause, to dismiss teachers and janitors; to determine the length of time over and above eight (8) months that school

shall be maintained: *Provided*, that for purposes of apportionment no district shall be credited with more than one hundred and eighty-three days' attendance in any school year; to fix the time for annual opening and closing of schools and for the daily dismissal of primary pupils before the regular time for closing schools.

Sixth: To employ a business manager, attorneys, an architect, inspectors of construction, superintendents of buildings and janitors, and a superintendent of supplies and other employees, and to prescribe their duties and fix their compensation.

Seventh: To employ, and for cause dismiss one or more assistant city superintendents and to define their duties and fix their compensation.

Eighth: To employ, and for cause dismiss, supervisors of instruction, and to define their duties and fix their compensation.

Ninth: To maintain a shop and repair department, and to employ a foreman and the necessary help for the maintenance and conduct thereof.

Tenth: To provide free text books and supplies for all children attending school, when so ordered by a vote of the electors; or if the free text books are not voted by the electors, to provide books for children of indigent parents, on the written statement of the city superintendent that the parents of such children are not able to purchase them.

Eleventh: To require of the officers or employees of the district to give a bond for the faithful discharge of their duties in such penal sum as may be fixed by the board with good and sufficient surety, and to cause the premium for all bonds required of all such officers or employees to be paid by the district.

Twelfth: To prohibit all secret fraternities and sororities among the students in any of the schools of the said districts.



Thirteenth: To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector, and whose duty it shall be to decide for the board of directors all questions of sanitation and health affecting the safety and welfare of the public schools of the district; he or authorized deputies shall make monthly inspections of each school in the district and report the condition of the same to the board of education and board of health: *Provided*, however, that children shall not be required to submit to vaccination against the will of their parents or guardian.

SEC. 10. That Section 4575 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4575. Whenever the number of school districts in any county is twenty-five or more, the county superintendent must arrange for holding a teachers' institute for at least three days in any manner which he believes will be of the greatest benefit to his teachers.

Teachers'  
institutes.

SEC. 11. That Section 4580 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4580. When the institute is held during the time when a teacher is employed in teaching, his pay shall not be diminished by reason of his attendance when certified by the county superintendent, and in addition to the actual attendance earned by the district, an additional attendance shall be credited to the district, determined by multiplying the average daily attendance for the term by the number of days the teacher attended the institute: *Provided*, not to exceed three days for each teacher shall be credited for attendance at institute in any one year.

Compensation while attending institute.

Attendance credited to district.

SEC. 12. That Section 4607 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Bond issues  
for borrowed  
money.

Section 4607. The board of directors of any school district provided for in this act, or hereafter created in this state may borrow money and issue negotiable coupon bonds therefor to any amount not to exceed five (5) per cent of the taxable property in such district, as shown by the last assessment roll for county and state purposes previous to the incurring of such indebtedness; except that in incorporated cities the assessment shall be taken from the last assessment for city purposes, for the purpose of funding outstanding indebtedness, or bonds heretofore issued, or issued under the provisions of this act, or for the purchase of a school house site or sites for buildings or playgrounds authorized by law, erecting one or more school houses, an administration building and all other buildings authorized by law and providing the same with all necessary furniture, apparatus or equipment, or for any or all of these purposes, when authorized by vote of the district so to do, as provided in the next section: *Provided*, that the bonds so issued shall bear a rate of interest not to exceed six (6) per cent per annum, interest payable annually or semi-annually, payable and redeemable at such time as may be designated in the bonds. All school district bonds shall be payable within a period of not to exceed twenty-three years from date, except when issued by districts of the first class for the purpose of acquiring buildings or playground sites, or of erecting buildings of a permanent character, in which case they shall be made payable in semi-annual installments, beginning the third year, over any period not exceeding forty years from date. *And provided further*: that from and after July 1, 1919

all bonds issued by any school district shall be issued in serial form.

SEC. 13. That Section 4609 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4609. When authorized and empowered to issue bonds as provided in Section 4607, 4608, the board of directors shall, within thirty days after the date of election, certify the result to the county treasurer of the county to which said school district belongs. With directions to sell a part or all of the bonds so authorized. The treasurer shall publish notice of the bonds so designated in at least one weekly newspaper published at the county seat, if there be one, for four consecutive issues, and publish such other notices as the board of directors may require. Said notices must give the amounts of bonds to be sold, the time to run, where payable, the option, if any, of the district to redeem, also naming the hour and day for considering bids, and asking the bidders to name price and rates of interest at which they will purchase such bonds or any of them. Such bonds shall be issued in denominations of not less than one hundred nor more than one thousand (\$1,000.00) dollars, and shall contain upon their faces the date and series of issue, rate of interest, where payable, time to run, option, if any, of district to redeem and the printed or lithographed statement that said bond is issued under the provisions of this act, and that the whole indebtedness of said district does not exceed the constitutional limit. Each bond so issued must be registered by the county treasurer, in a book to be kept for that purpose, which must show the number and such data as is necessary to secure a complete record of such bond, the series and amount of such bond, the person to whom the same is issued, the number of the district issuing, together with the

Sale of  
bonds.

Notice.

Form of  
bonds.

Registration.

names of directors signing the same; and the said bond shall be indorsed by the treasurer, with his name and full statement of the person to whom sold, and when issued, together with the number and series of said bond: *Provided*, that in the case of joint school districts the bond or bonds shall be registered by the treasurer of each county in which any part of such school district shall lie.

SEC. 14. That Section 4667 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Elections in first-class districts.

Section 4667. The regular district election in each district of the first class shall be held upon the first Tuesday of December in each year. The board of directors shall cause written or printed notices to be posted, specifying the day and place of such election, and the time during which the ballot box will be kept open. Said notices shall be posted in at least one place in each ward in the district at least twenty days previous to the time of election. Said notices shall also be published three times 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 regular issues next preceding the day of such election. If the board of directors fail to give notice at such time, as herein provided, then any five legal voters residing in the district may give such notice over their own title for such election.

Notice.

SEC. 15. That Section 4668 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Opening and closing polls.

Section 4668. At all elections official ballots or voting machines shall be used to record the votes of the electors, and the polls shall be opened at eight o'clock A. M. and be closed at eight o'clock P. M. The official ballot shall be printed and furnished by

the board of directors and shall contain the names of all candidates whose names have been presented by petitions signed by at least fifty registered voters filed with the secretary of the board not less than ten days before the day of election. The names of no other candidates shall appear upon said official ballots, nor upon the voting machines and no other ballots shall be received or counted.

Ballots and  
voting  
machines.

SEC. 16. That Section 4669 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4669. It shall be the duty of the board of directors to divide the district into suitable voting precincts the boundaries of which shall follow city and county precinct lines wherever practicable and to provide in each voting precinct a voting place, provided the number of voting precincts shall not be greater than the number of county voting precincts in such district. The board shall also appoint two judges and one clerk for each voting place. Both judges and clerk shall be qualified electors in the precinct for which they are appointed. Should any judge or clerk be absent at the time for opening the polls, the electors present shall appoint a legal voter to fill such vacancy. In case voting machines shall be used an inspector shall be appointed in place of the clerk, whose duties shall also include those of clerk.

Voting  
precincts.

Election  
officers.

SEC. 17. That Section 4670 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4670. The qualification of electors shall be the same as at a general state or county election. Only those electors residing within the district shall be entitled to vote and an elector may vote only at the polling place designated by the board of directors for the precinct in which the elector resides.

Qualifica-  
tion of  
electors.

SEC. 18. That Section 4671 of Remington & Balingler's Annotated Codes and Statutes of Washington, be amended to read as follows:

Registration  
books.

Section 4671. The city clerk, the county auditor or other municipal officer in whose custody the registration books of the general election are kept, shall furnish to the secretary of the board on the morning of the day of any school election, the registration books or a copy thereof, of said city and of all county precincts lying outside the limits of the city but being wholly or partly within the district which said registration books shall be returned within two days after such election.

SEC. 19. That Section 4672 of Remington & Balingler's Annotated Codes and Statutes of Washington be amended to read as follows:

Canvass of  
vote and  
certifying  
result.

Section 4672. The board of directors shall, upon closing the polls, receive the returns at the time and place it shall direct and shall, within five days from such election meet as a canvassing board and canvass the returns and ascertain the result. The result of said election shall be certified by the board of directors to the county school superintendent, who shall preserve the certificate entering upon his record the receipt thereof, also the names of the person or persons elected as member of such board of directors for said district, together with the term for which elected.

SEC. 20. That Section 4675 of Remington & Balingler's Annotated Codes and Statutes of Washington be amended to read as follows:

Board to  
provide elec-  
tion officers  
and supplies.

Section 4675. The board of directors of each district in the state shall be authorized to employ judges and clerks or inspectors of election and to provide all funds and supplies necessary for carrying out the provisions of this act.

SEC. 21. That Section 4684 of Remington & Ballinger's Annotated Codes and Statutes of Washington be hereby amended to read as follows:

Section 4684. If any person duly registered is challenged, it shall be the duty of the judges of election to examine the challenger and any witnesses that may be produced on oath, touching the right of such elector to vote; the judges shall then, unless they dismiss said challenge, examine the proposed elector on oath, and if it appears that said elector is entitled to vote at said election his or her vote shall be received, otherwise rejected. Any person swearing falsely before any judge of election on the hearing of any such challenge, shall be deemed guilty of perjury, and shall be subjected to the pains and penalties of perjury.

Challenges,  
procedure.

Perjury.

SEC. 22. That Section 4685 of Remington & Ballinger's Annotated Codes and Statutes of Washington be hereby amended to read as follows:

Section 4685. On the morning of any general or special school election, the secretary of the board shall deliver to the clerk or inspector of each voting precinct within his district the original book, or books of registration furnished to such secretary by the proper registration officers, covering the precinct or precincts for which such clerk or inspector was appointed. Each clerk or inspector of election shall return the books of registration entrusted to him, to the secretary of the board at the time of the delivery of the ballots cast in the precinct at such election, and it shall be unlawful for any clerk, inspector or any judge of election to cause or allow any marks or alterations to be made in said books while the same are in his possession, other than a proper check mark when a ballot is cast to indicate the party voting.

Registration  
books.

SEC. 23. That Section 4707 of Remington & Ballinger's Annotated Codes and Statutes of Washington be hereby amended to read as follows:

Appeals,  
to whom  
taken.

Section 4707. Appeals from the decision or order, or from the failure to decide or order, by a board of school directors shall be taken to the county superintendent of schools in and for the county. Appeals from the decision or order, or the failure to decide or order, of a county superintendent of schools shall, when relating to the operation or management of schools or to the relation with teachers, be taken to the superintendent of public instruction. In all other cases appeal shall be taken to the superior court of the county in which the district is situated.

Repealing  
clause.

SEC. 24. That Sections 4674, 4676, 4677, 4679, 4680, 4681 and 4682 of Remington & Ballinger's Annotated Codes and Statutes of the State of Washington are hereby repealed.

Passed the Senate February 5, 1919.

Passed the House February 21, 1919.

Approved by the Governor March 12, 1919.

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## CHAPTER 91.

[H. B. 116.]

### VALIDATING TAX LEVIES IN CITIES OF THE SECOND CLASS.

AN ACT relating to taxation, validating certain tax levies in cities of the second class and providing for their collection.

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

Tax levies  
for 1917  
and 1918  
validated.

SECTION 1. That the tax levies made by cities of the second class for the years 1917 and 1918 are hereby ratified and validated wherever the only reason for the invalidity of such tax levy or levies is