

## CHAPTER CXXVII.

[S. B. No. 140.]

## AMENDING SCHOOL LAW.

AN ACT to amend sections three, four, eleven, twelve, fourteen, sixteen, nineteen, twenty, twenty-four, twenty-eight, thirty, thirty-four, thirty-five, thirty-seven, thirty-eight, fifty-two, fifty-three, fifty-four, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, seventy-one and eighty-eight of an act entitled "An act to establish a general uniform system of common schools in the State of Washington, and declaring an emergency," approved March 27, 1890.

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

SECTION 1. That section three (3) of an act entitled "An act to establish a general uniform system of common schools in the State of Washington, and declaring an emergency," approved March 27, 1890, be amended to read as follows:

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 instruction, 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 ap-

Supt. of public instruction.

Reports.

portioned, 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, the reports of all state educational institutions, or such portion of them as he may think advisable, together with such other facts as he may deem of general interest. He shall also include in his report a statement of plans for the management and improvement of the schools.

Blanks, forms  
and rules.

*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 assemblages 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

Traveling ex-  
penses.

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 treasurer 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 reprinted 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 General duties. *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 last 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 superintendent 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, on or before the fifteenth day of August, require of the president, manager or principal of every seminary, academy and private school, and of the president, principal

or manager of every state educational institution in this state, a report of such facts arranged in such form as he may prescribe, and he shall furnish blanks for such reports, and it is made the duty of every such president, manager or principal to fill up and return such blanks within such time as the state superintendent may direct. *Tenth:* He shall keep in his office a directory of all school officers, boards of regents and trustees of state educational institutions, of the faculties of said institutions, and of all teachers receiving certificates to teach in the common schools of this state.

SEC. 2. That section four (4) of said act be amended to read as follows: 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 of law which may be submitted to him in writing by any county superintendent; or that may be submitted to him by any other person, upon appeal from the decision of any county superintendent, and shall publish his rulings and decision from time to time for the information of school officers and teachers, and his decision shall be final unless set aside by a court of competent jurisdiction. 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.

Duties and powers of county superintendents.

SEC. 3. That section eleven (11) of said act be amended to read as follows: 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 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 he shall receive mileage in going to and returning from said school for not more than two trips annually: *And provided further,* That in incorporated cities and towns, where city superintendents are employed, he shall receive pay for only one visit in each year. *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 any teacher or applicant shall feel aggrieved at the result of an examination, or in case a certificate is 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 grievance, revocation or refusal.

*Tenth:* To make an annual report to the superintendent of public instruction on the first day of August 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. In case the boundaries of districts are conflicting or incorrectly described, he shall change, harmonize and describe them, and at their next regular meeting he shall certify his action to the county commissioners of his county, and shall file with them a complete transcript of the boundaries of all school districts affected by his action, which shall be entered upon the journal of said board and become a part of 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 limit 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, within five days after he shall receive the quarterly certificate of the county treasurer showing the amount of funds on hand subject to apportionment, 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 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. *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 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. 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 hand bills, 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.

SEC. 4. That section twelve (12) of said act be amended to read as follows: 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 five 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.

Teachers' certificates.

Any teacher to whom certificate has been granted by any county board of examiners in this state, or by lawful examiners in any other state or territory, the requirements to obtain which shall not have been less than the requirements to obtain a certificate in this state, or any teacher holding a diploma or certificate of graduation from any state or territorial normal school or university, or from the normal department of the university of Washington, may present the same or a certified copy thereof, to the county superintendent of any county in this state where said teacher desires to teach, and it shall be the duty of said county superintendent, upon such evidence of fitness to teach, to grant to said person a temporary certificate which shall entitle him to teach in the common schools of the county wherein it is granted until the next examination of teachers: *Provided*, That the provisions of this clause shall apply only to such teachers as were not residents of the county at the time of the last preceding examination, or were unable, by reason of sickness or other unavoidable cause, to attend said examination: *And provided further*, That the county superintendent may require of such person a written statement of such facts, verified by affidavit: *And provided further*, 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.

SEC. 5. That section fourteen (14) of said act be amended to read as follows: 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 sworn statement made quarterly, and allowed by the board of county commissioners. The county superintendent shall require all reports of school district officers, teachers and others, to be made promptly, as required by law. He shall see that the teachers' registers are kept in accordance with law and the instructions of the superintendent of public instruction, and that the records of school district clerks are properly kept. He shall report to the superintendent of public instruction within fifteen days after the close of each examination the names of all applicants examined, and the result of the examination in each case, and he shall, within fifteen days after the close of each teachers' institute, furnish the superintendent of public instruction a schedule showing the names and attendance of all teachers enrolled. He shall require the oaths of office of all school district officers to be filed in his office, and shall furnish a directory of all such officers to the superintendent of public instruction and to the county treasurer of his county, upon blanks to be furnished by the superintendent of public instruction, as soon as the election or appointment of such officers is determined and their oaths placed on file. 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.

SEC. 6. That section sixteen (16) of said act be amended so as to read as follows: 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 twenty 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 issue to the appellant a certificate of such grade as the answers to the questions used shall warrant, and said certificate shall be valid in the county where the applicant was examined the same as county certificates of like grades: *Provided*, That the superintendent of public instruction may require the filing in his office of evidence of a good moral character before issuing said certificate to the appellant.

New district.

SEC. 7. That section nineteen (19) of said act be amended so as to read as follows: 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 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 district and describing the boundaries thereof, and shall certify his action to the board of county commissioners at their next regular meeting: *Provided*, That when in the formation or alteration of any school district, or in the refusal of a county superintendent to form or alter a school district as prayed for, any person affected by such formation or alteration or by such refusal to form or alter a school district as prayed for, shall feel aggrieved by the action of the county superintendent, he may appeal to the board of commissioners of his county. Said appeal shall be filed with the clerk of the board of county commissioners within twenty days after the action complained of, and shall state in a clear and concise manner the matters complained of, which statement shall be verified by the affidavit of the appellant or appellants. Copies of the notice of appeal shall be filed with the county superintendent and with the clerk of each school district affected by the appeal, at the time of filing said notice with the clerk of the board of county commissioners. The county commissioners shall, at their next regular meeting, hear and determine said appeal, and shall have power to summon witnesses, and their action shall be final.

SEC. 8. That section twenty (20) of said act be amended to read as follows: 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 [in] 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 [in] 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

Changing  
boundaries.

on the door of the school house in each district affected by the change, or if there be no school house in such district, then in some public place in such district or districts; and at the time stated in said notices he shall proceed to hear said petition, and if he deem it advisable, he shall grant the same and make an order fixing the boundaries of the districts affected by his action, and shall certify his action to the board of county commissioners at their next regular meeting: *Provided*, That an appeal may be taken, as provided for in section seven of this act.

Compulsory  
maintaining  
school.

SEC. 9. That section twenty-four (24) of said act be amended to read as follows: Sec. 24. No school district shall be entitled to receive any apportionment of school moneys which shall not have maintained school for at least three months during the pending 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: *Provided further*, That the legal voters of any school district may, at the annual meeting or at any special meeting, determine the length of time in excess of the minimum length of time required by law that school shall be maintained.

SEC. 10. That section twenty-eight (28) of said act be amended to read as follows: 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: *Provided further*, That all moneys collected by any school district officer for the use of the district, shall, within thirty days after the date of its collection, be turned over to the county treasurer and placed to the credit of the district.

SEC. 11. That section thirty (30) of said act be amended to read as follows: 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 a 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; and it shall be the duty of the directors of every school district to issue and sign warrants, as such directors, for the payment of all demands audited and allowed against their district, and to sign, execute and acknowledge, as such directors, deeds for the conveyance of all real estate sold by them as in this section provided. Any board of directors may, in its discretion, and shall, upon a petition of a majority of the legal voters of their district, call a special meeting of the voters of the district, to determine the length of time in excess of the minimum length of term prescribed by law, that school shall be maintained in the district during the school year, or to determine whether or not the district shall purchase any school house site or sites, and the location thereof, or to determine whether or not the district shall build one or more school houses; or to determine whether or not the district shall sell any real or personal property belonging to the district, borrow money, or to determine whether or not the district shall establish and maintain a school district library. All such special meetings shall be held at the school house, if there be one, or if there be none or more than one, then at such school house or place as the board of directors may determine. At least ten days' notice of such special meeting shall be given by the district clerk, in the manner that notice is required to be given of the annual school election, which notice shall state the object or objects for which the meeting is to be held, and no other business shall be transacted at such

meeting than such as is specified in the notice. The district clerk shall be clerk of the meeting and the chairman of the board of directors, or in his absence the senior director present shall be chairman of the meeting: *Provided*, That in the absence of one or all of said officers the qualified electors present may elect a chairman or clerk, or both chairman and clerk of said meeting, as occasion may require, from among their number, and the clerk of the meeting shall make a record of the proceedings of the meeting, and when the clerk of such meeting has been elected by the qualified electors present, he shall, within ten days thereafter, file the record of the proceedings of the meeting, duly certified, with the clerk of the district, and said record shall become a part of the records of the district, and be preserved as other records; and it shall be the duty of every board of directors to carry out the directions of the electors of their district as expressed at any such meeting.

SEC. 12. That section thirty-four (34) of said act be amended to read as follows: Sec. 34. The duties of the district clerk shall be as follows: 1. 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. 2. 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. 3. To take, annually, between the first and twentieth of June 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; and he shall designate the number of weeks each

child between the ages of six and twenty-one years has attended school during the school year; the names and sex of all children subject to enumeration, together with the names and residences of their parents or guardians: *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. He shall also note all defective youth between the ages of five and twenty-one years, and he shall, on or before the first day of July, make to the county superintendent a full and complete report of all children enumerated, together with a complete statistical report of the affairs of the district, which report shall be verified by affidavit. Said report shall be made upon blanks to be furnished by the superintendent of public instruction, and shall contain such items of information as said superintendent shall require, including the following: The names of all persons, male and female, between the ages of five and twenty-one years, residing in the district on the first day of June last past, together with the number of weeks each has attended school during the last school year; the names and residences of the parents or guardians of all such children; the number of schools or departments taught during the year, and the branches taught; the number of children, male and female, enrolled in school, and the average daily attendance; the number of teachers employed, and their compensation per month; the number of days school was taught during the past school year, and by whom; the textbooks used, and the number of volumes, if any, in the school district library; the aggregate amount paid teachers during the year; the number of school houses in district, and the value of them; the aggregate value of all school furniture and apparatus belonging to the district; the amount raised by special tax during the year, for the support of schools, and for buildings, sites and furniture; the amount raised by subscription or by other means than taxation; the amount of bonded indebtedness of the district, and the rate of interest paid; the amount of all other indebtedness, and such other items as the superintendent of public instruction may deem of importance, and as may be provided

for in the blanks furnished for said report, and the clerk shall record a copy of said report in his record book. 4. 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 school district fund. 5. 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. 6. 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. 7. To issue and countersign all warrants ordered to be issued by the board of directors.

SEC. 13. That section thirty-five (35) be amended so as to read as follows: Sec. 35. The district clerk shall receive three dollars per day for the time actually and necessarily spent in taking the census and making his report, and he shall receive such other reasonable compensation for other services as the directors shall allow, said accounts to be audited and paid by the directors out of the funds of the district: *Provided*, That no account for services rendered by any district clerk shall be audited or allowed by any board of directors, or any warrant issued for the payment of any such accounts, until he shall have filed with the board of directors a certificate of the county superintendent of his county that all reports required by law have been properly made; and it shall be the duty of the county superintendent to make out and transmit to the clerks of such districts as have made all reports as required by law, on or before the last Saturday of the months of February, May, August and December of each year, the certificates required by this section.

Qualified  
teachers.

SEC. 14. That section thirty-seven (37) of said act be amended to read as follows: 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 a life diploma from the state board of education, or a temporary certificate granted by the county superintendent.

SEC. 15. That section thirty-eight (38) of said act be amended to read as follows: 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, or who shall teach the last term of any school year in any school district, shall make a report to the county superintendent immediately upon the close of such school year or term, for the entire time taught in said school district since the beginning of the 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 teachers' report; and that when there is no city superintendent, the report of the principal shall be accepted in lieu of the teachers' report.

SEC. 16. That section fifty-two (52) of said act be amended to read as follows: 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 as-

Duty of teacher.

County school taxes.

essed 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 penal law of the state, unless otherwise provided by law, and it is hereby made the duty of all county clerks, justices of the peace or other officers receiving any money arising from such fines or licenses, unless otherwise provided by law, or any other moneys belonging to the school fund as above provided, to turn the same over to the county treasurer within thirty days after the date of its collection, taking his receipt therefor; and all such officers shall make a report to the county superintendent, quarterly, on or before the tenth day of January, April, July and October of each year, of all moneys so collected. The provisions of this section shall be construed to apply to the entire county and not a portion thereof.

Special school  
taxes.

SEC. 17. That section fifty-three (53) of said act be amended to read as follows: Sec. 53. The board of directors may, when in their judgment it is necessary, for the purpose of furnishing additional school facilities for their district, or for the payment of teachers' wages, or for the building of one or more school houses, or for the repairing of any school house or houses, or for the building of additions thereto, or for the purchase of fuel, supplies, globes, maps, charts, books of reference or other appliances or apparatus for teaching, or for any or all of those purposes, levy a special tax on the taxable property of their district, not to exceed ten mills on the dollar: *Provided*, That no tax exceeding five mills on the dollar shall be levied until such levy shall have been ordered by a majority vote of the legal electors of the district, at a special election called for that purpose. Such election shall be called and conducted in the manner provided for calling and conducting annual school elections. At such elections the ballots shall contain the words "Tax, yes," or "Tax, no." The officers of the election shall certify the result of the election

to the clerk of the district, who shall file said certificate as a part of his records. Whenever a special tax is ordered to be levied, the clerk of the district shall, on or before the first day of September of the year in which such special tax is ordered to be levied, make to the county auditor a certified statement of the number of mills of such special tax which has been ordered to be levied in such district. The county auditor shall extend the same against all the taxable property within said district upon the general assessment roll of the county, 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.

SEC. 18. That section fifty-four (54) of said act be amended to read as follows: Sec. 54. The election of directors and district clerks shall be held on the first Saturday of September 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. Special school elections shall be called and conducted in the manner provided for calling and conducting annual school elections. Elections.

SEC. 19. That section sixty-one (61) of said act be amended to read as follows: Sec. 61. Whenever the residents of two or more school districts may wish to unite for the purpose of establishing a union or graded school, the clerks of said districts, by order of the boards of directors, shall upon a written or printed petition of five or more heads of families of their respective districts, call a meeting of the voters of such districts at some convenient place, by posting written or printed notices in like manner as is provided for calling annual school district elections, and if a majority of the voters of each district shall vote to unite for the purpose herein stated, the boards of directors of the several districts so voting to unite, shall constitute the board of directors of such union district, and shall within ten days thereafter meet and organize by electing Union schools.

one of their number president of the board, and selecting a clerk for such union district; and the clerk and president chosen at such meeting shall hold their respective offices until the next annual school district election and until their successors are elected; and the election of president and clerk shall occur annually thereafter on the second Saturday next succeeding the annual school district election.

SEC. 20. That section sixty-two (62) of said act be amended to read as follows: Sec. 62. The board of directors and clerk provided for in the preceding section shall, in all matters relating to the union or graded schools of such districts, possess all the powers, discharge all the duties and be governed by the laws herein provided for school district officers, and the clerk of such union district shall, immediately upon his election, inform the county superintendent of the organization of the district.

SEC. 21. That section sixty-three (63) of said act be amended to read as follows: Sec. 63. The directors of such union districts shall determine what grade or grades of pupils shall attend such union schools, and shall determine the course of study that shall be pursued in such schools: *Provided*, That such course of study shall not be inconsistent with the laws of this state; and all expenses of such union school shall be borne by the districts so uniting in proportion to the amount of funds apportioned to each district by the county superintendent, and the board of directors of each district shall issue the warrants of their districts for such amounts.

SEC. 22. That section sixty-four (64) of said act be amended to read as follows: Sec. 64. Each incorporated city or town in this state shall be comprised in one school district, and shall be under the control of one board of directors: *Provided*, That nothing in this section shall be so construed as to prevent the extension of such city or town district a reasonable distance beyond the limits of such city or town: *And provided further*, That nothing in this section shall be so construed as to change or disturb the boundaries of any school district organized prior to the incorporation of any city or town, except in cases of the incorporation of cities or towns lying partly in two or more

Incorporated  
city districts.

school districts organized prior to the incorporation of such city or town, or of the extension of the boundaries of cities or towns beyond the limits of the school districts in which they are situated, or in cases where two or more cities or towns unite as provided by law; and in all such city or town districts where the number of children of school age is sufficient to require the employment of more than one teacher the board of directors shall designate one of such teachers as principal, and such principal shall have general supervision over the several departments of his school. The school or schools in such city or town districts shall be graded in such manner as the directors thereof shall deem best suited to the wants and conditions of such districts: *Provided*, That the course of study established for such district shall not be inconsistent with the laws of this state.

SEC. 23. That section sixty-five (65) of said act be amended to read as follows: Sec. 65. The directors of such city or town districts wherein two or more schools are maintained shall elect one city or town superintendent, who may be a teacher in the schools of such district, and such city or town school superintendent shall have general supervision over the schools of his district, subject to the concurrence of the board of directors; and it shall be the duty of the principal or city school superintendent to report to the superintendent of public instruction such facts relative to the grading, course of study, enrollment, attendance and other matters pertaining to such schools as he may require, on blanks furnished for that purpose.

City superintendents.

SEC. 24. That [section] sixty-six (66) of said act be amended to read as follows: Sec. 66. When two or more school districts are united by the provisions of this act, or where two or more districts are united by the uniting of two or more incorporated cities or towns, as provided by law, all the directors of the several districts so united shall constitute the board of directors of the new district so formed, and shall have all the powers and authority conferred by the laws of this state upon school district officers, until the next annual school election in said district, at which time there shall be elected three directors and one clerk for said district, in the manner provided by law, who

Consolidated districts.

shall hold their respective offices as provided for the officers of new districts; and the county superintendent of any county in which new districts are formed by the uniting of two or more cities or towns, or by the incorporating of any city or town lying partly in two or more school districts, shall, upon being notified of such action by the clerk or by the board of directors of such new district, proceed to designate such new district by number and to make a record of the boundaries thereof, and he shall certify such facts to the board of county commissioners, the county treasurer and the clerk of the new district thus formed.

SEC. 25. That section sixty-seven (67) of said act be amended to read as follows: Sec. 67. All school districts formed by the uniting of two or more city or town districts, as provided for in this act, shall be entitled [to] the funds and other public property of the several school districts so united, and the county superintendent shall apportion all funds to the new district in accordance with this provision and shall certify such apportionment to the county treasurer.

SEC. 26. That section sixty-eight (68) of said act be amended to read as follows: Sec. 68. Whenever two or more school districts shall be united by the provisions of this act, the boards of directors of the several districts so united shall, within thirty days thereafter, meet and organize the new board by the election of one of their number president of the board. They shall also elect a clerk for said district, and the clerks of the several districts so united shall deliver to said clerk all books, papers and records belonging to their respective offices. The clerk of the new district thus formed shall immediately notify the county superintendent of the organization of the new district.

SEC. 27. That section seventy-one (71) of said act be amended to read as follows: Sec. 71. The county treasurers of the several counties of this state shall be *ex-officio* treasurers of the several school districts of their respective counties, and it shall be the duty of each county treasurer:

1. To receive and hold all moneys belonging to such school districts, and to pay them out upon warrants or orders of

the boards of directors or boards of education of the districts to which they belong. 2. To certify to the county superintendent of common schools of his county, within twenty days after the day on which taxes become delinquent each year, and quarterly thereafter, the amount of all school moneys in his possession subject to apportionment, which certificate shall specify the source or sources from which said moneys were derived. 3. To make, annually, on or before the fifteenth day of July, a report to the county superintendent of his county, which report shall show the amount of school funds on hand at the beginning of the school year last past belonging to each school district; the amount of funds placed to the credit of each school district during the school year ending June 30, last past, and the sources from which said funds were derived; the amount of funds disbursed upon orders or warrants of each school district during the year, and for what purpose they were paid out; the amount of funds remaining in his possession at the close of the school year, subject to be paid out upon warrants of school district officers, and the fund to which said moneys belong; also the amount of all unpaid warrants or bonds appearing upon his register at the close of the school year. 4. He shall keep a register of all school district warrants presented to him for payment, which register shall show the number of the warrant, the date of issue and the day on which it was registered, the amount, and the purpose for which it was issued, to whom issued and to whom paid, and the amount of interest, if any, accruing on said warrant before payment. Whenever any school district warrant shall be presented to the county treasurer for payment, if properly signed, he shall pay the same out of the proper fund of the district upon which it is issued, if there be funds in his possession for that purpose; but if there be no funds in his possession for that purpose he shall endorse upon the back of said warrant the words "Presented and not paid for want of funds," together with the date of said endorsement, and thereafter said warrant shall draw interest at the same rate as county warrants, until there shall be sufficient funds for its payment; and it is hereby made the duty of the county treasurer to advertise, quarterly, all

warrants which he is prepared to pay, in the same manner in which he is required to advertise county warrants, and after the date fixed in said notice said warrants shall cease to draw interest.

SEC. 28. That section eighty-eight (88) of said act be amended to read as follows: Sec. 88. It shall be the duty of the county auditor to report to the superintendent of public instruction the name and postoffice address of the county superintendent as soon as his election or appointment is determined. He shall also, on or before the first day of September of each year, report to said superintendent the amount paid to the county superintendent of his county as salary, mileage and per diem in visiting schools during the last school year, and the amount paid to county examiners of teachers as mileage and per diem in the examination of teachers during the last year. He shall also, on or before the first day of September of each year; report to the superintendent of public instruction the number of mills on the dollar levied by the county commissioners of his county for the support of schools for the current school year.

SEC. 29. Nothing in this act, or the act of which this is amendatory, shall operate or be construed to repeal any of the provisions of an act entitled "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," approved March 26, 1890.

Approved March 7, 1891.