DIGEST

OF

A NEW SCHOOL CODE

FOR

WEST VIRGINIA

PROPOSED BY

THE SCHOOL CODE COMMISSION

Editors and others interested are urged to study the main features of this report and to give their frank opinions of the provisions to the members of the commission and the public. The commission desires very much to serve the best interests of the boys and girls of West Virginia and feels sure that every good citizen will wish to have some part in the undertaking.

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EXPLANATION

The school code commission planned to give the public the results of its investigations and deliberations at an earlier date. The epidemic of influenza making public hearings inadvisable and resulting in the postponement of the meeting of the State Education Association which desired to give final consideration to the recommendations of the commission made it impossible to submit this report as soon as originally intended. The commission has sought advice from every proper source and has held open meetings in several of the leading centers of the state; and has modified the proposed scheme of education from time to time according to new light received from its own investigations and from reliable advisers. While the outline which follows presents the best unanimous judgment of the members of the commission, it is hoped that interested parties will continue to submit recommendations looking to the improvement of the code as here outlined.

Persons desiring to make a study of the details of the proposed code should apply to the secretary for information and ask for a copy of the complete bill as soon as it is printed by the legislature. It was necessary to make this report very brief in order to get it printed in time for distribution before the meeting of the Legislature. This digest presents every item of importance and directs special attention to the main changes proposed by the commission.

The commission takes this opportunity to thank the many persons who have assisted in the preparation of the proposed code and to urge all interested parties to continue their cooperation and to take suitable steps to secure favorable consideration by the Legislature.

Respectfully submitted,

West Virginia School Code Commission.

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GENERAL PROVISIONS

OF

PROPOSED SCHOOL LAW

CHAPTER I.

State Board of Education.

Comment: The provisions of this chapter form the chief basis upon which the proposed improved school system will be organized. The state board of education will perform the duties now devolving upon the State Board of Regents, the State Board of Education, the State Vocational Board and the State Book Commission. While the proposed bill will limit its powers where necessary, this central board will be given authority to make rules and regulations and to evolve educational policies to meet changed demands and conditions from time to time.

SEC. 1. *Appointment—Term—Vacancies—Oath.*—There is hereby created a state board of education which shall be a corporation with a common seal. Said board shall consist of seven members one of whom shall be the state superintendent of schools and six to be appointed by the governor, not more than four of whom shall belong to one political party, and at least three of whom shall be actively engaged in school work, all to be citizens of the state. On or before the first day of May, 1919, the six members of the board shall be appointed by the governor for the following terms; to commence on the first day of July next after their appointment: one for one year; one for two years; one for three years; one for four years; one for five years; and one for six years. Thereafter one member of the board shall be appointed by the governor on or before the first day of May in every year for a term of six years.

The remainder of this section provides for removal in the usual way and for filling vacancies.

SECS. 2-3. The state board will meet on the first day of July, 1919, and bi-monthly thereafter and at such other times as may be necessary. Each member, except the state superintendent of schools, will receive necessary traveling expenses and $1,000 per year to be paid from the general school fund; and shall appoint a secretary and fix his salary. The state superintendent of schools shall be chief executive officer of the board.

SECS. 4-9. These sections state in the usual form the general powers and duties of the board relating to the management of the educational affairs of the state educational institutions including the school for the deaf and blind, the industrial school for boys, the state school for girls and other educational institutions which may be established; for the training of teachers, approval of courses of study and relating to the general educational policy of the state with respect to health, school attendance, child labor, evening schools, issuance of teachers' certificates, classification of schools, conferring of degrees (no degree in any institution, public or

private, to be granted except in accordance with the regulations of this board), and to adopt textbooks, such adoptions to be based upon the following principles:

1. Textbooks shall be free.
2. State board shall approve three to six books in each subject from which local authorities may make choice.
3. Towns of 3,500 or more may be exempt from adopted books.
4. Contracts to be made for five-year periods.

This chapter further provides that the state board shall make regulations relative to county and district boards of education, trustees, teachers, principals, supervisors and superintendents and concerning other educational interests state-wide in their nature.

The remainder of this long chapter deals with the state university, the state normal schools and other state educational institutions giving the state board powers and duties similar to those now given to the State Board of Regents.

(*Note:* The State Board of Control as now provided will continue to have control of the financial affairs of the state educational institutions and shall approve payrolls if the aggregate of salaries for any institution does not exceed the money legally available for such salaries.)

CHAPTER II.

County Board of Education.

SEC. 1. *How constituted.*—There is hereby created in every county of the state a county board of education, which shall consist of the presidents of the several district and independent district boards of education in the county who on and after the first of July, 1919, shall be ex-officio members of said county board. The county superintendent of schools shall be the secretary and the executive officer of the county board of education.

SECS. 2-6. These sections provide for the oath of office, organization, filling of vacancies, quorum and corporate powers.

SEC. 7. The county board of education shall have its office with the county superintendent of schools where all records of proceedings, supplies and documents pertaining to the work of the board shall be kept.

SEC. 8. This section provides for the meetings of the county board and for necessary expenses incident to such meetings.

SECS. 9-13. *Powers and duties.*—The chief duties and powers proposed for the county board are as follows:

1. Appointment of county superintendent of schools. (See Chapter IV).
2. General control of county high schools now established or that may be established.
3. May order schools to be closed or consolidated under conditions similar to those outlined in the present law on this subject.
4. County board shall perform such general duties as may be imposed upon it by the state board of education or by acts of the Legislature.

(*Note:* Previous to the last meeting, the code commission had recommended that the county board of education under certain restrictions provide a county school fund of approximately five dollars per pupil enumerated in the county from a county school tax, the proceeds to be divided among the districts upon the basis of the enumeration. Had such a fund been provided it would have been the duty of the county board to pay a part of the salary of the county superintendent and to decide whether the county should provide school supervisors to have charge of the professional affairs of the school in supervisory districts to be determined by the county board. This note of explanation is inserted here because many leading educators and citizens have favored some such provision for a partial county-unit system and may wish to make special inquiry or recommendations covering this point.)

CHAPTER III.

State Superintendent of Schools.

This chapter proposes no radical changes. The state superintendent of schools is to be elected by popular vote as now provided, salary to be $5,000 per annum. He must hold a degree from a standard college and possess at least one year of special training for the profession of teaching and school administration with at least five years of successful experience in public school work.

The state superintendent, as provided in Chapter I, will be a member of the state board of education and will act as chief executive officer of that board to carry out the decisions and policies made by the state board of education. It will be his duty to hold conferences with teachers and school officials, interpret the school law, prepare manuals of instruction and other publications pertaining to school affairs, make reports to the Governor and to the state board of education concerning the school affairs of the state.

The state superintendent shall employ assistants and other employees needed to carry out the work of his office.

(*Note:* Many national and state educational leaders advocate the appointment of the state superintendent of schools by a state board of education. However, this plan cannot be adopted in West Virginia without a change in the state constitution. It will be noted that the requirements above guarantee to the state a well trained superintendent.)

CHAPTER IV.

County Superintendent of Schools.

Comment: This chapter as proposed represents a radical change in the present law by providing for the appointment of county superintendent with increased qualifications and salary and new duties and responsibilities. (Secs. 1 and 3 are subject to further discussion.)

SEC. 1. The county board of education composed of the presidents of the district boards shall on the first Tuesday of July, 1923, and every

fourth year thereafter appoint a county superintendent of schools. After this act shall go into effect no person shall act as county superintendent of schools who does not hold a supervisor's certificate and who is not a graduate of a college or university approved by the state board of education, provided, however, that this act shall not prevent a county superintendent elected in 1918 from succeeding himself.

SEC. 2. Vacancies in county superintendency are to be filled by county board but in case of tie state superintendent of schools shall cast the deciding vote or appoint a county superintendent.

SEC. 3. Salaries of county superintendents to be paid from state school fund are to be as follows: in counties of not more than fifty schools, $1,050; fifty to seventy-five schools, $1,165; seventy-five to one hundred schools, $1,275; one hundred to one hundred twenty-five, $1,385; more than one hundred twenty-five schools, $1,385 plus $3 for each additional school above one hundred twenty-five with a reasonable maximum limit.

SECS. 4-6. These sections outline the general duties of the county superintendent who shall act as chief executive school officer of the county—visit schools, approve school sites, buildings, furniture and apparatus, hold teachers' examinations, recommend district supervisors and teachers unless otherwise provided, conduct conferences with boards of education, carry out the policies and directions of the state board of education.

SEC. 7. County superintendent shall act as county financial secretary as provided by present law. The county court *shall* provide suitable office for the county superintendent in the court house and provide furniture, office supplies, and postage; and the county court shall furnish him a clerk and such other office assistance as may be necessary.

SECS. 8-9. Provides for county superintendent's annual report and the exercise of general authority granted by the Legislature or by the by-laws of the state board of education.

CHAPTER V.

District Board of Education.

Comment: This chapter contains several important proposed changes which will be referred to in notes to be found in parentheses following the digest of some of the important sections.

SECS. 1-8. These sections provide for a district board of education to be elected by the people in the manner now provided; and contains details as to term of office, organization of the board, oath, meetings and corporate powers.

Since the presidents of the district boards make up the county board that will appoint the county superintendent, a vacancy in the presidency that cannot be filled by agreement of the two commissioners will be filled by the state superintendent of schools. The district board must meet monthly while the schools of the district are in session and shall receive $3.00 per day and necessary traveling expenses not to exceed twelve days in any school year.

SECS. 8-12. Provides proper title for school lands; for public sale of school property; for securing school sites and providing buildings, furniture and equipment.

(*Note:* School sites and buildings must be approved by the county superintendent and repairs costing more than $50.00 and furniture, equipment or supplies costing more than $25.00 must be purchased on written approval of the county superintendent. County superintendent may refuse to countersign orders for expenditures not so approved.)

SECS. 12-13. Gives boards of education power to provide buildings jointly and to require proper bond of contractors.

SEC. 14. A board of education may at its discretion appoint one school trustee for each sub-district to be custodian of the school property therein. He will be under direction of district board and will receive no salary.

(*Note:* This is an important change since it makes the board of education responsible for the appointment of teachers and fixes responsibility for condition of local school property upon one man.)

SEC. 15. Minimum school term to be as follows: 1919-20, six months; 1920-21, six and one-half; 1921-22, seven; 1922-23, seven and one-half; 1923-24, eight. In the meantime, boards of education may make the term longer for any district.

(*Note:* Many interested persons hope that the Legislature will be able to adopt a financial system that will provide for a longer minimum term at once.)

SEC. 16. Minimum salaries for teachers to be as follows: third grade, $45; second grade, $60; and first grade, $75.

SEC. 17. If the county board of education does not divide the county into supervisory districts and appoint school supervisors under its authority, the district board may appoint district supervisors on nomination of county superintendent of schools. Such supervisor may act as agricultural club agent.

SEC. 18. On the recommendation of the district supervisor or county superintendent, the district board shall appoint the teachers of the district.

SEC. 19. Gives district boards general control of schools and requires it to close schools or consolidate sub-districts under the direction of the county board of education. Schools falling below an average daily attendance of ten are to be closed as provided by present law.

SEC. 20. Provides for transfer of pupils and for payment of high school tuition—from $2.50 to $5.00 per month for each pupil—if board does not maintain a high school.

SECS. 21-22. Legalizes the support of kindergartens, evening schools and extension activities.

SEC. 23. Provision for purchase of school libraries from approved list of books.

SEC. 24. Authorizes board to purchase flag.

SECS. 25-26. Makes provision for instruction for colored youth as now provided.

SECS. 27-36. Provides for secretary of board and manner of keeping records and making reports, salary of secretary to be as follows: fewer than twenty-five schools, $40 a year; and twenty-five or more, $75 with $10.00 extra for report.

CHAPTER VI.

(No change.)

CHAPTER VII.

District and County High Schools.

Most of the provisions of this chapter agree with the present law. The following notes indicate all changes of any consequence:

District high schools can be established only by a majority of the voters voting at an election held for the purpose. The district high schools established now or hereafter will be under the management of the district board of education.

County high schools may be established by a majority vote at an election called by the county board of education. This provision will make unnecessary special acts of the legislature for the establishment of county high schools.

One section of this chapter makes provision for establishing joint district high schools by a vote. Such high schools when established are to be under the joint control of the boards of education of the districts joining.

The chapter makes provision for normal training departments in high schools similar to the ones now in operation, and provides for special state aid of $400 per annum for each normal department approved by the state board of education.

Boards of education not maintaining a high school will be required to pay tuition of from $2.50 to $5.00 per month for each pupil attending an approved high school in another district.

High schools shall be classified and given state aid as provided by the present law.

A new section in this chapter gives boards of education controlling high schools the right to erect dormitories for high schools out of funds produced for that purpose by a special levy as authorized in chapter VIII of the proposed code.

Another section provides for establishing junior high schools in accordance with the state manual of the course of study that has been published and distributed by our present state board of education.

The method of financing high schools will be contained in Chapter VIII of the new code.

CHAPTER VIII.

School Funds and School Levies.

Comment: This chapter has presented to the code commission more difficult questions than have arisen from all of the other chapters combined. No matter how adequate the school machinery of a state may be, the school system can-

not be substantially successful unless generous financial support can be secured without unreasonable burdens being placed upon any community. Until the last meeting of the commission the members were inclined to recommend a large state school fund involving a special state school levy, the proceeds from which were to be apportioned according to enumeration among the districts of the state. The variation in valuation of similar property in different counties as determined by the present system of assessment caused the commission to abandon the main features of this plan and to recommend a financial system that will provide generous supplementary state aid that will guarantee a good school in each community, leaving the districts the responsibility of adding to the minimum term and minimum salaries. The commission believes that local units of taxation should be allowed much freedom in laying levies provided such safeguards are thrown about levying bodies as will guarantee respect for public opinion, actual public needs and the economical expenditure of money derived from public taxation. A further study may indicate the necessity for making slight changes in the plan outlined below, but the outline as here given will indicate all the important features of this chapter.

I. State School Finances.

a. *Sources of State School Revenue.*—The general school fund of the state will be derived from capitation tax, interest on the irreducible school fund, interest on deposits, fines, miscellaneous sources, and from transfer by the state board of public works from the state fund a sum each year sufficient to make the aggregate of the general school fund equal the amounts recommended below. It is hoped that new indirect sources for increasing the general school fund with increased receipts from the sources now provided will make it unnecessary for the state to lay a speical levy to provide the amounts required for the general school fund.

b. *Amount of General School Fund Recommended.*—This chapter provides for a state general fund as follows:

1919-20	$1,000,000	1920-21	$1,100,000
1921-22	1,200,000	1922-23	1,300,000
1922-23	1,300,000	1923-24	1,500,000

(*Note:* The present law requires the state board of public works to transfer from the state funds to the general school fund a sum sufficient to make the aggregate not less than seven hundred and fifty thousand or more than one million dollars. For the current year the total was made $1,000,000, the same amount as is recommended for 1919-20.)

c. *Distribution of General School Fund.*—The general school fund recommended under "b" above will be used for the following purposes:

To pay the salary of the state superintendent of schools and the contingent expenses of the state department of schools.

The salary of county superintendents of schools.

Special aid for high schools and normal training departments in high schools.

To provide for each district and independent district in the state 75 cents per capita for each child in average daily attendance to be used for the purchase of free textbooks under rules and regulations to be established by the state board of education.

The remainder of the general school fund will be used as supplementary aid for districts unable to maintain schools for the minimum term at minimum salaries for teachers from proceeds of maximum levies allowed by the provisions of this chapter.

(*Note:* The commission will recommend that the tax laws of the state be amended so as to make it possible to distribute supplementary aid to schools in accordance with relative assessed values in the different counties. Under the present system low assessments in certain counties make it possible for such counties to secure more than an equitable share of the state supplementary funds.)

II. County Finances.

This topic is included here because many interested persons have expected the school code commission to recommend a county levy for partial support of all the schools of the county. The advice of experts in taxation against the multiplication of levying bodies and other considerations caused the commission to omit its original recommendation for a county school levy.

III. District School Finances.

Under safeguards as now provided by law district boards of education are given authority to lay levies upon taxable property with maximum levies as follows:

a. Current building fund.....15 cents
b. New-building fund .....50 cents
c. Teachers' fund .....35 cents

(*Note:* The new-building fund levy cannot be laid until the state tax commissioner and the state superintendent of schools have approved statements showing the purposes and needs for such a levy and have approved the same. Proceeds from this levy can be used only for erecting new buildings or making additions to buildings. Many districts prefer this plan to bond issues. Levies under "a" and "c" above may be made higher than the maximum indicated upon the approval of the state tax commissioner and the state superintendent of schools.)

For *high schools* a district board may lay levies as follows:

a. For general support of high schools.....20 cents
(*Note:* A higher rate may be laid upon the approval of the state tax commissioner and the state superintendent of schools, after an examination of actual needs.)

b. For site, buildings and equipment for new high school established by vote, a special levy for not more than two years may be laid not to exceed .....25 cents
(*Note:* In many districts this plan will prove more popular than a bond issue for such purposes.)

IV. General Provisions.

The remainder of the chapter makes provision for election for special levies and bonds; for the general supervision of school finances by the state tax commissioner; and, for the work of the county financial secretary as provided by present statutes.

CHAPTER IX.

Teachers.

Comment: It will be noted that this chapter provides for appointment of all teachers by district board of education instead of present plan of trustees appointment. Superintendents, supervisors and local custodian will be expected to recommend teachers. Note also the new requirements concerning violation of contract by teacher.

Sec. 1. Provides for appointment of teachers by district board of education upon recommendation of county, district or city superintendent. Teachers are to be employed through official contract and in case any teacher disregards contract without agreement such teacher is disqualified for school work in the state for one year.

Sec. 2. Gives teacher general authority over school and pupils after pupils reach school premises and until they arrive at home premises; pupils with contagious or infectious diseases not to be allowed to attend school.

Sec. 3. Teachers are exempted from service on juries.

Sec. 4. Teachers are required to keep proper records and make reports.

Sec. 5. Provides for payment of teachers after proper reports have been made.

Sec. 6. Requires teacher to make enumeration of all school youth in the district.

Sec. 7. Provides manner of taking enumeration.

Sec. 8. Secretary of board of education shall take enumeration if teacher fails and deduct cost from teacher's salary.

Sec. 9. Provides for record and report of enumeration.

Sec. 10. Teacher will perform other duties required by the State Board of Education.

CHAPTER X.

Examinations and Certificates.

Comment: In this chapter the code commission has tried to make provision for higher qualifications of teachers in keeping with the higher salaries proposed in another chapter. The requirements are increased gradually so as to take no undue advantage of any progressive teacher.

Secs. 1-8. These sections follow closely the present law requiring a minimum age of eighteen years for all teachers and providing regulations as to teachers' examinations—time, place, expenses, assistants, fees, transmittal of questions and manuscripts, grading of manuscripts and severe penalties for any person violating the law and regulations relative to examinations.

Sec. 9. This is the important section of the chapter and it includes the following new proposed requirements and provisions:

In addition to subjects now included in examination for elementary certificates, the state board of education with and on the advice of the state superintendent of schools may add other subjects with which elementary teachers should be familiar.

After 1920 all teachers entering the examination must offer evidence of preparation in approved schools according to schedule which follows:

1920-21—one year of high school and nine weeks in professional subjects.

1922-23—two years of high school and eighteen weeks in professional subjects.

1924-25—three years of high school and twenty-seven weeks in professional subjects.

1926-27—four years of high school and thirty-six weeks in professional subjects.

After the last date above the state board of education shall determine the academic and professional requirements for all teachers.

Note: Some members of the code commission are of the opinion that the schedule of school preparation given above should apply only to first grade certificates.)

The present provision for first grade certificates for graduates of the standard normal course and for short course certificates for those completing the short normal course is retained in the proposed law. It will be seen from the schedule above that the short course will automatically be replaced by higher requirements.

SECS. 10-16. In these sections are found provisions for issuing high school certificates to graduates of standard colleges offering as much as twenty semester hours of credit in professional subjects approved by the state board of education; for supervisor's certificates under provisions similar to those now in force; for special certificates and emergency certificates under present plan; also for the renewal and revocation of certificates under the by-laws of the state board of education with provisions and restrictions following closely our law as it now stands.

(*Note:* Persons especially interested in the details of this chapter may secure information on any point by addressing the secretary of the code commission. Provisions will be made for keeping alive the certificates of worthy teachers who follow a course of professional reading or otherwise improve themselves.)

CHAPTER XI.

Teachers' Institutes—Coupons of Credit.

This chapter provides for the annual county teachers' institute similar to that provided by the present law with the following modifications:

The state superintendent may vary the instruction and extend the time so as to make the institute a short training school for teachers.

Two-fifths of the enrollment fee of $1.25 may be retained by the county superintendent for local expenses and the betterment of the institute.

The amount to be spent for institutes or training schools to take their place shall not exceed the amount appropriated for this purpose by the Legislature.

The remainder of this chapter contains provisions for conducting district institutes as provided in the present law; for organizing and encouraging reading circle work; and for giving teachers coupons of credit for completing professional projects which shall entitle teachers to an additional salary of one dollar per month for each coupon. This last provision is found in the present law.

CHAPTER XII.

Compulsory Attendance.

Comment: The chief difference between this proposed law and the present law is the proposed requirement that the pupil be required to attend school *every* day for the entire term no matter how long the term may be, the present law requiring only six months and allowing a pupil to be absent as much as two days each week. The proposed method ascertaining violations is much more definite than that provided in the present law.

SEC. 1. Pupils eight to fourteen years of age both inclusive must attend entire term of school, except for following excuses:

(a) Equivalent instruction in private or parochial school to be determined by public school officers.
(b) Equivalent instruction at home, teacher and conditions to be determined by public school officers.
(c) Completion of eight years of school work.
(d) Physical or mental incapacity.
(e) Death or serious illness in the family.
(f) Extreme destitution with no source of relief.
(g) Condition hazardous to pupil's life or safety.
(h) Residence more than two miles from school with no transportation.
(i) Observance of regular church ordinances.
(j) Other causes accepted by school authorities.

(*Note:* The justice is allowed no discretion as to reasonable excuses, this being left to the school officials. This provision takes away the main weakness of the present law.)

After one notice of failure to attend school has been properly served without effect parent or guardian is subject to fine, $3.00 to $20.00 plus costs, or jail sentence, five days to twenty days.

SEC. 2. Board of education must provide one or more attendance officers to be police officers, salary $2.00 to $3.00 per day for actual time. This section provides way to ascertain age of children, right to enter all places of business, to take absent children to school, and to bring suit for violation.

SEC. 3. Provides for complete system of reporting pupils that should be in school so that teacher can make proper complaints to attendance officer.

SEC. 4. Provides fine, $3.00 to $20.00, or imprisonment not to exceed twenty-five days for school officers and teachers failing to perform duties.

SEC. 5. Provides fine, $25.00 to $50.00, or imprisonment five days to thirty days for persons harboring or employing child contrary to compulsory school law.

SEC. 6. Collection and disposition of fines.

Additional sections will require persons fifteen and sixteen years of age, not regularly employed at least six hours per week, to attend school; and,

Persons fifteen and sixteen years of age who are employed shall attend evening schools, continuation schools, or part-time schools, if such schools are established, at least five hours per week for at least four months each year, and employers are required to release the employees for such school attendance.

CHAPTER XIII.

State Board of Control.

This chapter provides for the continuance of the work of the state board of control. Since this board under existing law has performed its important duties satisfactorily, no important changes in the chapter are recommended and no details need be given in this digest. As has been pointed out in another chapter, the state school for the deaf and blind, the industrial school for boys, and the state school for girls as far as their educational affairs are concerned will be placed under the state board of education, the board of control continuing to look after their financial affairs. This change is in agreement with recommendations previously made by the state board of control. The present law gives the state board of control the power to revise salaries for officers and teachers in the state educational institutions as recommended by the state board of regents. Thus far this provision has caused no friction but the code commission is recommending a slight change making the state board of education the final authority in fixing salaries for such officers and teachers, leaving the state board of control the right to require a reduction in the aggregate of such salaries if the total exceeds the appropriation or money available for the payment of the salaries for any institution. This slight change will make the new law accord with the actual practice of the boards now in charge of these institutions.

The state board of control shall have full power to manage, direct and control the penal, charitable and eleemosynary institutions of the state, and shall have charge of the financial and business affairs of all of the state educational institutions, including the three institutions referred to in the preceding paragraph.

(*Note:* Any one desiring to study the details of this chapter will find the law now in operation in the state code or in the official copy of the school laws of West Virginia.)