

SCHOOL LEGISLATION
1943

C379.14
1943

The Library
of the
University of North Carolina



Endowed by The Dialectic
and
Philanthropic Societies

C379.14
1943

PUBLICATION No. 244

SCHOOL
LEGISLATION
OF
1943



ISSUED BY THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
RALEIGH, NORTH CAROLINA

INTRODUCTORY NOTE

This bulletin contains the public school legislation enacted by the General Assembly of 1943, including the School Machinery Act and other laws amended at this session of the Legislature. This pamphlet, then, together with publications Nos. 230 and 131 make the complete school law of the State. After "The North Carolina Code of 1943" is printed, we hope that all the school laws may be printed in one publication.

A handwritten signature in black ink, reading "Clyde H. Ewin". The signature is written in a cursive style with a large, prominent initial "C".

State Superintendent of Public Instruction.

March 26, 1943.

ADMINISTRATIVE ORGANIZATION

(SUBCHAPTER II, CHAPTER 95, C. S. III, 1924)

ART. 2. THE STATE BOARD OF EDUCATION

5394. Repealed.

1943, c. 721, s. 2.

5395. Powers and duties of the board. *The State Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina and the State Board of Education as heretofore constituted. The State Board of Education shall have power to divide the State into a convenient number of school districts; to regulate the grade, salary and qualifications of teachers; to provide for the selection and adoption of the textbooks to be used in the public schools; to apportion and equalize the public school funds over the State; and generally to supervise and administer the free public school system of the State and make all needful rules and regulations in relation thereto. All the powers enumerated in this section shall be exercised in conformity with the Constitution and subject to such laws as may be enacted from time to time by the General Assembly.*

1943, c. 721, s. 3.

5396. State Board of Education. *The general supervision and administration of the free public school system, and of the educational funds provided for the support thereof, shall, from and after the first day of April, one thousand nine hundred and forty-three, be vested in a State Board of Education to consist of the Lieutenant Governor, State Treasurer, the Superintendent of Public Instruction, and one member from each Congressional District to be appointed by the Governor. The State Superintendent of Public Instruction shall have general supervision of the public schools and shall be secretary of the board. There shall be a comptroller appointed by the board, subject to the approval of the Governor as Director of the Budget, who shall serve at the will of the board and who, under the direction of the board, shall have supervision and management of the fiscal affairs of the board. The appointive members of the State Board of Education shall be subject to confirmation by the General Assembly in Joint Session. A majority of the members of said board shall be persons of training and experience in business and finance, who shall not be connected with the teaching profession or any educational administration of the State. The first appointments under this section shall be members from odd numbered Congressional Districts for two years, and members from even numbered Congressional Districts for four years, and, thereafter, all appointments shall be made for a term of four years. All appointments to fill vacancies shall be made by the Governor for the unexpired term, which appointments shall not be subject to confirmation. The board shall elect a chairman and a vice chairman. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the appointive members of the board shall be provided by the General Assembly.*

1943, c. 721, s. 4.

5397. Officer; quorum; meetings; expenses. *All the proceedings of the Board shall be recorded in a well-bound and suitable book, which shall*

P 26237

be kept in the office of the Superintendent of Public Instruction. (C. S. 5387.)

Rev., s. 4032; Code, s. 2505; 1881, c. 200, s. 3.

5398. Reports to general assembly. The State Board of Education shall report to the general assembly the manner in which the State Literary Fund has been applied or invested, with such recommendations for the improvement of the same as to it shall seem expedient. (C. S. 5388.)

Rev., s. 4034; Code, s. 2507; R. C., c. 66, s. 4; 1825, c. 1268, s. 2; 1903, c. 567, s. 1.

5399. Investments. The State Board of Education is authorized to invest in North Carolina four per cent bonds or in other safe interest-bearing securities, the interest on which shall be used as may be directed from time to time by the general assembly for school purposes. (C. S. 5389.)

Rev., s. 4035; 1891, c. 369.

5400. State Treasurer keeps accounts of, and reports to general assembly. The State Treasurer shall keep a fair and regular account of all the receipts and disbursements of the State Literary Fund, and shall report the same to the general assembly at the same time when he makes his biennial account of the ordinary revenue. (C. S. 5390.)

Rev., s. 4034; Code, s. 2507; R. C., c. 66, s. 4; 1825, c. 1268, s. 2; 1903, c. 567, s. 1.

5401. Acceptance of federal aid for physical education. The State Board of Education is authorized to accept any federal funds that may be appropriated now or hereafter by the federal government for the encouragement of physical education and to make all needful rules and regulations for promoting physical education.

1921, c. 146, s. 14.

THE SCHOOL MACHINERY ACT

CHAPTER 358, PUBLIC LAWS OF 1939, AS AMENDED BY ACTS OF THE GENERAL ASSEMBLIES OF 1941 AND 1943

AN ACT TO PROVIDE FOR THE ADMINISTRATION AND OPERATION OF A UNIFORM SYSTEM OF PUBLIC SCHOOLS OF THE STATE FOR THE TERM OF NINE MONTHS WITHOUT THE LEVY OF AN AD VALOREM TAX THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. (a) **Purpose of the Act.** The purpose of this Act is to provide for the administration and operation of a uniform system of public schools of the State for the term of *nine* months without the levy of an ad valorem tax therefor, and it is the purpose of this General Assembly to change the policy heretofore followed by previous General Assemblies of reenacting biennially the School Machinery Act, and this Act shall remain in force until repealed or amended by subsequent Acts of the General Assembly.

(b) **Appropriation.** That the appropriation made under Title nine "(IX-1) - Support of Eight Months' Term Public Schools," of "An Act to Make Appropriations for the Maintenance of the State's Departments, Bureaus, Institutions, and Agencies, and for Other Purposes," and such funds as may be made available by Acts of the Congress of the United States for public schools, and such other funds as may be made available from all other sources for the support of the *nine* months' term public schools, for the year ending June thirtieth, one thousand nine hundred forty, and annually thereafter, shall be apportioned for the operation of an eight months' school term as hereinafter provided.

That for the support of the ninth month of the public school term, which is provided for under Section one, by virtue of the amendment therein of Section four of Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine, to provide for a minimum school term of one hundred and eighty days, there is hereby appropriated the sum of three million four hundred fifty-four thousand eight hundred and forty-five dollars (\$3,454,845.00) for the fiscal year one thousand nine hundred and forty-three - forty-four and three million five hundred fifty-nine thousand four hundred and sixty-three dollars (\$3,559,463.00) for the fiscal year one thousand nine hundred and forty-four - forty-five.

1943, c. 720, s. 2½.

SEC. 2. Repealed.

(1943, c. 720, s. 8.) See C. S. (III), 5395-6.

SEC. 3. **Duties of the State Board of Education.** In addition to the duties and powers vested in the State Board of Education as set out in Section two of this Act, together with such other powers as may be conferred by law, it shall be the duty of the said Board, in accordance with the provisions of this Act, to administer funds for the operation of the schools of the State for one hundred eighty days on standards to be determined by said Board and within the total funds set out in Section one of this Act.

Provided that for the one thousand nine hundred and forty-three—one thousand nine hundred and forty-four and one thousand nine hundred and forty-four—one thousand nine hundred and forty-five school terms the one hundred and eighty days (180) may be reduced to one hundred and seventy days (170) by the Governor as Director of the Budget if in his opinion the revenues decrease to such an extent that such action would be justified.

A school month shall consist of twenty teaching days. Schools shall not be taught on Saturdays unless the needs of agriculture, or other conditions, in the unit or district make it desirable that schools be taught on such days. In order that the total term of one hundred and eighty days might be completed in a shorter time than nine calendar months, when the needs of agriculture require it, the governing body of any administrative unit may require that schools shall be taught on legal holidays, except Sundays, but nothing herein contained shall prevent the inclusion of teaching on any legal holiday in a school month in accordance with the custom and practice of any such district, or as may be otherwise ordered by the governing body of such administrative unit.

Salary warrants for the payment of all State teachers, principals, and others employed for the school term shall be issued each month to such persons as are entitled to same. The salaries of superintendents and others employed on an annual basis shall be paid per calendar month: Provided, that teachers may be paid in twelve equal monthly installments in such administrative units as shall request the same of the State Board of Education on or before October first of each school year. Before such request shall be filed, it shall be approved by the governing board, the superintendent, and a majority of the teachers in said administrative unit. The payment of the annual salary in twelve installments instead of nine shall not increase or decrease said annual salary nor in any other way alter the contract made between the teacher and the said administrative unit; nor shall such payment apply to any teacher who is employed for a period less than nine months.

The State Board of Education may designate from its membership an executive committee, which executive committee shall perform such duties as may be prescribed by the State Board of Education. The secretary shall keep a record of the proceedings of any meetings of the executive committee in the same manner as proceedings of the full board are kept and recorded. The comptroller appointed by the State Board of Education shall approve such employees as work under his direction in the administration of the fiscal affairs of the State Board of Education.

1943, c. 255, s. 8.

The State Board of Education shall study the question of consolidation of administrative units in order to determine the size unit which is most economical to administer to the end that administrative costs be reduced to the minimum and the largest possible proportion of school funds be expended for instructional services, and shall report its findings and recommendations to the General Assembly of one thousand nine hundred and forty-five.

1943, c. 720, s. 4.

SEC. 4. Length of School Term. *That the minimum six months' school term required by Article IX of the Constitution is hereby extended to embrace a total of one hundred and eighty days of school in order that there shall be operated in every county and district in the State, which shall request*

the same, a uniform term of nine months: Provided, that the State Board of Education or the governing body of any administrative unit, with the approval of the State Board of Education, may suspend the operation of any school or schools in such units, not to exceed a period of sixty days of said term of one hundred and eighty days, when in the sound judgment of the State Board of Education or the governing body of any administrative unit, with the approval of the State Board of Education, the low average of daily attendance in any school justifies such suspension, or when the State Board of Education or the governing body of any administrative unit, with the approval of the State Board of Education, shall find that the needs of agriculture, or any other condition, may make such suspension necessary within such unit or any district thereof: Provided, that all schools served by the same school bus or busses shall have the same opening date.

Full authority is hereby given to the State Board of Education during any period of emergency to order general and, if necessary, extended recess or adjournment of the public schools in any section of the State where the planting or harvesting of crops or any other emergency conditions make such action necessary.

1943, c. 255, s. 1.

SEC. 5. School Organizations. The *State Board of Education*, in making provisions for the operation of the schools, shall classify each county as an administrative unit and shall, with the advice of the county board of education, make a careful study of the existing district organization in each county administrative unit, and may modify such district organization when deemed necessary for the economical administration and operation of the State school system, and shall determine whether there shall be operated in such district an elementary or a union school. Provisions shall not be made for a high school with an average daily attendance of less than sixty pupils, nor an elementary school with an average daily attendance of less than twenty-five pupils, unless a careful survey by the State Superintendent of Public Instruction and the *State Board of Education* reveals that geographic or other conditions make it impracticable to provide for them otherwise. Funds shall not be made available for such schools until the said survey has been completed and such schools have been set up by the said *Board of Education*.

It shall be within the discretion of the *State Board of Education*, wherever it shall appear to be more economical for the efficient operation of the schools, to transfer children living in one administrative unit or district to another administrative unit or district for the full term of such school without the payment of tuition: *Provided*, that sufficient space is available in the buildings of such unit or district to which the said children are transferred: *Provided further*, the provision as to the nonpayment of tuition shall not apply to children who have not been transferred as set out in this section.

City administrative units as now constituted shall be dealt with by the State school authorities in all matters of school administration in the same way and manner as are county administrative units: *Provided*, that in all city administrative units as now constituted the trustees of the said special charter districts, included in said city administrative unit, and their duly elected successors, shall be retained as the governing body of such district; and the title to all property of the said special charter district shall remain with such trustees, or their duly chosen successors; and the title to all school

property hereafter acquired or constructed within the said city administrative unit, shall be taken and held in the name of the trustees of said city administrative unit; and the County Board of Commissioners of any county shall provide funds for the erection or repair of necessary school buildings on property, the title to which is held by the board of trustees as aforesaid, and the provisions of Consolidated Statutes of one thousand nine hundred nineteen, Section five thousand four hundred seventy-two, to the extent in conflict herewith, is hereby repealed: *Provided*, that nothing in this Act shall prevent city administrative units, as now established, from consolidating with the county administrative unit in which such city administrative unit is located, upon petition of the trustees of the said city administrative unit and the approval of the county board of education and the County Board of Commissioners in said county: *Provided, further*, that nothing in this Act shall affect the right of any special charter district, or special tax district which now exists for the purpose of retiring debt service, to have the indebtedness of such district taken over by the county as provided by existing law, and nothing herein shall be construed to restrict the county board of education and/or the Board of County Commissioners in causing such indebtedness to be assumed by the county as provided by existing law.

The board of trustees for any special charter district in any city administrative unit shall be appointed as now provided by law. If no provision is now made by law for the filling of vacancies in the membership of such board of trustees, such vacancy may be filled by the governing body of the city or town embraced by said administrative unit.

In all cases where title to property has been vested in the trustees of a special charter district which has been abolished and has not been reorganized, title to such property shall be vested in the county board of education of the county embracing such special charter district.

SEC. 6. Administrative Officers. The administrative officer in each of the units now designated shall be a county superintendent of schools for a county administrative unit and a city superintendent of schools for a city administrative unit.

The salaries of county superintendents and city superintendents shall be in accordance with a State standard salary schedule to be fixed and determined by the State Board of Education as provided for in Section twelve of this Act; and such salary schedule for superintendents shall be determined on the same basis for both county and city superintendents and shall take into consideration the amount of work inherent to the office of both county and city superintendents; and such schedule shall be published in the same way and manner as the schedules for teachers' and principals' salaries are now published: *Provided*, that it shall be lawful for the county superintendent of schools in any county, with the approval of the State Superintendent of Public Instruction, to serve as principal of a high school of said county; and the sum of not exceeding three hundred dollars (\$300.00), to be paid from State instructional service funds, may be added to his salary and shall be included in the budget approval by the *State Board of Education*: *Provided, further*, that a county superintendent may also be elected and serve as a city superintendent in any city administrative unit in the county which he serves as county superintendent: *Provided, further*, that a county superintendent may serve as welfare officer and have such additional compensation as may

be allowed by the county commissioners of such county, to be paid from county funds, subject to the approval of the *State Board of Education*.

At a meeting to be held the first Monday in April, one thousand nine hundred thirty-nine, or as soon thereafter as practicable, and biennially thereafter during the month of April, the various county boards of education shall meet and elect a county superintendent of schools, subject to the approval of the State Superintendent of Public Instruction and the *State Board of Education*, who shall take office July first and shall serve for a period of two years, or until his successor is elected and qualified. A certification to the county board of education by the State Superintendent of Public Instruction showing that the person proposed for the office of county superintendent of schools is a graduate of a four year standard college, or at the present time holds a superintendent's certificate, and has had three years' experience in school work in the past ten years, together with a doctor's certificate showing the person to be free from any contagious disease, shall make any citizen of the State eligible for this office.

In all city administrative units, the superintendent of schools shall be elected by the board of trustees, or other school governing agency of such unit, to serve for a period of two years; and the qualifications, approval, and date of election shall be the same as for county superintendents. The city superintendent is hereby ex officio secretary to the governing body of said city administrative unit.

At its first regular meeting in April or as soon thereafter as practicable, the board of trustees, or other governing board of a city administrative unit, shall elect principals, teachers, and other necessary employees of the schools within said unit on the recommendation of the city superintendent.

SEC. 7. School Committees. At the first regular meeting during the month of April, one thousand nine hundred thirty-nine, or as soon thereafter as practicable, and biennially thereafter, the county boards of education shall elect and appoint school committees for each of the several districts in their counties, consisting of not less than three nor more than five persons for each school district, whose term of office shall be for two years: *Provided*, that in the event of death or resignation of any member of said school committee, the county board of education shall be empowered to select and appoint his or her successor to serve the remainder of the term: *Provided*, that in units desiring the same, by action of the county board of education and subject to the approval of the *State Board of Education*, one-third of the members may be selected for a term of one year, one-third of the members for a term of two years, and one-third of the members for a term of three years, and thereafter all members for a term of three years from the expiration of said terms.

The district committee shall elect the principals for the schools of the districts, subject to the approval of the county superintendent of schools and the county board of education. The principals of the districts shall nominate and the district committees shall elect the teachers for all the schools of the districts, subject to the approval of the county superintendent of schools and the county board of education. The distribution of the teachers between the several schools of the district shall be subject to the approval of the county board of education. In the event the local school authorities herein provided for are unable to agree upon the nomination and election of teachers, the county board of education shall select the teacher or teachers, which selection

shall be final for the ensuing school term. All principals and teachers shall enter into a written contract upon forms to be furnished by the State Superintendent of Public Instruction before becoming eligible to receive any payment from State funds. It shall be the duty of the county board of education in a county administrative unit, and of the governing body of a city administrative unit, to cause written contracts on forms to be furnished by the State to be executed by all teachers and principals elected under the provisions of this Act before any salary vouchers shall be paid: *Provided that such contract shall continue from year to year until said teacher or principal is notified as provided in Section twelve of this Act, as amended: Provided, further, that such teacher or principal shall give notice to the superintendent of schools of the administrative unit in which said teacher or principal is employed, within ten days after the close of school, of his or her acceptance of employment for the following year: Provided, further, that the county board of education may appoint an advisory committee of three members for each school building in the said school district, who shall care for the school property and perform such other duties as may be defined by the county board of education.*

1941, c. 267, s. 2.

SEC. 8. Organization Statement and Allotment of Teachers. On or before the twentieth day of May in each year, the several administrative officers shall present to the *State Board of Education* a certified statement showing the organization of the schools in their respective units, together with such other information as said *Board* may require. The organization statement as filed for each administrative unit shall indicate the length of term the State is requested to operate the various schools for the following school year, and the State shall base its allotment of funds upon such request. On the basis of such organization statement, together with all other available information, and under such rules and regulations as the *State Board of Education* may promulgate, the *State Board of Education* shall determine for each administrative unit, by districts and races, the number of elementary and high school teachers to be included in the State Budget on the basis of the average daily attendance figures of the continuous six months period of the preceding year during which continuous six months period the average daily attendance was highest, provided that loss in attendance due to epidemics or apparent increase in attendance due to the establishment of army camps or other national defense activities shall be taken into consideration in the initial allotment of teachers: *Provided, further, that the superintendent of an administrative unit shall not be included in the number of teachers and principals allotted on the basis of average daily attendance: Provided, further, that for the duration of the present war and for the first school term thereafter, it shall be the duty of the State Board of Education to provide any union school, that is, a school embracing both elementary and high school grades, in the State of North Carolina, having four high school teachers or less, not less than the same number of teachers as were allotted to said school for the school year of one thousand nine hundred and forty-two - one thousand nine hundred and forty-three. The provisions of this section as to the allotment of teachers shall apply only in those schools where the reduction in enrollment is shown to be temporary as determined by the State Board of Education.*

1941, c. 267, s. 3; 1943, c. 255, s. 2 $\frac{3}{4}$; c. 720, s. 1.

It shall be the duty of the governing body in each administrative unit, after the opening of the schools in said unit, to make a careful check of the school organization and to request the *State Board of Education* to make changes in the allocation of teachers to meet requirements of the said unit.

SEC. 9. Objects of Expenditure. The appropriation of State funds, as provided under the provisions of this Act, shall be used for meeting the costs of the operation of the public schools as determined by the *State Board of Education*, for the following items:

1. General Control:
 - a. Salaries of superintendents
 - b. Travel of superintendents
 - c. Salaries of clerical assistants for superintendents
 - d. Office expense of superintendents
 - e. Per diem county boards of education in the sum of one hundred dollars (\$100.00) to each county
 - f. Audit of school funds
2. Instructional Service:
 - a. Salaries for white teachers, both elementary and high school
 - b. Salaries for colored teachers, both elementary and high school
 - c. Salaries of white principals
 - d. Salaries of colored principals
 - e. Instructional supplies
3. Operation of Plant:
 - a. Wages of janitors
 - b. Fuel
 - c. Water, light and power
 - d. Janitors' supplies
 - e. Telephone expense
4. Auxiliary Agencies:
 - a. Transportation
 - (1) Drivers and contracts
 - (2) Gas, oil, and grease
 - (3) Mechanics
 - (4) Parts, tires, and tubes
 - (5) Replacement busses
 - (6) Compensation for injuries and/or death of school children as now provided by law
 - b. Libraries
 - c. Health

In allotting funds for the items of expenditures hereinbefore enumerated, provisions shall be made for a school term of only one hundred *eighty* days.

The *State Board of Education* shall effect all economies possible in providing State funds for the objects of general control, operation of plant, and auxiliary agencies, and after such action shall have authority to increase or decrease on a uniform percentage basis the salary schedule of teachers, principals, and superintendents in order that the appropriation of State funds for the public schools may insure their operation for the length of term provided in this Act: *Provided, however, that the State Board of Education*

and county boards of education for county administrative units and boards of trustees for city administrative units, shall have power and authority to promulgate rules by which school buildings may be used for other purposes.

The objects of expenditure designated as Maintenance of Plant and Fixed Charges shall be supplied from funds required by law to be placed to the credit of the public school funds of the county and derived from fines, forfeitures, penalties, dog taxes, and poll taxes, and from all other sources except State funds: *Provided*, that when necessity shall be shown, and upon the approval of the county board of education or the trustees of any city administrative unit, the *State Board of Education* may approve the use of such funds in any administrative unit to supplement any object or item of the current expense budget, including the supplementing of the teaching of vocational subjects; and in such cases the tax levying authorities of the county administrative unit shall make a sufficient tax levy to provide the necessary funds for Maintenance of Plant, Fixed Charges, and Capital Outlay: *Provided, further*, that the tax levying authorities in any county administrative unit, with the approval of the *State Board of Education*, may levy taxes to provide necessary funds for teaching vocational agriculture and home economics and trades and industrial vocational subjects supported in part from Federal vocational educational funds: *Provided, further*, that nothing in this Act shall prevent the use of Federal and/or privately donated funds which may be made available for the operation of the public schools under such regulations as the *State Board of Education* may provide.

Sec. 10. State Budget Estimate. The State budget estimate shall be determined by the *State Board of Education* for each county and city administrative unit by ascertaining the sum of the objects of expenditure according to and within the limits fixed by this Act, and within the meaning of the rules and regulations promulgated by the *State Board of Education*; and the certification of same shall be made to each county superintendent, city superintendent, and the State Superintendent of Public Instruction on or before June first of each year.

Sec. 11. Salary Costs. That upon receipt of notice from the *State Board of Education* of the total number of teachers, by races and for county and city administrative units separately, the State Superintendent of Public Instruction shall then determine, in accordance with the schedule of salaries established, the total salary cost in each and every administrative unit for teachers, principals, and superintendents to be included in the State budget for the next succeeding fiscal year for the consolidated school term as herein defined. This amount as determined from a check of the costs for the preceding year with adjustments resulting from changes in the allotment of teachers, shall be certified to the *comptroller appointed by the State Board of Education*; together with the number of elementary and high school teachers and principals employed in accordance with the provisions of this Act, separately by races, and for city and county administrative units.

Sec. 12. State Standard Salary Schedule. The *State Board of Education* shall fix and determine a State standard salary schedule for teachers, principals, and superintendents, which shall be the maximum standard State salaries to be paid from State funds to the teachers, principals, and superintendents; and all contracts with teachers and principals shall be made

locally by the county board of education and/or the governing authorities of city administrative units, giving due consideration to the peculiar conditions surrounding each employment, the competency and experience of the teacher or principal, the amount and character of work to be done, and any and all other things which might enter into the contract of employment: *Provided, however*, that the compensation contracted to be paid out of State funds to any teacher, principal, or superintendent shall be within the maximum salary limit to be fixed by the State Board of Education, as above provided, and within the allotment of funds as made to the administrative unit for the item of instructional salaries: *Provided, further*, that no teacher or principal shall be required to attend summer school during the years *one thousand nine hundred and forty-three and one thousand nine hundred and forty-four*, and the certificate of each teacher or principal as may have been required to attend such school shall not lapse but shall remain in full force and effect, and all credits earned by summer school and/or completing extension course or courses shall not be impaired, but shall continue in full force and effect.

Any teacher or principal desiring election as teacher or principal *in a particular administrative unit who was not employed by said unit during a current year* shall file his or her application in writing with the county or city superintendent of schools.

It shall be the duty of such county superintendent or administrative head of a city administrative unit to notify all teachers and/or principals now or hereafter employed, by *registered* letter, of his or her rejection prior to the close of the school term subject to the allotment of teachers made by the *State Board of Education*: *Provided, further*, that principals and teachers desiring to resign must give not less than thirty days notice prior to opening of school in which the teacher or principal is employed to the official head of the administrative unit in writing. Any principal or teacher violating this provision may be denied the right to further service in the public schools of the State for a period of one year unless the county board of education or the board of trustees of the administrative unit where this provision was violated waives this penalty by appropriate resolution.

In the employment of teachers, no rule shall be made or enforced which discriminates with respect to the sex, marriage, or nonmarriage of the applicant.

In the event a teacher is rejected under the provisions of this section, such rejection shall be subject to the approval or disapproval of the governing authorities of the administrative unit in which said teacher is employed.

1941, c. 267, ss. 4, 5; 1943, c. 720, s. 2.

SEC. 13. Principals Allowed. In all schools with fewer than fifty teachers allowed under the provisions of this Act, the principals shall be included in the number of teachers allowed. In schools with fifty or more teachers, one whole time principal shall be allowed; that for each forty teachers in addition to the first fifty, one additional whole time principal, when and if actually employed, shall be allowed: *Provided*, that in the allocation of State funds for principals, the salary of white principals shall be determined by the number of white teachers employed in the white schools, and the salary of colored principals shall be determined by the number of colored teachers employed in the colored schools: *Provided, further*, that

where the schools of a district are under the control of the same district committee, the district principal shall have general supervision of all the schools in the district: *Provided, further*, that where a white school and a colored school are both under the control of the same district committee and where the principal of the white school is called upon by the district committee to perform certain duties in connection with the operation of the colored school such as aiding in the employment of teachers and in the general supervision of the colored school, the State Board of Education may in its discretion take such service into consideration in the fixing of the principal's salary and may make a reasonable allowance for same.

1941, c. 267, s. 6.

SEC. 14. Local Supplements. The county board of education in any county administrative unit and the school governing board in any city administrative unit, with the approval of the tax levying authorities in said county or city administrative unit and the *State Board of Education* in order to operate schools of a higher standard than that provided by State support in said administrative unit having a school population of one thousand (1,000) or more, but in no event to provide for a term of more than one hundred eighty (180) days, may supplement the funds from State or county allotments available to said administrative unit: *Provided*, that before making any levy for supplementing said allotments, an election shall be held in said administrative unit or district to determine whether there shall be levied a tax to provide said supplemental funds, and to determine the maximum rate which may be levied therefor. Upon the request of the county board of education in a county administrative unit and/or the school governing authorities in a city administrative unit, the tax levying authorities of such unit shall provide for an election to be held under laws governing such elections as set forth in Articles XXIII, XXIV and XXVI of Chapter ninety-five of the Consolidated Statutes of North Carolina, Volume three: *Provided*, that the rate voted shall remain the maximum until revoked or changed by another election: *Provided, further*, that nothing herein contained shall be construed to abolish any city administrative unit heretofore established under Chapter four hundred forty-five of Public Laws of one thousand nine hundred thirty-five.

Upon a written petition of a majority of the governing board of any district which has voted a supplementary tax, the county board of education, after approving the petition, shall present the same to the Board of County Commissioners and ask for an election on the question of the enlargement of the boundary lines of any such district so as to include any contiguous territory, and an election in such new territory may be ordered and held under rules governing elections for local taxes as provided in this section: *Provided*, the local tax rate specified in the petition and submitted to the qualified voters shall be a local tax of the same rate as that voted in the said district to which the territory is to be added. If a majority of the qualified voters in such new territory shall vote in favor of such tax, the new territory shall be and become a part of said district, and the term "local tax of the same rate" herein used shall include, in addition to the usual local tax, any tax levied to meet the interest and sinking fund of any bonds heretofore issued by the district proposed to be enlarged. In case a majority of the qualified voters at the election shall vote in favor of the tax, the district shall be deemed enlarged as so proposed.

SEC. 14½. *The county board of education in any county administrative unit, with the approval of the tax levying authorities in said unit and the State Board of Education, in order to operate schools of a higher standard than that provided by State support, or to employ additional vocational teachers, or both, in any district in said county administrative unit having a school population of one thousand (1,000) or more, but in no event to provide for a term of more than one hundred and eighty days, may supplement the funds now available to said district: Provided, that before making any levy for supplementing said allotments, an election shall be held in said district to determine whether there shall be levied a tax to provide said supplemental funds and to determine the maximum rate which may be levied therefor. Before said election can be held in such district, a petition of the district committee setting out the purposes for which said election is to be had and the maximum rate of tax which may be levied shall be approved by the county board of education, the tax levying authorities of said county, and the State Board of Education. When such approval is had, then upon the request of the county board of education, the tax levying authorities of such unit shall provide for an election under the laws governing such elections as are set forth for county and city administrative unit supplementary elections in Section fourteen of this Act.*

1943, c. 255, s. 2 (a).

SEC. 15. Local Budgets.

(a) The request for funds to supplement State school funds, as permitted under the above conditions, shall be filed with the tax levying authorities in each county and city administrative unit on or before the fifteenth day of June on forms provided by the *State Board of Education*. The tax levying authorities in such units may approve or disapprove this supplemental budget in whole or in part, and upon approval being given, the same shall be submitted to the *State Board of Education*, which shall have authority to approve or disapprove any object or item contained therein. In the event of approval by the *State Board of Education*, the same shall be shown in detail upon the minutes of said tax levying body, and a special levy shall be made therefor, and the tax receipt shall show upon the face thereof the purpose of said levy.

(b) In the same manner and at the same time, each county and/or city administrative unit may file a Capital Outlay budget, subject only to the approval of the tax levying authorities and the *State Board of Education*.

(c) In the same manner and at the same time, each county and/or city administrative unit shall file a Debt Service budget, which shall include Debt Service budgets of special bond tax districts, as set forth in Section sixteen of this Act, and which shall be subject to the approval of the tax levying authorities in each such unit and the *State Board of Education*: *Provided*, that nothing in this Act shall prevent counties, local taxing districts and/or special charter districts from levying taxes to provide for Debt Service requirements.

The tax levying authorities in each of the above named units filing budgets from local funds shall report their action on said budgets on or before the tenth day of July, and the same shall be reported to the *State Board of Education* on or before the twentieth day of July. The action of the *State Board of Education* on all requests for local funds budgets shall be reported to boards of education and/or school governing authorities of city admin-

istrative units and the tax levying authorities in such units on or before the twentieth day of August.

All county-wide Current Expense school funds shall be apportioned to county and city administrative units *monthly*, and it shall be the duty of the county treasurer to *remit such funds monthly as collected to each administrative unit* located in said county on a per capita enrollment basis. County-wide expense funds shall include all funds for current expenses levied by the Board of County Commissioners in any county to cover items for Current Expense purposes, and including also all fines, forfeitures, penalties, poll and dog taxes and funds for vocational subjects.

All county-wide Capital Outlay school funds shall be apportioned to county and city administrative units on the basis of budgets submitted by said units to the county commissioners and for the amounts and purposes approved by said commissioners. Capital Outlay funds so provided for expenditure by the county administrative unit shall be paid out upon warrants drawn by the county board of education, and those provided for expenditure by a city administrative unit shall be paid out upon warrants drawn by the governing board of the city administrative unit: *Provided*, that funds derived from payments on insurance losses shall be used in the replacement of buildings destroyed, or in the event the buildings are not replaced, said funds shall be used to reduce the indebtedness of the special bond taxing unit to which said payment has been made, or for other capital outlay purposes within said unit. All county-wide Debt Service funds shall be apportioned to county and city administrative units and distributed at the time of collection and when available shall be expended in the same manner as are county-wide Current Expense school funds: *Provided*, that the payments to any administrative unit shall not exceed the actual needs of said units, including sinking fund requirements. The per capita enrollment basis shall be determined by the *State Board of Education* and certified to each administrative unit. *Provided, further, that the debt service apportionment between county and city administrative units shall apply only to debt service for capital outlay obligations incurred by counties and cities prior to July 1, 1937, except in those counties where special legislation has been enacted providing for the issuance of school building bonds in behalf of school districts, and special bond tax units. [The provisions of this amendment do not apply to refunding bonds issued for school capital outlay obligations.]*

1941, c. 267, s. 7; c. 200, ss. 1, 2.

SEC. 16. School Indebtedness. If a boundary, territorial district, or unit in which a special bond tax has heretofore been voted or in anyway assumed prior to July first, one thousand nine hundred thirty-three, has been or may be divided or consolidated, and the whole or a portion of which has been or may be otherwise integrated with a new district so established under any reorganization and/or redistricting, such territorial unit, boundary, or district, special taxing or special charter, which has been abolished for school operating purposes, shall remain as a district for the purpose of the levy and collection of the special taxes theretofore voted in any unit, boundary, or district, special taxing or special charter, for the payment of bonds issued and/or other obligations so assumed, the said territorial boundary, district, or unit shall be maintained until all necessary taxes have been levied and collected therein for the payment of such bonds and/or other indebtedness so

assumed. Such boundary, unit, or district shall be known and designated as the "Special Bond Tax Unit" of County.

All uncollected taxes which have been levied in the respective school districts for the purposes of meeting the operating costs of the schools shall remain as a lien against the property as originally assessed and shall be collectible as are other taxes so levied and, upon collection, shall be made a part of the Debt Service fund of the special bond tax unit, along with such other funds as may accrue to the credit of said unit; and in the event there is no debt service requirement upon such district, all amounts so collected for whatever purpose shall be covered into the county treasury to be used as a part of the county debt service for schools: *Provided*, that unpaid teacher's vouchers for the year in which the tax was levied shall be a prior lien: *Provided, further*, that nothing in this Act shall be construed as abolishing special taxes voted in any city administrative unit since July first, one thousand nine hundred thirty-three.

SEC. 17. The Operating Budget. It shall be the duty of the county board of education in each county and the school governing authorities in each city administrative unit, upon receipt of the tentative allotment of State funds for operating the schools and the approval of all local funds budgets, including supplements to State funds for operating schools of a higher standard, funds for debt service, and funds for capital outlay, to prepare an operating budget on forms provided by the State and file the same with the State Superintendent of Public Instruction and the *State Board of Education* on or before the first day of October. Each operating budget shall be checked by the State school authorities to ascertain if it is in accordance with the allotment of State funds and the approval of local funds; and when found to be in accordance with same, shall be the total school budget for said county or city administrative unit.

1943, c. 255, s. 2 (b).

SEC. 18. Bonds. That the *State Board of Education*, subject to the approval of the Local Government Commission, shall determine and provide all bonds necessary for the protection of the State school funds.

That the tax levying authorities in each county and city administrative unit, subject to the approval of the Local Government Commission, shall provide such bonds as the *State Board of Education* may require for the protection of county and district school funds.

SEC. 19. Provision for the disbursement of State funds. *The deposits of State funds in the State Treasury to the credit of the county and city administrative units may be made in monthly installments, at such time and in such amounts as may be practicable to meet the needs and necessities of the nine months' school term in the various county and city administrative units: Provided, that prior to the crediting of any monthly installment, it shall be the duty of the county board of education or the board of trustees to file with the Comptroller of the State Board of Education a certified statement of all expenditures and of all salaries and other obligations that may be due and payable in the succeeding month, said statement to be filed on or before the first day of each month.*

When it shall appear to the comptroller from said certified statement that any amounts are due and necessary to be paid, he shall draw a requisition on

the State Auditor covering the same; and upon receipt of notice from the State Treasurer showing the amount placed to their credit, the duly constituted authorities may issue State warrants in the amount so certified: Provided, that no funds shall be released for payment of salaries of administrative officers of county or city units if any reports required to be filed with the State school authorities are more than thirty days overdue."

1943, c. 769, s. 1.

SEC. 20. How School Funds Shall be Paid Out. The school funds shall be paid out as follows:

1. **State School Funds.** That school funds shall be released only on warrants drawn on the State Treasurer signed by the chairman and the secretary of the county board of education for county administrative units, and by the chairman and the secretary of the board of trustees for city administrative units, and countersigned by such officer as the county government laws may require.

2. **County and District Funds.** All county and district funds, from whatever source provided, shall be paid out only on warrants signed by the chairman and secretary of the board of education for counties and the chairman and the secretary of the board of trustees for city administrative units and countersigned by such officer as the county government laws may require: *Provided, the countersigning officer shall countersign warrants drawn as herein specified when such warrants are within the funds set up to the credit of and are within the budget amounts appropriated for the particular administrative unit.* Upon the basis of budget approval and upon receiving the certificate of per capita enrollment as set out in Section fifteen hereof, the county auditor or accountant shall ascertain and determine the proportion of all taxes levied by the county which shall be apportionable to the county administrative unit and any city administrative unit therein. As taxes are collected within said county, the proportion thereof allocable to the county administrative unit and any city administrative unit in said county shall be set up to the credit of such administrative unit by the county accountant or auditor. All funds due to the county administrative unit set up and ascertained as aforesaid shall be paid out as hereinbefore provided, and all funds due any city administrative unit therein shall be paid out as hereinbefore provided.

3. **Records and Reports.** The State Superintendent of Public Instruction and *State Board of Education* shall have full power and authority to make rules and regulations to prescribe the manner in which records shall be kept by all county and city administrative units as to the expenditure of current expense funds, capital outlay funds, and debt service funds, derived from local sources, and to prescribe for making reports thereof to the State Superintendent of Public Instruction.

1941, c. 267, s. 8.

SEC. 21. Audit. The *State Board of Education*, in cooperation with the State Auditor, shall cause to be made an audit of all school funds, State, county, and district; and the cost of said audit shall be borne by each fund audited in proportion to the total funds audited, as determined by the *State Board of Education*. The tax levying authorities for county and city administrative units shall make provision for meeting their proportionate part of the cost of making said audit, as provided in this Act.

That copies of said audits shall be filed with the *State Board of Education*, the State Auditor, and the State Superintendent of Public Instruction not later than October first after the close of the fiscal year.

SEC. 22. Workmen's Compensation and Sick Leave. The provisions of the Workmen's Compensation Act shall be applicable to all school employees, and the *State Board of Education* shall make such arrangements as are necessary to carry out the provisions of the Workmen's Compensation Act as are applicable to such employees as are paid from State school funds. Liability of the State for compensation shall be confined to school employees paid by the State from State school funds for injuries or death caused by accident arising out of and in the course of their employment in connection with the State operated *nine* months school term. The State shall be liable for said compensation on the basis of the average weekly wage of such employees as defined in the Workmen's Compensation Act, whether all of said compensation for the *nine* months school term is paid from State funds or in part supplemented by local funds. The county and city administrative units shall be liable for Workmen's Compensation for school employees whose salaries or wages are paid by such local units from local funds, and such local units shall likewise be liable for Workmen's Compensation of school employees employed in connection with teaching vocational agriculture, home economics, trades and industrial vocational subjects, supported in part by State and Federal funds, which liability shall cover the entire period of service of such employees. Such local units are authorized and empowered to provide insurance to cover such compensation liability and to include the cost of such insurance in their annual budgets.

The *State Board of Education* is hereby authorized and empowered, in its discretion, to make provision for sick leave with pay for any teacher or principal not exceeding five days and to promulgate rules and regulations providing for necessary substitutes on account of said sick leave. The pay for a substitute shall not be less than three dollars per day.

The provisions of this section shall not apply to any person, firm or corporation making voluntary contributions to schools for any purpose, and such person, firm or corporation shall not be liable for the payment of any sum of money under this Act.

1943, c. 720, s. 3.

SEC. 22½. Children to be entitled to enrollment in the public schools for the school year one thousand nine hundred thirty-nine-forty, and each year thereafter, must be six years of age on or before October first of the year in which they enroll, and must enroll during the first month of the school year.

SEC. 23. Purchase of Equipment and Supplies. It shall be the duty of the county boards of education and/or the governing bodies of city administrative units to purchase all supplies, equipment and materials in accordance with contracts and/or with the approval of the State Division of Purchase and Contract: *Provided*, that no contracts shall be made by any county or city administrative unit for purchases unless provision has been made in the budget of such unit to provide payment therefor, or unless surplus funds are on hand to pay for same, and in order to protect the State purchase contracts, it is hereby made the mandatory duty upon the part of the governing authorities of such local units to pay for such purchases promptly in accordance with the terms of the contract of purchase.

SEC. 23½. For the purpose of determining the most economical manner and method of heating school buildings, including type of insulation, the *State Board of Education* in cooperation with State Department of Public Instruction is hereby authorized to conduct experiments in the different types of heating.

SEC. 24. **School Transportation.** The control and management of all facilities for the transportation of public school children shall be vested in the State of North Carolina under the direction and supervision of the *State Board of Education*, which shall have authority to promulgate rules and regulations governing the organization, maintenance, and operation of the school transportation facilities. The tax levying authorities in the various counties of the State are authorized and empowered to provide in the Capital Outlay budget adequate buildings and equipment for the storage and maintenance of all school busses. Provision shall be made for adequate inspection each thirty days of each vehicle used in the transportation of school children, and a record of such inspection shall be filed in the office of the superintendent of the administrative unit. That it shall be the duty of the administrative officer of each administrative unit to require an adequate inspection of each bus at least once each thirty days, the report or reports of which inspection shall be filed with the administrative officers. Every principal, upon being advised of any defect by the bus driver, shall cause a report of such defect to be made to this administrative officer immediately, whose duty it shall be to cause such defect to be remedied before such bus can be further operated. The use of school busses shall be limited to the transportation of children to and from school for the regularly organized school day: *In cases of sudden illness or injury requiring immediate medical attention of any child or children while attending the public schools, the principal of the school may send the child or children by school bus, if no other vehicle is available, to the nearest doctor or hospital for medical treatment; provided the expense of such transportation shall be paid from county funds.*

The State Board of Education is authorized and empowered, under rules and regulations to be adopted by said Board of Education, to permit the use and operation of school busses for the transportation of school children on necessary field trips while pursuing the courses of vocational agriculture, home economics, trade and industrial vocational subjects, to and from demonstration projects carried on in connection therewith; provided that under no circumstances shall the total round trip mileage for any one trip exceed twenty-five miles nor on any such trip shall a State owned school bus be taken out of the State of North Carolina. The costs of operating such school busses for said purpose, including the liability for workmen's compensation therewith and the employment of drivers of such busses, shall be paid for out of State funds, and the drivers of such busses shall be selected and employed as is provided for the operation of busses for the regularly organized school day under Section twenty-seven of this Act: Provided, further, that the State Board of Education shall approve and designate any busses used for the purposes herein set forth.

When ordered to do so by the Governor, the State Board of Education is authorized and empowered, and it shall be its duty, to furnish a sufficient number of school buses to the North Carolina State Guard or the National Guard, and to permit the use of such school buses by the State Guard or the

National Guard for the purpose of transporting members of the State Guard or National Guard to and from authorized places of encampment, or for the purpose of transporting members of the State Guard or National Guard to places where they are needed and authorized to go for the purpose of suppressing riots or insurrections or repelling invasions. Such busses, when used for the transportation of members of the State Guard or National Guard, shall be operated by members or employees of these organizations and the expenses of such operation and of repairs occasioned by such operation shall be paid from the appropriations available for the use of the State Guard or the National Guard.

1941, c. 267, s. 9; c. 315, s. 1; c. 214, s. 1; 1943, c. 255, s. 2 (c); c. 197, s. 1.

SEC. 25. Bus Routes. In establishing the route to be followed by each school bus operated as a part of the State school transportation system, in all schools where transportation is now or may hereafter be provided, the *State Board of Education* shall, in cooperation with the district principal, unless road or other conditions make it inadvisable, route the busses so as to get within one mile of all children who live more than one and one-half miles from the school to which they are assigned: *Provided*, that all routes so established shall be subject to the approval of the county board of education, and with a view to the needs of the students to the end that the necessity of students waiting on the road for busses in inclement weather be eliminated. The State shall not be required to provide transportation for children living within one and one-half miles of the school in which provision for their instruction has been made. All bus routes thus established shall be filed with the county board of education prior to the opening of school; and in the event any of said routes are disapproved by the county board of education, notice of same shall be filed with the *State Board of Education*, and a hearing on such appeal shall be had by said *Board of Education* within thirty days.

1941, c. 267, s. 10½.

SEC. 26. Purchase of New Equipment. It shall be the duty of the tax levying authorities in the various counties, and they are hereby authorized, empowered, and directed to make provision in the Capital Outlay budget for the purchase under State contract of new busses needed to relieve overcrowding and to provide for the transportation of children not transported during the school year one thousand nine hundred thirty-nine. *It shall be the duty of the State Board of Education to determine the rated capacity of each public school bus transporting children to or from school, and it shall be the duty of the local school authorities to see that no bus is loaded more than twenty-five per cent (25%) above its rated capacity. The county board of education shall determine when busses are overcrowded as specified in this section.* The county boards of education shall determine when the busses are overcrowded, and the State shall provide for the operation of all new busses purchased by the counties. It shall be the duty of the State of North Carolina to purchase all school busses used as replacements for old publicly owned busses which were operated by the State during the school year one thousand nine hundred forty, *forty-one*. It shall be the duty of the *State Board of Education* to promulgate rules and regulations that will insure for the children the greatest possible safety, including a standard signaling

device for giving the public due notice that the bus is making a stop. Before purchasing any new school busses, the *State Board of Education* shall cause to be made a thorough study of the most modern materials and construction for insuring the safest equipment possible within the funds available. The *State Board of Education*, in its discretion, may effect fire insurance coverage on the school busses, or act as a self-insurer.

1941, c. 267, ss. 8½, 10.

SEC. 27. Bus Drivers. The authority for selecting and employing the drivers of school busses shall be vested in the principal or superintendent of the school at the termination of the route, subject to the approval of the school committeemen or trustees of said school and the county or city superintendent of schools: *Provided*, that each driver shall be selected with a view to having him located as near the beginning of the truck route as possible; and it shall be lawful to employ student drivers wherever such is deemed advisable. The salary paid each employee in the operation of the school transportation system shall be in accordance with a salary schedule adopted by the *State Board of Education* for that particular type of employee.

SEC. 28. Contract Transportation. In counties where school transportation is provided by contract with private operators, the State shall provide funds for operating costs on the standards adopted for publicly owned busses, and it shall be the duty of the tax levying authorities in the various counties to provide in the Capital Outlay budget the additional funds necessary to pay contracts.

SEC. 29. Cooperation with Highway and Public Works Commission in Maintenance of Equipment. The *State Board of Education* is hereby authorized to negotiate with the Highway and Public Works Commission in coordinating all facilities for the repair, maintenance, and upkeep of equipment to be used by the *State Board of Education* in the school transportation system. In all cases where this is done, the State Highway and Public Works Commission shall be reimbursed in the amount of the actual cost involved for labor and parts to be determined by an itemized statement filed with the *State Board of Education*.

SEC. 30. Lunch Rooms May Be Provided. In such cases as may be deemed advisable by the trustees or school committee in any school, and where the same may be deemed necessary because of the distance of the said school from places where meals may be easily obtained, it shall be permissible for the said trustees and the said school committees, as a part of the functions of the said public schools, to provide cafeterias and places where meals may be sold, and operate or cause the same to be operated for the convenience of teachers, school officers, and pupils of the said schools. There shall be no personal liability upon the said trustees and school committees, or members thereof, arising out of the operation of the said eating places, and it is understood and declared that the same are carried on and conducted in connection with the public schools, and because of the necessities arising out of the consolidation of the said schools and the inconvenience and interruption of the school day caused by seeking meals elsewhere: *Provided*, that no part of the appropriation made by the State for the public schools shall be expended

for the operation of said cafeterias or eating places, nor shall the provisions of Section twenty-two of this Act apply to the employees of the cafeterias or eating places, except such persons as are regularly employed otherwise in the schools.

SEC. 31. Miscellaneous Funds. It shall be the duty of the county superintendent of public instruction to examine the records of the county to see that the proceeds from the poll taxes and the dog taxes are correctly accounted for to the school fund each year, and to examine the records of the several courts of the county, including courts of justices of the peace, at least once every three months to see that all fines, forfeitures, and penalties, and any other special funds accruing to the county school fund, are correctly and promptly accounted for to the school fund; and if the superintendent shall find that any such taxes or fines are not correctly and promptly accounted for to the school fund, it shall be his duty to make prompt report thereof to the *State Board of Education* and also to the solicitor of the Superior Court holding the courts in the district.

It shall be unlawful for any of the proceeds of poll taxes, dog taxes, fines, forfeitures, and penalties to be used for other than school purposes, and the official responsible for any diversion of such funds to other purposes shall be guilty of a misdemeanor and, upon conviction, shall be punishable by fine or imprisonment, in the discretion of the court: *Provided, however*, that this section shall not be construed as making unlawful the use of such portions of said funds for other purposes as may be provided by the provisions of this Act. The clear proceeds of poll taxes, dog taxes, fines, forfeitures and penalties shall be accounted for by the officers collecting the same, and no deductions shall be made therefrom for fees or commissions. Any court officer, including justices of the peace, who shall wilfully fail or refuse to account for all poll taxes, dog taxes, fines, forfeitures or penalties coming into the hands of such officer, shall, upon conviction thereof, be guilty of a felony and imprisoned in the State's prison in the discretion of the court, or fined in the discretion of the court, or both.

SEC. 32. All Public, Public-Local, or Private Laws and clauses of laws in conflict with this Act, to the extent of such conflict only, are hereby repealed. If any section, part, paragraph, sentence, or clause of this Act shall be declared unconstitutional or invalid, the same shall not affect the validity of any of the remaining parts of this Act. The provisions of this Act shall not be construed as repealing Chapter three hundred three Public Laws of one thousand nine hundred thirty-seven or any part thereof: *Provided, further*, nothing in this Act shall be so construed as to repeal Chapter two hundred eight of the Public-Local Laws of one thousand nine hundred thirty-seven, as amended by House Bill Number six hundred seventy-five session of one thousand nine hundred thirty-nine.

SEC. 33. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

AN ACT TO APPOINT CERTAIN MEMBERS OF THE BOARDS OF EDUCATION OF THE RESPECTIVE COUNTIES OF NORTH CAROLINA, FIX THEIR TERMS OF OFFICE, AND LIMIT COMPENSATION AT STATE EXPENSE.

The General Assembly of North Carolina do enact:

SECTION 1. That the hereinafter named persons are hereby appointed members of the county boards of education for the several counties in the State as follows, to-wit:

Alamance—T. E. Powell, J. C. Wilkins, each for a term of six years.

Alexander—E. L. Hedrick.

Alleghany—G. N. Evans, for a term of six years; Carlie Hash, for a term of four years; Gwyn Cox.

Anson—A. E. Hendley, Sr., G. K. Little.

Ashe—V. C. Lillard, Mack Absher, Bryan Kirby, Clyde Houck, A. J. Houck.

Avery—Carl J. Wisemen, for a term of six years; John Frank Hampton, for a term of four years; J. M. Dearmin.

Beaufort—C. F. Cowell, Ottis C. Barr, S. B. Etheridge, Dan M. Windley, Dr. W. T. Ralph.

Bertie—W. V. Hoggard, R. N. Hoggard, P. F. Cobb, J. B. Parker, each for a term of six years.

Bladen—S. S. Hutchinson, J. Neal Clark, Henry Beatty, each for a term of four years. All laws and clauses of laws heretofore enacted with respect to the appointment of the Board of Education of Bladen County and the terms of the members of said board be and the same are hereby repealed.

Brunswick—R. T. Woodside, for a term of six years; and John L. Stone, for a term of four years.

Buncombe—Dr. B. E. Morgan, Dr. A. O. Mooneyham, John M. James, R. C. Torian, Glen West.

Burke—George D. Carpenter, Marshall S. Arney, Carroll L. Yount, Lester H. McNeeley, C. P. Whisenant.

Cabarrus—Boyd Biggers, for a term of six years.

Caldwell—Dr. J. F. Reece, E. L. Steele, Melvin H. Jones, John A. Frazier, Davis Tuttle.

Camden—W. I. Sawyer, B. H. Cartwright, William W. Forehand.

Carteret—Dr. L. W. Moore, Dennis Mason, each for a term of six years.

Caswell—O. A. Powell, for a term of six years.

Catawba—E. M. Yoder, Richard C. Boyd, John F. Carpenter, R. A. Sigmon, J. C. Howard, G. W. Mann.

Chatham—

Cherokee—B. B. Palmer, Noah Hembree, Lawson Lunsford.

Chowan—T. Stillman Leary, R. H. Hollowell, Lloyd Briggs, R. Clyde Privott, T. Wallace Jones.

Clay—Frank Moore, for a term of six years.

Cleveland—C. D. Forney, B. Austell, R. L. Plonk, A. L. Calton, W. H. Lutz.

Columbus—A. L. Griffin, R. J. Lamb, R. R. Hinson, E. W. Fonvielle, F. B. Gault.

Craven—C. A. Seifert, Fred Whitehurst, J. L. Peterson, R. L. Sermons, J. H. West, Sr., Larry Pate, R. R. King.

Cumberland—W. T. Reaves, I. B. Julian, W. C. Averitte, E. U. Breece, each for a term of six years.

Currituck—E. W. Addison, Carl P. White, I. T. Corbell. All laws and clauses of laws heretofore enacted with respect to the appointment of the Board of Education of Currituck County and the terms of the members of said board be and the same are hereby repealed.

Dare—R. E. Burrus, for a term of six years; E. P. White, W. M. Jolliff.

Davidson—Roy Lohr, Baxter Carter, each for a term of four years.

Davie—T. C. Pegram, Mrs. Nannie R. Hayes, G. N. Ward.

Duplin—Robert M. Carr, for a term of six years.

Durham—C. C. Council, E. S. Booth, T. O. Sorrell, E. L. Tilley, Clifton Ball.

Edgecombe—W. W. Green, S. R. Jenkins, each for a term of six years; M. P. Edwards, George C. Phillips, each for a term of four years; R. C. Brown.

Forsyth—Frank A. Stith, L. A. Reynolds, Smith Hagaman.

Franklin—Paul W. Elam, Mrs. T. H. Dickens, each for a term of six years.

Gaston—M. A. Stroup, J. Milton Craig, F. A. Whiteside, W. J. Pharr, L. D. Gribble, E. H. Rhyne.

Gates—Mrs. Marion Nixon, for a term of six years; R. E. Williams, for a term of four years; H. F. Parker.

Graham—Roy B. Millsaps, for a term of six years; Patton Phillips for a term of four years; W. D. Walker. All laws and clauses of laws heretofore enacted with respect to the appointment of the Board of Education of Graham County and the terms of the members of said board be and the same are hereby repealed.

Granville—Dr. R. L. Noblin, for a term of six years.

Greene—Ed S. Taylor, A. C. Oakes, W. J. Carraway, W. H. Graves, C. K. Grantham.

Guilford—Z. L. Whitaker, for a term of six years.

Halifax—R. C. Rives, Charles L. Kelly, Mrs. R. C. Josey, Jr., Mrs. J. T. Thomason, Thomas Moss.

Harnett—Dr. Glen L. Hooper, Fred S. Thomas, Sidney G. Thomas.

Haywood—John Best, for a term of six years.

Henderson—B. B. Massagee, for a term of six years.

Hertford—George Underwood, R. C. Mason, T. N. Charles.

Hoke—A. W. Wood, W. M. Monroe, Carl Riley, A. D. McPhaul, D. B. McFayden.

Hyde—N. Forest Sears, Geo. M. Cuthrell, J. W. Miller.

Iredell—C. D. Stevenson, C. H. Knox, S. H. Houston, W. C. Thompson, L. A. Pope, J. S. Dobson, D. E. Hayes, each for a term of four years.

Jackson—C. E. Smith, John Hooper, J. Hutt Middleton, John B. Deitz, D. H. Stephens, each for a term of four years.

Johnston—W. H. Call, for a term of six years; Conrad H. Parker, for a term of four years.

Jones—Herbert Tyndall, for a term of six years.

Lee—D. E. Shaw, for a term of six years.

Lenoir—Horace L. Sutton, R. S. Parker, E. C. Taylor, W. B. Becton, F. P. White.

Lincoln—Dr. W. G. Bandy, Deck Hager, Dorsey Rhyne, T. A. Warlick, A. A. Beam, each for a term of four years.

Macon—C. G. Moore, J. E. Cabe, E. B. Byrd, J. R. Phillips, Frank Browning.

Madison—W. T. Moore, E. Y. Ponder, J. Clyde Brown, each for a term of four years.

Martin—J. D. Woolard, H. C. Norman, each for a term of six years.

McDowell—J. C. Goforth, for a term of six years.

Mecklenburg—W. B. McClintock, B. D. Funderburk, each for a term of six years; R. G. Eubanks, W. E. Potts, each for a term of four years; J. Mason Smith.

Mitchell—Zeb V. Hall, for a term of six years.

Montgomery—E. R. Wallace, for a term of six years.

Moore—J. W. Graham, D. D. McCrimmon, J. F. Taylor, L. B. McKeithan, F. D. Farrell.

Nash—G. L. Jones, J. W. Roberson, G. E. Beal.

New Hanover—Dr. J. T. Hoggard, J. C. Roe, L. T. Landen, Mrs. C. L. Meister, Emsley A. Laney, James S. Craig, Jr.

Northampton—Dr. John Wesley Parker, Jr., J. R. Woodard, J. G. Madry, Dr. C. G. Parker, J. F. Bradley, J. A. Shaw, W. Harry Stephenson.

Onslow—R. E. Williams, Sr., Graham Jones, Dr. W. T. Turlington, Ivey Rawls, W. L. P. Jarman.

Orange—James Compton, C. W. Stanford, K. S. Cate.

Pamlico—P. C. Spruill, J. A. Tingle, Jr., M. D. Powers, J. V. Brinson, M. D. Potter.

Pasquotank—Jarvis M. Scott, Dennis S. Morgan, V. B. Morgan, each for a term of four years; J. H. Bright, Buxton White.

Pender—T. J. Henry, Charles R. Rogers, D. J. Farrior, Jr.

Perquimans—T. S. White, Carrol Ward, each for a term of four years.

Person—W. R. Wilkerson, E. E. Bradsher, R. G. Cole, B. G. Crumpton, C. T. Hall.

Pitt—W. H. Woolard, John T. Thorne, R. L. Little.

Polk—James P. Egerton, Dan Ledbetter, S. L. Feagan, John N. Williams, Gus Miller.

Randolph—J. A. Martin, C. M. Kennedy, Dr. J. W. Jordan, each for a term of six years; L. F. Ross, D. J. Boyles, each for a term of four years.

Richmond—James W. McKenzie, for a term of six years.

Robeson—A. B. McRae, W. H. Humphrey, Dr. L. J. Moore, Isham Pittman, L. E. Hughes.

Rockingham—J. L. Roberts, T. J. Garrett, E. S. Powell, C. P. Wall, L. W. Matthews.

Rowan—Roy S. Safrit, for a term of six years.

Rutherford—J. Harvey Carpenter, for a term of six years.

Sampson—B. E. Jackson, W. E. Peterson, John C. Warren, J. C. Butler, J. Hamp Lewis.

Scotland—W. G. Shaw, Jr.

Stanly—C. B. Miller, A. L. Efrid, each for a term of six years; A. D. McNeil, for a term of four years; Claud Teeter.

Stokes—Dr. G. E. Stone, for a term of six years; J. Van Tuttle, for a term of four years; P. O. Frye.

Surry—C. A. McNeill, G. W. Scott, P. N. Taylor, G. C. Hauser, W. T. White.

Swain—S. W. Black, R. E. Breedlove, George Redmond.

Transylvania—T. E. Reed, Dewey Winchester, Mrs. J. K. Mills.

Tyrrell—Ellis R. Davenport, B. Frank Alexander, Robert L. Spencer.

Union—B. Ward Laney, W. H. Collins, R. P. Stegall, H. G. Hawfield, J. M. Edwards.

Vance—H. A. Dennis, M. T. Greenway, J. J. White, each for a term of six years.

Wake—Dr. J. P. Hunter, for a term of six years; John A. Park, for a term of four years.

Warren—District Number one—J. E. Rooker, Jr.; District Number two—J. J. Nicholson; District Number three—Harry W. Walker; District Number four—Romeo Powell; District Number five—A. S. Bugg.

Washington—Louis E. Hassell, P. M. Arps, Paul Belanga. All laws and clauses of laws heretofore enacted with respect to the appointment of the Board of Education of Washington County and the terms of the members of said board be and the same are hereby repealed.

Watauga—J. B. Horton, Collis Greene, Clyde Perry, Raleigh Cottrell, Dr. W. A. Deaton.

Wayne—J. D. Hines, for a term of six years; Mrs. C. W. Ivey for a term of four years.

Wilkes—R. R. Church, for a term of six years.

Wilson—A. D. Williams, S. E. High, each for a term of six years.

Yadkin—Paul P. Davis, C. C. Wallace, O. E. Boles.

Yancey—Alphonso P. Honeycutt, Wilson S. Edwards, Welzie Robinson.

SEC. 2. The members of the several county boards of education appointed by this Act shall qualify by taking the oath of office on or before the first Monday in April, one thousand nine hundred and forty-three, and shall, unless otherwise herein provided, hold office for a term of two years

from and after the first Monday in April, one thousand nine hundred and forty-three, and until their successors are elected and qualified, and, together with the members of the board of education of the several counties whose terms will not expire on the first Monday in April, one thousand nine hundred and forty-three, shall constitute the board of education of the respective counties.

SEC. 3. That the per diem and mileage of not exceeding five members of the county board of education of the several counties of the State shall be borne out of the State School Fund; for any number in excess of five, out of the county school fund.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1943.

1943, c. 511.

AN ACT TO AMEND THE CONSTITUTION PROVIDING FOR THE ORGANIZATION OF THE STATE BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

SECTION 1. Article IX, Section eight, of the Constitution of North Carolina is hereby amended by substituting for the said section, the following:

"SEC. 8. **State Board of Education.** The general supervision and administration of the free public school system, and of the educational funds provided for the support thereof, except those mentioned in Section five of this Article, shall, from and after the first day of April, one thousand nine hundred and forty-five, be vested in the State Board of Education to consist of the Lieutenant Governor, State Treasurer, the Superintendent of Public Instruction, and ten members to be appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts, which may be altered from time to time by the General Assembly. Of the appointive members of the State Board of Education, one shall be appointed from each of the eight educational districts, and two shall be appointed as members at large. The first appointments under this section shall be: Two members appointed from educational districts for terms of two years; two members appointed from educational districts for terms of four years; two members appointed from educational districts for terms of six years; and two members appointed from educational districts for terms of eight years. One member at large shall be appointed for a period of four years and one member at large shall be appointed for a period of eight years. All subsequent appointments shall be for terms of eight years. Any appointments to fill vacancies shall be made by the Governor for the unexpired term, which appointments shall not be subject to confirmation. The State Superintendent of Public Instruction shall be the administrative head of the public school system and shall be secretary of the board. The board shall elect a chairman and vice-chairman. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the appointive members shall be provided by the General Assembly."

SEC. 2. Section one of this Act shall be submitted at the next general election to the qualified voters in the State in the same way and manner and under the same rules and regulations governing general elections in this State.

SEC. 3. In such election the electors favoring the adoption of the amendment in Section one of this Act shall vote ballots on which shall be printed or written the words "For State Board of Education Amendment," and those opposed shall vote ballots on which shall be written or printed the words "Against State Board of Education Amendment."

SEC. 4. The election upon this amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections, and if a majority of votes cast be in favor of this amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll said amendment so certified among the permanent records of his office, and the amendment so certified shall be in force, and every part thereof, from and after the date of such certification.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of March, 1943.

1943, c. 468.

AN ACT PROVIDING THAT UPON THE EXTENSION OF THE CORPORATE LIMITS OF ANY MUNICIPALITY, COTERMINOUS BOUNDARIES OF CITY ADMINISTRATIVE UNITS SHALL BE LIKEWISE EXTENDED.

The General Assembly of North Carolina do enact:

SECTION 1. Upon the change of the boundaries of any municipality in this State, the boundaries of which had theretofore been coterminous with the boundaries of a city administrative unit, the boundaries of such city administrative unit shall be extended to correspond with the boundaries of such municipality so extended. When the boundaries of such municipality are so extended by a vote of the qualified electors therein, such vote shall likewise authorize the levying of such special taxes for school purposes on property within such extended territory as had theretofore been authorized by a vote of the electors within the former boundaries of such city administrative unit.

SEC. 1A. This Act shall apply to Iredell County only.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1943.

1943, c. 610.

**AN ACT TO PROMOTE SAFETY IN THE TRANSPORTATION OF THE
SCHOOL CHILDREN OF NORTH CAROLINA.**

WHEREAS, there has been an increased number of accidents by the school buses of North Carolina for the past few years, which have resulted in an appalling number of injuries and fatalities of the children of the State, and a great loss of the property of the State; and

WHEREAS, it is desirous that the childhood of North Carolina, and the property of the State be better protected: Now, Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That no person shall drive or operate a school bus over the public roads of North Carolina while the same is occupied by children unless said person shall be fully trained in the operation of motor vehicles, and shall furnish to the superintendent of the schools of the county in which said bus shall be operated, a certificate from the Highway Patrol of North Carolina, or from any representative duly designated by the Commissioner of Motor Vehicles, and the Chief Mechanic in charge of school busses in said county showing that he has been examined by a member of the said Highway Patrol, said Chief Mechanic in charge of school busses in said county, and that he is a fit and competent person to operate or drive a school bus over the public roads of the State.

SEC. 2. That it shall be unlawful for any person to operate or drive a school bus loaded with children over the public roads of North Carolina at a greater rate of speed than thirty-five miles per hour.

SEC. 3. Any person violating section two of this Act, shall upon conviction, be fined not more than fifty dollars (\$50.00) or imprisoned not more than thirty days.

SEC. 4. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after July first, one thousand nine hundred thirty-seven.

1937, c. 397; 1941, c. 21, s. 1; 1943, c. 440, s. 1.

**AN ACT TO PROTECT SCHOOL CHILDREN RIDING IN PUBLIC
SCHOOL BUSES UPON THE PUBLIC ROADS AND HIGHWAYS OF
THE STATE.**

The General Assembly of North Carolina do enact:

SECTION 1. That every person using, operating, or driving a motor vehicle upon or over the roads or highways of the State of North Carolina, or upon or over any of the streets of any of the incorporated towns and cities of North Carolina, upon approaching from any direction on the same highway any school bus transporting school children to or from school, while such bus is stopped and engaged in receiving or discharging passengers therefrom upon the roads or highways of the State or upon any of the streets of any of the incorporated towns and cities of the State, shall bring such motor vehicle to a full stop before passing or attempting to pass such bus and shall

remain stopped until said passengers are received or discharged at that place and until the "stop signal" of such bus has been withdrawn or until such bus has moved on.

The provisions of this section are applicable only in the event the school bus bears upon the front and rear thereof a plainly visible sign containing the words "school bus" in letters not less than five inches in height.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars, or imprisoned not to exceed thirty days.

SEC. 3. That all laws and clauses of laws in conflict with the act are hereby repealed.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 10th day of March, 1925.

1925, c. 265; 1943, c. 767, s. 1.

AN ACT TO PROVIDE EDUCATIONAL ADVANTAGES IN STATE INSTITUTIONS TO WORLD WAR ORPHANS.

The General Assembly of North Carolina do enact:

SECTION 1. That any child who has been a resident of North Carolina for two years, and whose father was killed in action or died from wounds or other causes while a member of the armed forces of the United States between April sixth, one thousand nine hundred seventeen, the date of the declaration of war, and July second, one thousand nine hundred twenty-one, the legal termination thereof, *or any child whose father was a member of the armed forces of the United States of America during the aforesaid period and who has died as the direct result of injuries, wounds or other illness contracted during said period of service*, shall be entitled to and granted a scholarship of free tuition room and board and all necessary fees required of students and furnished by the State Educational Institution at which such student has matriculated. This scholarship shall not extend for a longer period than four academic years.

That in addition to the scholarship of free tuition above provided, there shall also be granted to any child needing financial assistance who is embraced within the classification covered by this section, free room rent and board in any of the State's educational institutions which provide rooms and eating halls operated by the institution, *and such other items and institutional services as are embraced within the so-called institutional matriculation fees and other special fees and charges required to be paid as a condition to remaining in said institution and pursuing the course of study selected.* That all applicants desiring to share the benefits of this paragraph and who are qualified to meet the entrance requirements shall submit, to the educational institution they desire to enter, a certificate of financial need duly executed by Commanding Officer of American Legion Post located within same county as applicant and by the Clerk of the Superior Court of said county. If no Legion Post is located in said county, then the certificate may be signed by Commanding Officer of nearest American Legion Post.

That said applicant shall also furnish statement from United States Veterans Administration showing that the applicant comes within the class designated as war orphans and as herein described: *Provided, that all the benefits provided for in this Act shall also apply to any child whose father was a member of the armed forces of the United States of America during the aforesaid period and who is now living but due to illness contracted since July second, one thousand nine hundred and twenty-one, has been certified by the United States Veterans Administration as totally and permanently disabled but who draws no compensation from the United States Government other than his insurance and hospitalization benefits.*

SEC. 2. *That all of the benefits of the provisions of Chapter two hundred and forty-two of the Public Laws of one thousand nine hundred and thirty-seven and all amendments thereto, shall be extended to and made available for the children of veterans of the armed forces of the United States of America who served between December seventh, one thousand nine hundred and forty-one, the date of the declaration of war, and the date of the legal termination of said war, wherever the disabilities of said veterans come within the limits of and the provisions of said Act and any amendments thereto.*

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

1937, c. 242; 1939, cc. 54, 165; 1941, c. 154, s. 1; 1941, c. 239, s. 1; 1943, c. 534, ss. 1, 2. See below for additional amendment.

AN ACT TO AMEND SENATE BILL NUMBER ONE HUNDRED AND THIRTY-THREE, CHAPTER TWO HUNDRED AND FORTY-TWO, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, IN REGARD TO WORLD WAR ORPHANS.

The General Assembly of North Carolina do enact:

SECTION 1. That the benefits of the provisions of Chapter two hundred and forty-two of the Public Laws of one thousand nine hundred and thirty-seven, as amended, shall be extended to and may be availed of by any child whose father was a resident of the State of North Carolina at the time said father entered the armed forces of the United States and whose father was, prior to his death, or is at the time the benefits of this Act are sought to be availed of, suffering from a service connected disability of thirty per cent or more as rated by the United States Veterans Administration; *provided, that such educational benefits to such children of partially disabled veterans shall be limited to not more than five children in any one school year and; provided further, that if more than five children of such partially disabled veterans apply for the benefits of this Act in any one school year the State Superintendent of Public Instruction shall designate the five children who shall receive such benefits.*

SEC. 2. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

1941, c. 302.

ART. 30. TEXT-BOOKS FOR ELEMENTARY GRADES
(Chapter 136, Public Laws of 1923)

SEC. 320. State Board of Education adopts. *The State Board of Education is hereby authorized to adopt, for the exclusive use in the public elementary schools of North Carolina supported wholly or in part out of the public funds, text-books and publications, including instructional materials, to meet the needs of such schools in each grade and on each subject-matter in which instruction is required to be given by law. And six months before the expiration of the contracts now in force it shall adopt for a period of five years from a multiple list submitted by the Text-book Commission, as hereinafter provided, two basal primers for the first grade and two basal readers for each of the first three grades, and one basal book or series of books on all other subjects contained in the outline course of study for the elementary grades where a basal book or books are recommended for use: Provided, the State Board of Education may adopt not exceeding three basal books on the subject of North Carolina history and, if such multiple adoption is made, the State Board of Education may by rules and regulations prescribe the manner of use of such books in the public schools of the State: Provided, the State Board of Education may enter into contract with a publisher for a period less than five years, if any advantage may accrue to the schools as a result of a shorter contract than five years.*

C. S. (III), 5730; 1933, c. 464, s. 1; 1939, c. 68.

SEC. 321. Books adopted for an indefinite period. At the expiration of the contract now existing between the State Board of Education and the publisher for any particular book or books, the State Board of Education, upon satisfactory agreement with the publisher, may continue the contract for any particular book or books indefinitely; that is, for a period not less than one nor more than five years.

The State Board of Education may, at any time it finds a book unsatisfactory, call for a new report from the Text-book Commission on that subject adopted for an indefinite length of time. Moreover, the Text-book Commission at any time, with the approval of the State Superintendent of Public Instruction, may recommend to the State Board of Education that a given book adopted indefinitely is unsatisfactory or may be greatly improved by the adoption of a new book or books.

In the event that a change of text-books contracted for an indefinite length of time is deemed necessary by the State Board of Education or by the Text-book Commission, the publisher shall be given at least three months notice prior to the first of May, and at the expiration of which time the State Board of Education is authorized to adopt from a list submitted by the Text-book Commission a new book or books on said subject. Moreover, the publisher of any text-book desiring to end a contract that has been extended indefinitely shall give the State Board of Education at least three months notice prior to the first day of May. In either event, when it becomes necessary to substitute a new book for an old one on the adopted list, the State Board of Education shall call for new recommendations from the Text-book Commission on that book and proceed as in the first instance.

C. S. (III), 5731.

SEC. 322. Classification of text-books. The text-books in use in the public schools are hereby divided into two classes: (1) major subjects, which

include readers, arithmetics, language and grammar, history and geography; and (2) all other books on all other subjects shall be considered as minor subjects.

C. S. (III), 5732.

SEC. 323. Basal and supplementary books. *That all text-books to be adopted by the State Board of Education shall be basal books or supplementary books necessary to complete the course of study.*

C. S. (III), 5733; 1933, c. 464, s. 2.

SEC. 324. Adoption of supplementary books. *The State Board of Education is hereby authorized to select and adopt all supplementary books and instructional material necessary to complete the course of study for all schools. Such supplementary books shall neither displace or (nor) be used to the exclusion of basal books.*

C. S. (III), 5734; 1933, c. 464, s. 3.

SEC. 325. The Text-Book Commission. *The Governor and the Superintendent of Public Instruction shall appoint on April first, one thousand nine hundred and forty-three and annually thereafter a Text-book Commission composed of seven members to be selected from among the teachers, supervisors, principals, and superintendents actually engaged in school work in the State, to serve for one year or until their successors are appointed and qualified, and the Governor and Superintendent of Public Instruction shall have authority to fill any vacancy that may occur in the Text-book Commission, or to remove for sufficient cause any member of the Commission. The members of the Commission shall be subject to the call of the State Board of Education at any time during their term of service.*

The terms of office of the incumbent members of the Text-book Commission, appointed pursuant to Section five thousand seven hundred and thirty-five of Volume three of the Consolidated Statutes, shall expire on April first, one thousand nine hundred and forty-three.

C. S. (III), 5735; 1943, c. 627, ss. 1, 3.

SEC. 326. Organization of commission. *Immediately after the appointment of the Text-book Commission the Superintendent of Public Instruction shall cause said Text-book Commission to meet in his office and organize by electing a chairman and secretary, and shall adopt such rules and regulations to govern their work as may be deemed necessary, subject to the approval of the State Superintendent of Public Instruction. The work of the Text-book Commission shall then be apportioned among the members, and the rules and regulations governing its work shall be published in the daily papers, and a copy shall be sent to all publishers that may submit bids and samples of books for adoption.*

The several members of the Text-book Commission may work independently, seeking information from every legitimate source, but if the members of the Text-book Commission receive information from representatives of book companies they shall keep a record of each such visit and the purpose of the visit.

C. S. (III), 5736.

SEC. 327. Compensation of commission. *Each member of the Text-book Commission shall be paid five dollars (\$5.00) a day for actual attendance upon meetings of the commission and actual expenses incurred by such attendance.*

C. S. (III), 5737; 1943, c. 627, s. 2.

SEC. 328. Duties of commission. *The Text-book Commission shall first prepare, subject to the approval of the Superintendent of Public Instruction, and publish at the expense of the State, an outline course of study setting forth what subjects shall be taught in each of the elementary grades. It shall give in outline the number of basal and supplementary books on each subject to be used in each grade in accordance with the law. All text-books which are to be adopted by the State Board of Education shall be basal books or supplementary books.*

After the outline course of study has been prepared and published, the Text-book Commission shall then prepare a multiple list of basal books to be submitted to the State Board of Education. The multiple list shall contain not less than four nor more than eight books or series of books on all subjects for each grade.

On or before February first, one thousand nine hundred and twenty-two, the chairman of the Text-book Commission shall submit to the Superintendent of Public Instruction a report setting forth the multiple list of books that have been selected in conformity with the outline course of study. No book shall be included in the multiple list that a majority of the Text-book Commission deems unsuitable, or that does not conform to the outline course of study.

The Text-book Commission shall report whether any of the major subjects containing a series of books may be divided, taking one part from one series and another part from another series of books on the same subject, and the Commission's report in this respect shall be binding on the State Board of Education.

C. S. (III), 5738; 1933, c. 464, s. 4.

SEC. 329. State Board of Education makes all contracts. The State Board of Education shall make all needful rules and regulations governing the advertisement for bids, when and how prices shall be submitted, when and how sample books for adoption shall be submitted, the nature of the contract to be entered into between the State Board of Education and the publishers, the nature and kind of bond, if any is necessary, and all other needful rules and regulations governing the adoption of books for *all public schools* not otherwise specified in this Act. After a contract has been entered into between the State Board of Education and the publisher, if the publisher shall fail to keep its contract as to prices, distribution of books, etc., the Attorney-General shall bring suit against said company, when requested by the State Board of Education, for such amount as may be sufficient to enforce the contract or to compensate the State because of the loss sustained by a failure to keep this contract.

C. S. (III), 5739; 1933, c. 464, s. 5.

SEC. 329(a). *That the said Board of Education be and it is hereby authorized and empowered in its discretion to purchase and/or acquire a manuscript or manuscripts for school text-books or supplementary books used or to be used in any or all grades of the public schools of North Carolina and to procure the printing and publishing of such books under contract through competitive bids or otherwise as it may in its discretion determine to be for the best interest of the public schools of the State; and if said Board of*

Education finds that by the acquisition of any such manuscript or manuscripts, and that by the making of any such contract for any such school books, either basal or supplementary, such books can be furnished to the public schools of the State at a price less than the same may be acquired from publishers, then it shall be the duty of said Board of Education to acquire such manuscripts and cause the same to be published and said books to be distributed in accordance with such rules and regulations and under such terms and conditions as it may deem advisable, having due regard to the standard of the school books so published, after taking into consideration the substance of such books and their adaptability for use in the schools of the State.

1933, c. 464, s. 6.

SEC. 329(b). *The State Board of Education is authorized and empowered to make and enter into all such contracts as may be necessary to provide for the proper distribution of text-books either through a depository or depositories, or through the State Division of Purchase and Control or other State agency, utilizing County Boards of Education or City Boards of Trustees, if found feasible, for local distribution, as to it may seem advisable; and is further authorized and empowered to make all needed rules, regulations and contracts governing the disposition, sale, and return of school books as are not disposed of to the patrons of the schools, and to determine the nature of the contract or contracts to be entered into between the State Board of Education and the publisher or publishers, for the distribution of school text-books adopted by it or in use in any of the public schools of the State. It may also determine the nature and kind of bond, if necessary, to be given by any depository or other agency carrying out the terms of this Act, to the end that school text-books shall be delivered to the patrons of the schools at the lowest possible net cost.*

1933, c. 464, s. 7.

SEC. 330. **Not more than one major subject to be changed in any one year.** At the expiration of the present contracts between the State Board of Education and the publishers not more than one major and two minor subjects shall be changed in any one year, provided satisfactory arrangements as to prices and distribution may be made.

C. S. (III), 5740.

SEC. 331. Publishers to register all agents or employees. Publishers submitting books for adoption shall register in the office of the State Superintendent of Public Instruction all agents or other employees of any kind authorized to represent said company in the State, and this registration list shall be open to the public for inspection.

C. S. (III), 5741.

SEC. 332. Contracts now in force not affected. All contracts heretofore entered into between publishers and the State of North Carolina shall in no wise be affected by amendments to Chapter 145, Public Laws 1921.

C. S. (III), 5742.

AN ACT TO PROMOTE ECONOMY AND EFFICIENCY IN THE OPERATION OF THE PUBLIC HIGH SCHOOLS OF THE STATE OF NORTH CAROLINA BY PROVIDING FOR A UNIFORM ADOPTION OF HIGH SCHOOL TEXT-BOOKS.

The General Assembly of North Carolina do enact:

SECTION 1. That the State Board of Education is hereby authorized to adopt text-books for the use in all public high schools of the State, supported in whole or in part out of the public funds, and the high school text-books adopted by the State Board of Education in accordance with the provisions of this Act shall be used by all the public high schools of the State.

SEC. 2. *That the Governor and State Superintendent of Public Instruction, at the expiration of the terms of office of the members of the State Committee on High School Text-books, and annually thereafter, shall appoint a State Committee on High School Text-books, consisting of five members, five of whom are actively engaged in school work, who shall serve for a term of one year. Members of the committee shall be paid five dollars (\$5.00) a day for actual attendance upon meetings of the committee called by or under the direction of the Superintendent of Public Instruction, and actual expenses incurred by such attendance.*

1943, c. 627, s. 4.

SEC. 3. That it shall be the duty of the State Committee on high school text-books to list all the high school fields of instruction in five separate groups as nearly equal as possible in the cost of text-books. The committee on high school text-books shall further arrange these groups in the order in which they will be considered, and notify the State Board of Education in its first report of this arrangement. During the first year of its term of office, it shall be the further duty of the State Committee on high school text-books to make a thorough examination of any and all books submitted by any publisher in the first group of fields of instruction as arranged by said State Committee on high school text-books, with a view of determining whether the contents, quality and price of said books are such as to make them suitable and desirable for use in the public high schools of the State, and submit, not later than the first day of January, one thousand nine hundred and thirty-four, a multiple list not exceeding three books in each field of instruction in the first group. Not later than January first in each succeeding year, the State Committee on high school text-books shall make a similar report on the fields of instruction in order fixed by it, unless it receives a notice from the State Board of Education prior to May first in said year that such report is not desired.

SEC. 4. That it shall be the duty of the State Board of Education to select one book in each field of instruction from the multiple list submitted by the State Committee on high school text-books for exclusive use in the public high schools of the State for a period not less than five years. In case the State Board of Education finds it impossible to make a satisfactory contract for any one of the books on the multiple list, then it shall notify the State Committee on high school text-books that it cannot make a satisfactory contract for any book on the multiple list in that field of instruction. The State Committee on high school text-books shall then submit another multiple list in that field of instruction from which the State Board of Education shall

make an adoption. It shall be the further duty of the State Board of Education to make an indefinite contract with all the publishers having books in groups two, three, four, and five for a period not less than one year nor more than five years, and these books shall continue in use until the State Board of Education, in accordance with the provisions of this Act, shall adopt a book for State-wide use in any given field of instruction: *Provided*, that the contract shall require each publisher to report annually to the State Board of Education the total sales of each book in the State of North Carolina.

SEC. 5. That after a contract has been entered into between the State Board of Education and the publisher, if the publisher shall fail to keep its contract as to prices, distribution of books, an adequate supply of the edition of books as adopted, etc., the Attorney-General shall bring suit against said company when requested by the State Board of Education, for such an amount as may be sufficient to enforce the contract or to compensate the State because of the loss sustained by failure to keep this contract.

SEC. 6. That if the publishers of any high school text-books on the adopted list in this State shall contract with another state, or with any county, city or town or other municipality, or shall place its books on sale anywhere in the United States, for or at a less price than that in its contract with the State of North Carolina, it shall be, and is hereby made a part of the contract of that company to furnish that book to the high schools of this State at a price not to exceed that for which the book is furnished, sold, or placed on sale in any other state, or in any such other county, city, town or other municipality.

SEC. 7. That the text-books for high school instruction adopted under the provisions of this Act shall be for the exclusive use of the high schools of this State when so adopted and placed upon the approved list in the manner as set out in this Act.

SEC. 8. That this article shall become a part of the Public School Laws of the State of North Carolina, and that any sections which conflict with sections herein are hereby repealed.

SEC. 9. That this Act shall be in force and effect from and after its ratification.

1931, c. 359; 1943, c. 627, s. 4.

AN ACT FOR THE ADOPTION OF A STATE BIRD.

WHEREAS, North Carolina and Connecticut are the only states in the Union that have not adopted an official state bird; and

WHEREAS, there is a wide-spread movement now on foot among the Bird Clubs, Garden Clubs, and many of the schools of the State, together with a large number of individuals, looking to the adoption of a state bird by the present Legislature, to which end the North Carolina Bird Club has, so far as it has been in its power, canvassed the State for votes on the selection of a suitable representative bird to be officially adopted; and

WHEREAS, the Cardinal has received a decidedly larger number of votes than any other species; Now, therefore,

The General Assembly of North Carolina do enact:

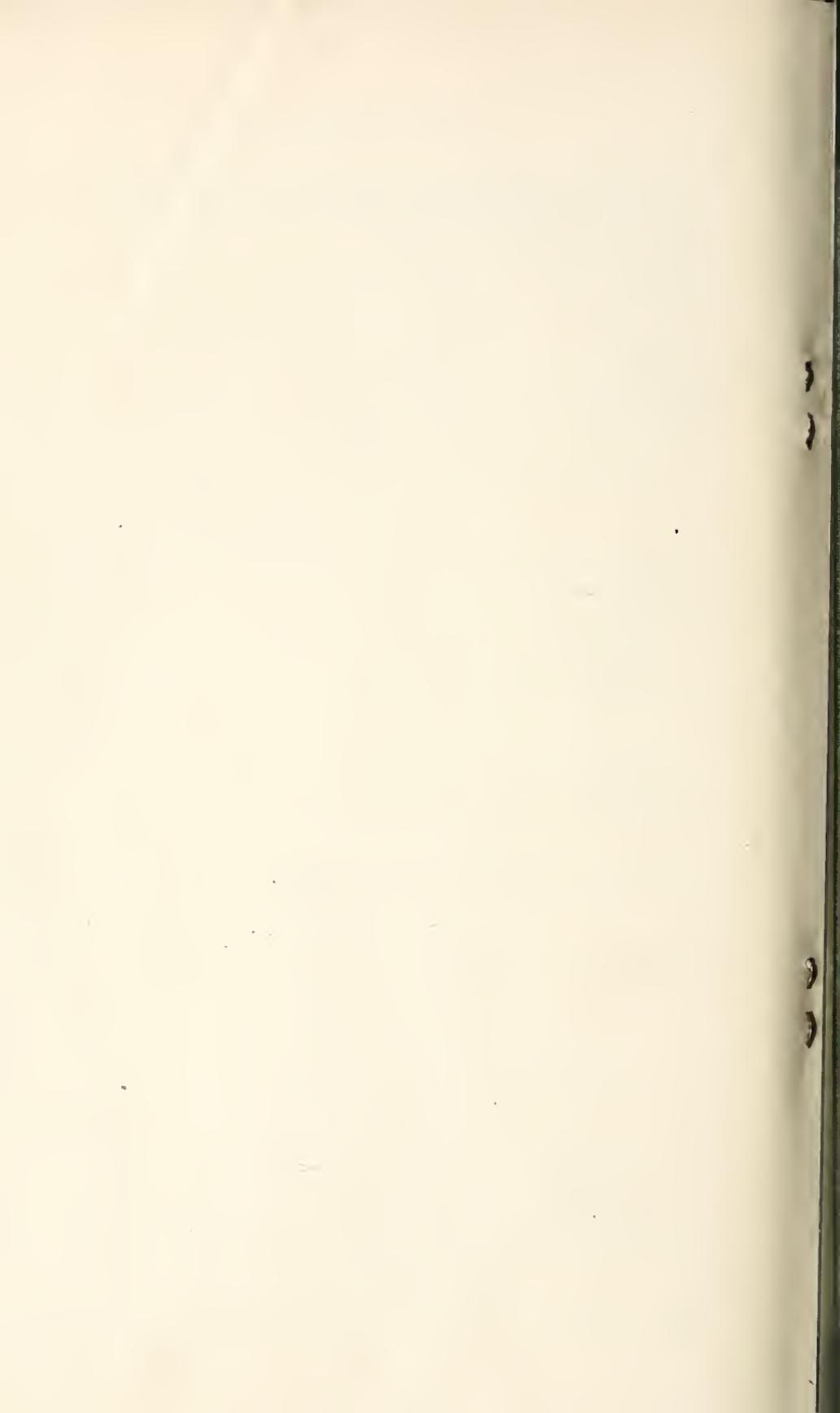
SECTION 1. That the Cardinal shall be, and hereby is declared to be the official State Bird of North Carolina.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1943.

1943, c. 595.



UNIVERSITY OF N.C. AT CHAPEL HILL



00034037113

**This book must not
be taken from the
Library building.**

--	--	--

