

**EDUCATION IN VIRGINIA**

**REPORT OF THE  
COMMISSION ON EDUCATION  
to the  
GOVERNOR  
OF VIRGINIA**

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**MAJORITY REPORT  
CONCURRING STATEMENTS  
DISSENTING REPORT**



**COMMONWEALTH OF VIRGINIA**  
*Department of Purchases and Supply*  
**Richmond**  
1959

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EDUCATION IN VIRGINIA  
REPORT OF THE  
COMMISSION ON EDUCATION

Richmond, Virginia

March 31, 1959

TO: HONORABLE J. LINDSAY ALMOND, JR., *Governor of Virginia*:

Your Commission was appointed February 5, 1959, to make recommendations by March 31, 1959, for meeting the crisis brought about by a series of judicial decrees affecting the Public Free School System of Virginia.

SYNOPSIS

Five years ago, on May 17, 1954, the Supreme Court, in the case of *Brown v. Board of Education*, 347 U. S. 483, startled the nation and shocked the South by striking down the provisions of State Constitutions and laws requiring racial separation of children in public schools. Never before had the court rendered a decision so drastically invading the right of the states to manage their internal affairs. The reaction in Virginia was prompt, positive and adverse.

The General Assembly of Virginia in keeping with the overwhelming sentiment of the people of this State made every effort to preserve our system of separate schools. The efforts included the invocation of the police powers of the State, state sovereignty, interposition and state immunity from suit. They also included an effort by the General Assembly to interpret "efficient" schools in keeping with the policy of the State, and a cut-off of funds and the closing of schools.

One by one these laws have been struck down, some by the federal courts and some by the Supreme Court of Appeals of Virginia. None of these laws can be made effective against overwhelming federal force.

As the result of the *Brown* decision, and subsequent court decrees, racial integration has already taken place in some school divisions in Virginia. Every resource known to the law was exhausted in the defense of every case before the courts. All in authority in Virginia have exhausted every legal means of preventing any integration in our schools. Our officials are entitled to commendation for their unswerving devotion to the cause committed to them.

When the decrees become final, the course to be followed was clear. Under the firm, courageous and dedicated leadership of those in authority, Virginia responded in keeping with her best and finest traditions, and under the most trying circumstances, set for the nation an example of respect for law and order of which we can be justly proud. There was no mob rule, no violence, no ugly incident.

We are now faced with decision. The Commission believes that it is its duty to present the problem with complete frankness. The truth is that neither the General Assembly nor the Governor has the power to overrule or nullify the final decrees of the federal courts in the school cases.

There is sentiment that it would be better to have no public schools than to have any mixed schools anywhere in Virginia. However, we believe that at this time a majority of the people of Virginia is unwilling to have the public schools abandoned.

Accordingly, we propose measures to bring about the greatest possible *freedom of choice* for each locality and each individual.

We recommend that scholarships be made available to children in every locality to attend nonsectarian private schools.

We recommend a flexible pupil placement plan to meet the varied conditions throughout the State.

We recommend a compulsory attendance law with adequate safeguards which may be used by any locality that desires to do so.

We recommend additional legislation for disposal of surplus school property.

We recommend local budgetary changes which will give the local tax levying body full control over local expenditures to the end that a locality faced with an intolerable situation can constitutionally withhold local support from public schools by the simple method of not levying taxes or appropriating money.

Under these recommendations no child will be forced to attend a racially mixed school.

We believe that under present conditions these proposals will produce results more acceptable to the people of Virginia than abolition of all public schools. If not, and if the people then demand the abolition of all public schools, the people themselves can decide that issue at that time.

Despite the widespread belief to the contrary, the repeal by itself of Section 129 of the Constitution of Virginia would accomplish nothing that cannot be accomplished by statute. In view of the foregoing, no constitutional amendment is necessary and none is recommended.

These proposals permit the preservation of public free schools and implement flexible local autonomy. They are founded on the twin principles of local determination and *freedom of choice*.

## THE PROBLEM

It would be wholly unrealistic for this Commission not to state with all frankness that its creation was made necessary and that it came into being as a result of the great constitutional and social issues that have faced this country since the *Brown* decision, which held the states could not operate racially segregated public schools.

Following the *Brown* decision, all of Virginia's neighboring States and some other States in the South began integrating their public schools, while schools in this State remained segregated until February of this year by reason of the determined stand on the part of representatives of the State and of the various localities. Notwithstanding the supreme efforts that were made, Virginia was unsuccessful in sustaining the laws that were designed to prevent integration.

Subsequent to the *Brown* decision Louisiana amended its constitution to provide for segregated schools under the authority of its police powers. It was held by the federal courts that the police powers cannot be invoked to preserve segregated schools. *Orleans Parish School Board v. Bush*, 242 F. (2d) 156. Since a writ of certiorari was denied in this case by the Supreme Court, it is evident that it would be futile to assert again such a defense.

In the Charlottesville and Arlington school cases, it was strongly advocated that the plaintiffs could not maintain those actions on the ground they were suits against the State and thus prohibited by the Eleventh Amendment of the Federal Constitution. It was held that the immunity of a state from suit under the Eleventh Amendment did not prevent action to enjoin state officials from depriving persons of their constitutional rights. *School Board v. Allen*, 240 F. (2d) 59. The Supreme Court refused to review this decision.

The hope that the Supreme Court would modify or reverse the *Brown* decision was shattered on September 29, 1958, in the Little Rock case, *Aaron v. Cooper*, 358 U. S. 1.

The problem which confronts this Commission, the General Assembly and the Commonwealth of Virginia, can be understood only in the light of the following quotations from court decisions.

In *Aaron v. Cooper*, with three new Justices sitting, the Supreme Court not only unanimously reaffirmed the *Brown* decision, but went even further and held:

"It is, of course, quite true that the responsibility for public education is primarily the concern of the States, but it is equally true that such responsibilities, like all other state activity, must be exercised consistently with federal constitutional requirements as they apply to state action. \* \* \* State support of segregated schools through any arrangement, management, funds, or property cannot be squared with the Amendment's command that no state shall deny to any person within its jurisdiction the equal protection of the law. The right of a student not to be segregated on racial grounds in schools so maintained is indeed so fundamental and pervasive that it is embraced in the concept of due process of law."

Obviously this sweeping decision was written with the laws of Virginia and other Southern States in mind.

On January 19th, 1959, a three-judge federal court in *James v. Almond* held unconstitutional Virginia's automatic school closing law, under which the schools in Norfolk, Charlottesville and Warren County had been closed during the fall of 1958, saying:

“While the State of Virginia, directly or indirectly, maintains and operates a school system with the use of public funds, or participates by arrangement or otherwise in the management of such a school system, no one public school or grade in Virginia may be closed to avoid the effect of the law of the land as interpreted by the Supreme Court, while the state permits other public schools or grades to remain open at the expense of the taxpayer. \* \* \* We do not suggest that, aside from the Constitution of Virginia, the state must maintain a public school system. That is a matter for State determination. \* \* \*

“In the event the State of Virginia withdraws from the business of educating its children, and the local governing bodies assume this responsibility, the same principles with respect to equal protection of laws would be controlling as to that particular county or city. \* \* \* Such schemes or devices looking to the cutoff of funds for schools or grades affected by the mixing of races, or the closing or elimination of specific grades in such schools, are evasive tactics which have no standing under the law.”

On the same day the Supreme Court of Appeals of Virginia in *Harrison v. Day*, 200 Va. 439, also held Virginia’s automatic school closing law and fund cutoff law invalid under *the Constitution of Virginia*. The Court further recognized the *Brown* case by stating that our public schools must operate even though integrated.

These decisions clearly demonstrate the position in which Virginia now finds herself after years of litigation.

Regardless of how unsound we may regard the *Brown* decision of the Supreme Court of the United States and irrespective of what action may be taken in the future to convince that Court, the Congress, or the people of the United States that the decision should be reversed, we are now compelled to recognize the existence of that decision and the overwhelming power of the Federal Government by the use of force to carry out Federal Court decrees.

## THE OBJECTIVE

The Commission has received more than five hundred petitions signed by over twenty-five thousand people from every section of the State stating that they are “wholeheartedly opposed to the mixing of the races in our schools and will not countenance such “mixing” and urging this Commission, the General Assembly and Your Excellency “to restore to us the enjoyment of Virginia’s honor and sovereign State’s rights and rapidly to put Virginia back into the enviable position of no integration”.

The Commission is opposed to integration and offers the program set out herein because it thinks it is the best that can be devised at this time to avoid integration and preserve our public schools. If anyone suggests at any time in the future a better plan it will be welcomed and supported with all the vigor at our command.

The Commission is of the opinion that it would be necessary to close all public schools throughout the State in order to prevent any integration.

The culture and the economy of our State are directly geared to the educational attainments of our people. Steady progress has been made in raising our standards of education. We cannot afford to let those stand-

ards be lowered. Virginia is largely dependent upon the public schools for the education of her children.

The problem created by the *Brown* decision varies greatly in the different sections of the State. Therefore, as much autonomy as possible must be placed in the localities of the State so that no child will be compelled to attend a mixed school and so that the people will be assured the greatest possible freedom of choice in securing educational opportunities for their children.

In the following sections of this report, there are set forth the matters considered by the Commission and its recommendations for legislative action.

## THE VIRGINIA CONSTITUTION

The Commission, in considering whether to recommend any change in the provisions of the Virginia Constitution, has done so with the belief that any locality which finds itself in an intolerable situation with respect to its public schools should be permitted to turn to other methods of providing educational opportunities for its children.

There is confusion as to what our State Constitution requires with respect to public schools. It is important to set forth both what is and what is not required.

While some language of our Supreme Court of Appeals in the recent case of *Harrison v. Day* may be subject to a different interpretation, the Commission acting upon the advice of counsel for the Commission, the Attorney General, and their assistants, states the following conclusions in complete confidence of their correctness. It is satisfied that these conclusions will be upheld by our court should the question be presented to it.

Sections 129 to 142, inclusive, constituting Article IX, and a portion of Section 173, have to do with public education.

Section 129 reads: "The General Assembly shall establish and maintain an efficient system of public free schools throughout the State." However, the system of "public free schools" required by this mandate consists of only the public schools of the "primary and grammar grades" mentioned in Section 135. Our Constitution does not require the General Assembly to establish or maintain high schools.

Section 135 requires the General Assembly to make three appropriations: (1) the interest on the Literary Fund, (2) the State's two-thirds of the \$1.50 capitation tax and (3) an amount equal to the total that would be received from an annual tax on property of not less than one mill on the dollar. These funds are for the schools of the "primary and grammar grades", and are apportioned on the basis of school population. For the year 1957-58 the total of these minimum constitutional appropriations was approximately \$9,000,000.

Section 135 also provides: "And the General Assembly shall make such other appropriations for school purposes as it may deem best, to be apportioned on a basis to be provided by law." Thus it is clear that any appropriation above the constitutional minimum is entirely within the discretion of the General Assembly.

The Constitution does not require localities to levy any taxes or to appropriate any money for public schools, not even those of the primary and grammar grades. Under Section 136 it is optional with the local authorities. The General Assembly has no authority to require the localities to provide any financial support for public schools.

For the year 1957-58 the total spent for the operation of all public schools in Virginia, exclusive of debt service and capital outlay, was \$163,370,000. This consisted of \$65,250,000 from the State, \$12,000,000 from the federal government and \$86,120,000 from the localities. This was eighteen times as much as the mandatory requirements of the Virginia Constitution.

Thus, from a financial standpoint, the constitutional provisions are not as important as many believe. Unless it is the desire of the people of Virginia to abandon completely the state-wide public school system, there is no need for an amendment to the Constitution.

Within the existing constitutional framework two approaches are available. The State, itself, could limit its appropriation for public schools to the bare minimum specified by Section 135 of the Constitution, that is to say, approximately nine million dollars. If this were done and the balance of funds otherwise available for school purposes were appropriated for distribution to the localities on a population basis or other equitable formula either for educational purposes generally or for general governmental purposes, a locality could go out of the public school business (except to the extent of its proportionate share of the nine million dollars) merely by not making any local appropriation for public schools. It could use its funds and the funds received from the State for the purpose of providing scholarships for its children to attend nonsectarian private schools.

Such an approach would in policy and theory be as drastic as repealing Article IX. It would amount to an abandonment of our "State system" of public free schools. The State would reduce its support for public schools by ninety percent and the statewide system would consist only of those primary and grammar grades that could be maintained with nine million dollars.

Before such a drastic approach is adopted, it is the Commission's belief that the localities should avail themselves of all possible means of meeting the situation by exercising the authority they now have, or which may properly be given to them, without completely disrupting public education throughout Virginia.

Under Section 136 of the Constitution no locality is required to appropriate funds for the support of public schools. Traditionally, and under the present Appropriation Act, funds for school purposes above the constitutional minimum are distributed only to those localities which, themselves, contribute to the support of public schools. Therefore, under the present Appropriation Act, localities which elect not to make a levy or appropriate funds for school purposes will effectively end public schools in that locality. Its share of funds appropriated by the State to meet the constitutional minimum would still have to be expended for maintenance and for the primary and grammar grades, but the extent of instruction that could be provided would be limited.

Either of the two approaches provides the desired result of permitting local determination as to the operation of public schools. However, the first method effectively destroys our State system of public free schools. The locality would be free to determine the use of all state appropriations above the constitutional minimum. There would be little or no State control. The second method keeps the State system intact except in localities which refuse to support their schools. For that reason and because it requires no amendment to the Appropriation Act, the latter approach is recommended. The Commission is making certain recommendations for legislation that would give localities greater freedom of action in handling their budgetary and tax levying procedures to accomplish the desired result.

Serious consideration was given to the possibility of an outright repeal of Section 129 of the Constitution to meet the decision of our Supreme Court of Appeals in *Harrison v. Day*, and thus remove the mandate to maintain a system of public schools "throughout the State".

However, without the repeal of other sections of Article IX of the Constitution and of that portion of Section 173 requiring one dollar of the State capitation tax to be applied exclusively in aid of public schools, the State would still have to maintain a school system throughout the State to the extent of approximately nine million dollars. As pointed out, this constitutional appropriation is required by Section 135.

This approach would accomplish no more than can now be accomplished by simple budgetary and appropriation measures.

The Commission rejected a proposal that an election be held to submit to the electors of the State the question, "Shall there be a convention to revise, amend or repeal Article IX and to revise Section 173 by deleting therefrom the reference to the use of State capitation taxes for public free schools?" After full debate, a majority decided that this proposal should not be submitted, not only because it does not believe an amendment is necessary at this time, but also because it believes the people should be told what the convention is expected to accomplish. Under the proposal the convention would be restricted to considering Article IX and Section 173, but it would not be restricted as to what it could do to Article IX. It could make it better or worse; it could abolish all authority to operate schools or it could require the maintenance of all schools including high schools, depending on the composition of the convention.

The Commission also considered the advisability of amending the Constitution by inserting a new section to permit a locality to withdraw from the State public school system. For legal reasons, this approach was abandoned.

The most defensible position legally would be for the State to go *completely* out of the school business as a State function leaving it to each locality to operate public schools or not as it sees fit with funds raised from local tax sources and funds received from the State for general governmental purposes. In that way there would be complete "local autonomy" and the operation or non-operation of public schools would be a matter for the people of each political subdivision to decide. The abandonment of such a local system by local action would present no question of discrimination among the people of the political subdivision involved. The Constitution could be amended to provide for local auton-

omy, but this should not be done unless it is decided to abolish the state system of public free schools and set up 120-odd local systems with little or no state control.

Another approach to an amendment of the Constitution, and one which would undoubtedly prevent any integration anywhere in Virginia, would be to repeal all constitutional provisions dealing with public education and insert in lieu thereof an *outright absolute constitutional prohibition* against the expenditure of any public funds, either state or local, for the operation of public schools. For reasons previously stated, this course was rejected.

Before discussing the last approach which the Commission considered, it is necessary to state the two narrow limits to which Virginia is confined if there is to be any public education:

1. Virginia can elect to continue its "State system" of public schools, but if it does, the system must be operated in every locality. True, it can be a nine million dollar system with additional funds going to the localities on a matching or reimbursement basis or for educational purposes generally or for general governmental purposes. While that nine million dollar system must operate everywhere, under our present Constitution anything more must meet the approval of first the General Assembly and then the locality.

2. Virginia can elect to abolish its "State system" and have "Local Autonomy" in its place. It has been seen that this means 120-odd local systems with little or no State control.

The final suggestion considered by the Commission is that all constitutional provisions concerning schools be repealed and that there be inserted in their place the simple statement "The General Assembly may make laws concerning education and may make appropriations therefor".

There are only three choices open to Virginia: (1) no public education; (2) a "State system", and (3) "local autonomy". We already have a "State system"; consequently, any chance would necessarily be for the purpose of having no schools or of permitting "local autonomy". We believe that the electorate has complete confidence in the General Assembly to make the proper choice. However, where the choice is limited to one of two courses, the Commission believes that, if the people are to be asked to vote on this issue, they are entitled to know which course is intended and to have it written into our Constitution.

All things considered, the Commission recommends that we retain our "State system" for the present with the power in each locality, where the situation demands, to limit that system to that locality's share of the nine million dollars. This recommendation requires no constitutional amendment.

## LOCAL BUDGETS AND APPROPRIATIONS

It is recommended that a number of changes be made in the existing laws relating to local budgets, tax levies, appropriations, and school funds so as to give the tax levying body of each county, city, or town full control over local expenditures.

The provisions of the Code relating to budgets were first enacted into law in 1926. Prior to that year there were no general provisions requiring any type of budget by counties, cities, or towns. Under the existing law the adopted budget has come to be considered as an annual appropriation ordinance.

The budgetary procedures of local governments should be similar to that of the State. Local officers and department heads should submit an estimate of the money they need to operate their office or department. An annual budget should be prepared and published for informative and fiscal planning purposes only, and the budget should never be adopted or approved. No money collected from a general levy would be considered available, allocated, or expended for any purpose until there is first an appropriation for the purpose by the governing body. Appropriations could be made in the discretion of the governing body, annually, semi-annually, quarterly, or monthly.

It is now required, with the exception of certain specific localities, that the local tax levy must be fixed not later than the last day of May. It is recommended that this be changed to permit any locality to fix its annual levy as late as the last day of June. Three bills to carry out these recommended changes are included in the appendix to this report.

There is no State or Federal constitutional requirement that a county, city, or town raise or appropriate any money for public schools. The elected representatives of the people of any locality should be able to control and manage their local affairs in keeping with the wishes of the people. The Constitution of Virginia gives each locality the right to decide whether or not local funds will be raised or appropriated for schools. Every recommendation of the Commission is in furtherance of this right of the locality.

The Commission recommends that each reference in Title 22 to school fund or funds be changed to "funds made available to the school board for public schools". Funds made available to the school board for public schools could be derived from these sources: a special local school levy; appropriations for public schools by the governing body; and, State and Federal funds which are paid to the locality specifically designated for public school purposes.

It is recommended that the division superintendents of schools be required to submit the estimate of funds deemed to be needed by the school board in two ways. The first would be an estimate of money deemed to be needed during the next scholastic year for the support of public

schools of the county or city. The second would be an alternative estimate of the amount of money deemed to be needed for educational purposes.

If these recommendations are adopted the governing body will have a wide latitude and may appropriate funds on the basis of the estimate of money deemed to be needed for public schools, or on the basis of the estimate of money deemed to be needed for educational purposes, or on the basis of a combination of the two. A bill to carry out these recommended amendments to the provisions of the Code relating to local funds for education is attached to this report as an appendix.

## SURPLUS PROPERTY

Broad statutory provisions exist empowering local school boards to sell school property with all sales to be approved by the local court of record. These provisions, first enacted in 1887, are found in §§ 22-161 and 15-692 of the Code of Virginia. These two statutes should not be changed. The problem of disposal of school property will differ in each locality and with each parcel of property. Local school boards and courts can make realistic determinations as to when specific parcels of school property should be sold.

The Commission recommends the passage of an additional act which would permit the qualified voters to petition the court of record for their county, city, or town to order a referendum to be held to determine if the specific school property or properties, personal, real, or both, is any longer needed for public purposes. If a majority of the voters voting in such referendum find that a specific parcel of property is no longer needed, the property shall be sold by the school board under the applicable provisions of law. A bill to carry out this recommendation is included in the appendix to this report.

A loan made from the Literary Fund constitutes a specific lien on the school building for which such loan was made. There is no constitutional or statutory provision prohibiting the sale, subject to the lien, of school property on which there is an outstanding lien in favor of the Literary Fund.

No statutory standards or tables of minimum sale prices for property no longer needed for public purposes exist or should exist. The local school board must be relied upon to obtain the highest possible sale price for the property and a court would not approve a sale unless it appeared that it was made for the highest responsible bid or offer. School property may be sold on terms with deferred payments for the purchase price secured by a lien on the property if the court approving the sale finds that making the sale upon terms is for the best interest and benefit of the locality and is not for the purpose of aiding or benefiting the purchaser. The court approving a sale on terms must take into consideration the provisions of § 185 of the Constitution and find that the sale transaction then before the court does not constitute a violation of that section.

## ENROLLMENTS AND TRANSFERS

As part of the total program, the Commission recommends the bill, found in the appendix to this report, which would require the State Board of Education to adopt rules and regulations for use of local school boards in making the initial placement of pupils in the public schools. The bill also creates a State Placement Board of Appeals to review the placement of pupils, with appeals therefrom to the state courts.

In this connection, the Commission further recommends an additional appropriation to the State Department of Education for the purpose of completing a uniform testing program for use in the public schools as required by § 22-240.1 of the Code. An amendment to Item 131 of the Appropriation Act is found in the bill to amend same.

## TEACHER STATUS

The Virginia Supplemental Retirement Act was amended in 1956 to provide that any corporation organized after December 29, 1956, for the purpose of providing elementary or secondary education may, under certain conditions, elect to have teachers employed by it become eligible to participate in the state retirement system. The Commission was informed that this 1956 amendment is now functioning in a satisfactory manner and is apparently accomplishing the purpose for which it was enacted. It is therefore the conclusion of the Commission that no legislation in this field is necessary.

§ 22-207 of the Code, as amended, requires written contracts with teachers in a form to be prescribed by the Superintendent of Public Instruction. Paragraph 7 of all such contracts provides that a school board may cancel the contract after thirty days notice whenever "the services of such teacher are no longer needed due to a lack of funds, a decrease in enrollment or attendance of pupils in the school to which said teacher has been assigned." Upon consideration of the conditions prevailing today, the Commission concludes that the 30-day clause should remain in teacher contracts and that no additional legislation is necessary toward this end.

Item 132 of the Appropriation Act of 1958 appropriates a certain sum for teacher education and teaching scholarships in aid of the public school system. The present laws and the rules and regulations promulgated thereunder permit recipients of teacher loans to repay them by teaching for a stipulated period in the public schools. It is recommended by the Commission that teachers receiving loans out of funds appropriated under Item 132 of the Appropriation Act be permitted to repay them by teaching in a nonsectarian private school approved for that purpose by the State Board of Education. A bill carrying out this recommendation is included in the appendix to this report.

### MINIMUM NUMBER OF PUPILS NECESSARY TO MAINTAIN A PUBLIC SCHOOL

§ 22-6 of the Code directs the State Board of Education to prescribe by regulation the minimum number of pupils required in order to form or maintain a public school. The minimum standards are:

"Schools of one teacher, average daily attendance of twenty-five (25) ;

Schools of two teachers, average daily attendance of fifty (50) ;

Schools of three teachers, average daily attendance of seventy-five (75) ;

Schools of four or more teachers, average daily attendance of thirty (30) per teacher."

Certain exceptions are made for the operation of one-room schools for fifteen and sometimes ten children of school age.

In view of the above, it is the conclusion of the Commission that no further legislation is needed for the purpose of regulating the number of pupils necessary to form and maintain a public school.

## COMPULSORY ATTENDANCE

The Commission recommends for consideration of Your Excellency the bill included in the appendix which provides for "local option" in dealing with the compulsory attendance of pupils upon the public schools.

The first twenty-three sections of the proposed bill are substantially the same as former §§ 22-251 through 22-274 of the Code, all of which were repealed by the current session of the General Assembly. However, the provisions of §§ 22-253.1 and 22-253.2 are omitted.

The bill provides that any child may, with consent of his parent or guardian, be excused from school either on recommendation of the school authorities and the juvenile judge or on recommendation of the Superintendent of Public Instruction.

It also provides that its provisions shall not be in force in any locality until it has been recommended by the local school board and then duly adopted by the governing body of the locality. The operation of the bill may be suspended at any time in the same manner as local ordinances are repealed.

If any section or part thereof, is declared unconstitutional, the remainder of the bill becomes inoperative.

## EXTRACURRICULAR AND SOCIAL ACTIVITIES

In studying this matter, the Commission was appalled over the extent to which extracurricular and social activities have grown and developed throughout our public school system. Undoubtedly, in some instances, this multitude of activity has reached the point where it is beginning to supplant and impair fundamental learning.

The effectiveness of the present curriculum in the public schools is directly related to extracurricular activities in the public schools and it is felt that the Commission on Public Education created in 1958 by S.J.R. No. 14 will thoroughly study the problems above mentioned.

Until that Commission reports it is believed that the problems may be handled by the State Board of Education.

## TRANSPORTATION

The Commission has also drafted for your consideration a bill to provide for the transportation of children to nonsectarian private schools or in lieu thereof to provide transportation grants in amounts approved by the State Board of Education. It may be found in the appendix of this report.

## SCHOLARSHIPS AND AID TO EDUCATION GENERALLY

The Commission recommends that the program of State and local aid to children securing their education in nonsectarian private schools be broadened to provide scholarships to all children entitled to attend the public free schools who prefer to secure their education in private schools rather than public schools.

In the appendix to this report is a proposed bill which the Commission recommends be adopted to accomplish this purpose. The bill, if enacted into law, would provide for each child a minimum scholarship of \$250.00, the actual cost of tuition at the school attended, or an amount equal to the total cost, excluding debt service and capital outlay, per pupil in average daily attendance, of operating the public schools in the locality making the scholarship grant, whichever of such three sums is the lowest. The State and localities would participate jointly in providing such scholarship, each locality's share of each scholarship to be the same percentage as is its contribution to the cost of operating the public schools. The funds for the scholarship would be disbursed by the localities under rules and regulations promulgated by the State Board of Education.

The Commission also recommends that the tuition that one locality may charge for attendance at its public school by a child residing in another locality in Virginia be limited to the total per capita cost of education, excluding debt service and capital outlay, of the public schools of the locality to which such child is admitted. A proposed bill to amend Section 22-219 of the Code to accomplish this purpose is contained in the appendix of this report.

In order to prevent road blocks being placed in the path of those attempting to organize and establish private schools in the form of numerous inspections of buildings sought to be used for such schools and requiring unnecessary remedial steps before the issuance of a use permit for the desired purpose, your Commission believes that legislation is necessary. Included in the appendix to this report is a proposed bill which provides that where a private school has secured a permit issued by the State Board of Education with the approval of the State Fire Marshal, to use an existing building for the operation of a school it will not be subject to local zoning ordinances, plumbing or building codes, etc. Such permits would be for a period of one year, subject to extension for one additional year, after which time the operation would be subject to local regulations. The Commission recommends the adoption of such a bill.

## PUPIL PREFERENCE PLAN

This Commission has given consideration to the possibilities of a Pupil Preference Plan under which, in addition to the operation of public schools open to the admission of children of both races, public schools would be operated for the children of each race whose parents object to sending their children to mixed schools.

The pupil preference plan, or the three school plan as it is sometimes called, if it could be successfully defended in the courts, has some attractive features. It has the advantage of being based upon the principal of freedom of choice and would, if approved, avoid enforced integration. Under it, the State would maintain the right to operate segregated schools for those who desire them. It would present practical difficulties in administration in some localities.

The plan has uncertainties from a legal standpoint. In a weakly defended case which arose in an unfavorable situation, such a plan was declared invalid by a Federal District Court in Tennessee. The case was

not appealed. There is language in the decision of the Supreme Court of the United States in *Aaron v. Cooper* which casts doubt upon its legality.

However, there are those who feel that such a plan should be adopted as a new line of defense and vigorously defended all the way to the Supreme Court in the hope that the principle of freedom of choice would be upheld or in the hope that further support for our position would be obtained throughout the nation should the court strike down such principle and disclose that it is pursuing a course that would compel the intermingling of the races.

To be upheld, such a plan probably should be tested in a situation where there is at least some measure of integration and not in a situation which results in fact in a two school system which is fully segregated.

Due to the practical difficulties in establishing a three school system in many localities the Commission does not recommend the adoption of any pupil preference plan at this time.

### REPEAL OF LAWS

It is recommended that the following Sections of the Code pertaining to local budgets and appropriations, be repealed: 15-582, 22-121, 22-122, 22-123, 22-125, 22-127.1, 22-129, 22-131, 22-139 and 22-139.1. This recommendation is carried out in bills previously discussed in this report and found in the appendix.

Since a new enrollment bill is recommended, Sections 22-232.1 through 22-232.17, which created a State Pupil Placement Board, should be repealed. This is done in the enrollment bill found in the appendix.

Sections 22-115.1 through 22-115.20 and Chapter 56, Acts of Assembly, Extra Session, 1956, are repealed in the recommended bill for pupil scholarships since they are in conflict therewith. Sections 22-194 and 22-186 are repealed in the same bill. They deal with the charge of tuition in public high schools and are unnecessary because of Section 22-219 of the Code.

The decision of *Harrison v. Day* rendered the following Sections of the Code inoperative:

1. Sections 22-188.3 through 22-188.15, commonly known as the school closing statutes;
2. Sections 22-188.30 through 22-188.40, pertaining to state-established school systems in school divisions where an emergency exists;
3. Sections 22-188.41 through 22-188.49, generally known as the Little Rock bills;

A bill is found in the appendix to this report which repeals the aforesaid sections.

The Commission also recommends for consideration a bill, found in appendix to this report, which permits a locality to close its public schools whenever federal military forces are deployed in connection with the operation thereof.

## CONCLUSION

Many uncertainties surround the operation of public schools due to the attempt to force the mixing of the races therein. In view of the difficulties in appraising the extent of such efforts and the extent to which the federal courts will go in supporting what appears to be a deliberate drive to change the customs and social structure of our people, the Commission believes that action at this time should be limited to that recommended herein.

Due to the limitations of time your Commission is not prepared to report to this session of the General Assembly whether any adjustments in our tax structure are required. It is recommended that this study be continued for report by the next regular session.

The Commission should also continue its study to determine whether the Constitution should be amended to provide for local autonomy or otherwise.

The Commission wishes to recognize the contribution that public school teachers generally are making in these uncertain days. Included in the appendix is a proposed House Joint Resolution commending these public school teachers. The Commission recommends the adoption of such resolution by the General Assembly.

Respectfully submitted,

Mosby G. Perrow, Jr.  
Harry B. Davis  
Howard H. Adams  
Fitzgerald Bemiss  
Edw. L. Breeden, Jr.  
Robert Y. Button  
Curry Carter  
Geo. M. Cochran  
John A. K. Donovan  
Charles R. Fenwick  
Earl A. Fitzpatrick  
Kossen Gregory  
Robert R. Gwathmey, III  
Lawrence H. Hoover  
S. F. Landreth  
W. T. Leary

M. M. Long  
Harrison Mann  
W. M. Minter  
Willard J. Moody  
Garnett S. Moore  
W. Tayloe Murphy  
Fred G. Pollard  
James W. Roberts  
V. C. Smith  
Harry C. Stuart  
H. Ray Webber  
Hunt M. Whitehead  
Robert Whitehead  
Edward E. Willey  
Joseph J. Williams, Jr.

### CONCURRING STATEMENT

I subscribe to the principle embodied in the Minority Report, but it does not point out a defense against the evils it deploras. On the other hand, the Majority Report, in its attempt to defeat integration, concedes that some integration is inevitable; this I am unwilling to concede.

Believing, as I do, that the Majority Report points a way in some measure to contain integration, I sign it, because no better plan has been evolved or suggested.

CURRY CARTER.

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### CONCURRING STATEMENT

I agree with most of the recommendations contained in the majority report. I disagree with some of them and particularly with the portion of the report which recommends that no action be taken at this time to amend Article IX and Section 173 of the Constitution of Virginia. I am signing the majority report with this statement of my position. I think amendment of the sections of the Constitution mentioned is necessary to provide complete local autonomy in the operation of schools.

W. M. MINTER.

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### CONCURRING STATEMENT

I am entirely opposed to integration in all its forms and I am signing the majority report because it is the best we can do at the present time.

I would be a poor representative indeed, if I were not to respect the wishes of the vast majority of the people of Pittsylvania County, I therefore, reserve the right to vote for and work for any bills or resolutions introduced in the General Assembly of Virginia to repeal or amend Article IX of the Constitution of Virginia.

HUNT M. WHITEHEAD.

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### STATEMENT OF ROBERT Y. BUTTON

I am in agreement with many recommendations of this report and will support them. Therefore, I am signing the report.

However, I am in disagreement with the majority of the Commission in other recommendations contained therein, particularly with that portion of the report dealing with the re-enactment of a Compulsory School Attendance Law at this time, and with the majority's approach to the question of amendment of Article IX of our Constitution. My votes in the Commission on these recommendations were contrary to the majority view as expressed in this report, and I feel at liberty to continue to vote against these recommendations.

ROBERT Y. BUTTON.

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### STATEMENT OF MESSRS. GWATHMEY, MOODY AND LEARY

Taking note of the problems pointed out in the majority report of the Commission and recognizing that public support of education in most

sections of Virginia should continue and will continue, but further recognizing that in some areas of Virginia the localities and the people may desire and need more resources to deal with the problem than are contained in the recommendations of the majority of the Commission, we feel that the Commission should at this time recommend a complete revision of Article IX and § 173 of the Constitution of Virginia so as to provide total local autonomy in education in Virginia. The report of the majority states that the "most defensible position legally would be for the State to go *completely* out of the school business as a State function leaving it to each locality to operate public schools or not as it sees fit with funds raised from local tax sources and funds received from the State for general governmental purposes." If this is the strongest legal position, we should adopt it now. Short of such revision, the recommendations contained in the report of the majority of the members of the Commission are the best and strongest possible to handle the problems confronting public supported education in Virginia.

ROBERT R. GWATHMEY, III  
WILLARD J. MOODY  
WILBUR T. LEARY

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#### DISSENTING STATEMENT

I find that my views differ substantially from the majority of the members of the Perrow Commission, and for that reason must state why I cannot concur in the majority report.

I acknowledge that the General Assembly can only help the people of Virginia in very limited ways to preserve segregation and uphold the principle of State's Rights. One of these means involves the use of the state police powers in the hands of the Governor. The other involves constitutional changes which would permit the State to close schools that are integrated.

It is apparent, I believe, to every member of the Perrow Commission that Virginia can take no action to preserve segregation without substantially altering Article 9 of the Constitution. There are those who believe that this is not the time to propose such a referendum, and the Commission indicated that result when it voted 22-16 against submitting this question to the people on a referendum. For my part, I am wholly willing to abide by that result. Certainly, no referendum should be put to the people of Virginia when there is a clear indication that the Governor of Virginia would not support such a referendum and that a substantial number of the members of the General Assembly are unwilling to support that program at this time.

The only alternative which offered a hope of segregation was a return to a massive resistance program, fully exercising the police powers of this state. The Governor of Virginia refused to exercise those powers under the Harrison-Minter Bill which was enacted prior to his inauguration and amended during the first session of the General Assembly under his administration. He used his office to defeat such a program when it was offered in the early part of this current special session. Quite obviously, it is useless for the General Assembly to enact any measure which would not be enforced by an Executive who does not believe the General Assembly can give him such powers.

After discarding both theories under which segregation might be maintained, the Commission considered a policy of contained integration. Once a decision was reached on the broad policy, the Commission could take no other course than to assume that it could only make integration as difficult as possible. Even within the policy of contained integration, however, we have, in my opinion, weakened the constitutional position of Virginia by placing our whole program on a local option basis. This makes mass integration in some areas a real possibility on the local level. It does, however, offer some hope of the maintenance of segregation in certain Southside Virginia counties. It offers only a slow strangulation in other areas like Alexandria, which will not give up their public schools, yet wish to offer their people some other recourse than integration.

Several measures have my wholehearted support. The first of these are those amendments recommended by the majority opinion to permit local appropriations, or, in the alternative, to permit a locality to withhold the local appropriations. I likewise cannot differ with the amendments dealing with surplus property. I also concur with the majority in its report on the teacher status and other related matters. Only the compulsory school attendance law recommended by the Commission is excepted from that report, on which I will comment later.

Two other matters, however, must deserve special mention. The Pupil Placement Act recommended by the Commission carries two appeals features. The local school board will make the initial assignments hereafter. The individual will have the right of appeal to a State Pupil Placement Board, and from there to the State Courts. I recognize, as does the majority of the Commission, that the chances of requiring appeals to the State courts is nil; that language is merely surplusage in the bill. What really concerns me, however, is the fact that the appeals board may be bypassed by the Federal courts and the decision of the local board for the purposes of the federal courts will be a final decision. The Perrow Commission has, in effect, recommended to the people of Virginia a local assignment plan, despite the fact that the Governor of Virginia and the Attorney General have time and again said that a local assignment plan is a natural conduit for integration.

The tuition grant program offered by the Commission may be helpful and even desirable in certain areas of this state. It cannot, however, be of any real service in Alexandria. It is designed to offer a \$250 grant to our people, but this sum will not be paid by the state as required under the present law. It will require approximately \$177 to be appropriated by the locality and the balance of \$73 by the State. Private education costs in Alexandria will not be less than \$400 per person. If the grant program is to be effective, the City of Alexandria will be required to appropriate \$150 in addition to the \$177 which the law now requires. This \$327 will place a burden on the City so heavy that it does not now seem possible. We must fully recognize that while the City must make these appropriations to the extent required by law, it will likewise be required to continue its full appropriation for public schools. The cumulative burden of both these appropriations will make it necessary to further increase taxes locally or, in the alternative, to prevent the authorization of an effective grant program.

While I dissent from the report of the Committee on scholarship grants, I do wish to thank the Committee for the two increases which they recommended above their original sum of \$50 for Alexandria. The provisions of the recommended legislation present the very best grant pro-

gram I have seen. Simply as a financial matter, the grant program will not work in the metropolitan areas.

In the early part of this current special session the General Assembly repealed the compulsory school attendance law on the recommendation of the Governor, to prevent forced integration. The majority report will recommend the re-enactment of compulsory school attendance and provide that certain local authorities or the Superintendent may excuse an individual from the effects of compulsory school attendance. The compulsory school attendance law is a criminal statute, and the wisdom of providing that a public official may excuse the non-performance of what is otherwise a criminal act may well be doubted, but certain it is that compulsory integration will arise where the local authorities or the Superintendent fails to permit a child to withdraw when a school has been integrated.

Perhaps the most unfortunate aspect of the present position of Virginia is what amounts to her abandonment of the constitutional fight which she has heretofore made on the issue of State's Rights. There were days when that issue sounded the battle cry for Virginia and the South. The matter of segregation or integration was of secondary importance. Undoubtedly there are those in Virginia who never believed in the constitutional issues for which we have stood; there are others who only lent lip service to the doctrine of State's Rights and now turn their backs on this principle. But for those who still believe that we should resist and that we should maintain this fight on the basis of the constitutional principle involved, I find it necessary to record this dissent to the majority report.

Respectfully submitted,

JAMES M. THOMSON

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### DISSENTING REPORT

The majority report of this Commission is in keeping with a policy of containment which is an effort legally to minimize and make more difficult the process of integration in our public schools. In our judgment it affirmatively makes it legally possible for a locality to proceed with as much integration as that particular locality desires. There is little contained in the proposals which contemplate total segregation in the public schools of this State.

We are not willing to strive simply for containment; we are not willing to accept a little or token integration. The proposals in the majority report contain much that may be found useful in a program of containment and perhaps to some extent with the appropriate constitutional changes in a program of massive resistance, although there are individual objections among us to certain portions thereof.

The people of Virginia, and not the General Assembly, will ultimately have to decide how massively they wish to resist integration in our public schools. In the final analysis, the people will decide between public schools with an ever increasing degree of integration or an educational system of some other type. However, the General Assembly should do everything legally possible to make available valid educational grants and scholarships

at both the local and State level; and to remove and initiate the removal of all statutory and constitutional provisions which impede such a program.

We believe that the proposals in the majority report would be materially strengthened and rendered considerably more effective by an amendment to or the removal of the provisions of the Constitution of Virginia making it mandatory for the General Assembly to establish and maintain an efficient free public school system throughout the State; and that to pursue any broader program of resistance beyond the proposals of the majority report, the removal of the constitutional restrictions is imperative.

In Virginia the people have the power to amend our State Constitution as they may see fit. They are not compelled to leave an open breach in the walls of their defense. If they be ready to revise and amend Article IX and Section 173 of our Constitution so as to leave to the General Assembly the power to adopt such legislation from time to time as in these changing times may be necessary to protect us, then in keeping with our own law, we can refuse to support any integrated school and provide for educational and tuition grants without restriction.

The undersigned believe that resistance short of this may be futile.

The question is, are the people of Virginia ready to make the necessary amendments to the Constitution and continue a program of massive resistance? So far as we are concerned, we are ready. We believe the people of Virginia, if these complicated issues be fully explained, will also be ready and anxious so to proceed. We recognize, however, that unless substantial majorities in both Houses of the General Assembly together with the Administration and other political leaders of the State are ready to vigorously further such a program, we cannot hope to obtain now the degree of unanimity among our people which so stern a course of procedure requires. It is obvious from the expressions already made by the majority on this Commission that such support is not forthcoming at this time, and accordingly we will not further pursue the matter for the present. It is our opinion that in the near future, sooner perhaps than many realize, the people of Virginia will demand that the General Assembly initiate this course of action and thereby enable them to remove the constitutional shackles now upon us.

The majority report acknowledges the superior power of the federal courts and that no locality will be able to place the State and her sovereign power between it and the federal court. Every locality will be without any legal weapon to prevent court-ordered integration.

The undersigned believe that Virginia should not surrender her right to conduct her own schools and internal affairs. We do not feel that we should yield to the reckless threat of federal judicial tyranny and power without further and more determined resistance. The General Assembly has spoken on more than one occasion, as recently as January 31, 1959, against the unwarranted usurpation of power by the Federal Courts, and we ought now to assert our inherent rights as the free people of a sovereign State.

We must not now meekly surrender. We should now exercise every resource at our command, and use all the sovereign powers of Virginia, as may be necessary, to resist this illegal encroachment upon our constitutional rights which have been so flagrantly trespassed upon by the Supreme Court of the United States and certain lesser federal courts.

We, too, wish to commend the teachers in our public schools. The circumstances of the times have forced them to be the victims of uncertainty and doubt as to what the future might bring. Despite this, they have kept at their task. The position stated by us in the earlier portion of this report has been designed in part to help these devoted people. For it is our view that we can shortly expect suits in the federal courts to compel local school boards to employ Negro teachers in integrated schools. The desire of the majority of the federal courts to compel integration can then be expected to result in the displacement from the public school system of many white teachers. To seek to avoid this, as well as the other results of integration, we have stated the above views.

For the reasons above stated, we are not in agreement with the general policy embraced in the majority report and must respectfully reserve the right to support any proper proposal, whether emanating from us, or any other member of the General Assembly which has for its purpose the non-mixing of the races in our schools.

Respectfully submitted,

Mills E. Godwin, Jr.

C. Stuart Wheatley

James M. Thomson

**J. D. Hagood**

J. C. Hutcheson

Russell M. Carneal

J. H. Daniel

Edward O. McCue, Jr.

Garland Gray

## APPENDIX

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### Local Budget and Appropriation Bills

*A BILL to amend and reenact §§ 15-288, 15-320, 15-353, 15-370, 15-395, 15-551.3, 15-575, 15-576, 15-577, 15-584 and 15-585 of the Code of Virginia, relating to duties of the director of finance, county manager, or executive secretary in certain counties, to application of moneys of cities and towns, to the duties of executive secretaries for counties, and to budgets of counties, cities, and towns, to provide budget shall be for informative and fiscal planning purposes only, to provide no moneys shall be available to be paid out for any contemplated expenditures unless and until there has first been made an annual, semi-annual, quarterly or monthly appropriation for such contemplated expenditures, to require certain estimates of financial needs be submitted to governing bodies, to change the time for publishing and holding hearings on the budget, and to repeal § 15-582 of the Code of Virginia, relating to notice of tax increase before any local tax levy shall be increased.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 15-288, 15-320, 15-353, 15-370, 15-395, 15-551.3, 15-575, 15-576, 15-577, 15-584, and 15-585 of the Code of Virginia be amended and reenacted as follows:

§ 15-288.—(a) Director; general duties.—The director of finance shall be head of the department of finance and as such have charge of the administration of the financial affairs of the county, including the budget; the assessment of property for taxation; the collection of taxes, license fees and other revenues; the custody of all public funds belonging to or handled by the county; supervision of the expenditures of the county and its subdivisions; the disbursement of county funds; the purchase, storage and distribution of all supplies, materials, equipment and contractual services needed by any department, office or other using agency of the county unless some other officer or employee is designated for this purpose; the keeping and supervision of all accounts; and such other duties as the board of county supervisors may by ordinance or resolution require.

(b) Expenditures and accounts.—No money shall be drawn from the treasury of the county, nor shall any obligation for the expenditure of money be incurred, except in pursuance of \* appropriation \* resolutions. Accounts shall be kept for each item of appropriation made by the board of county supervisors. Each such account shall show in detail the appropriations made thereto, the amount drawn thereon, the unpaid obligation charged against it, and the unencumbered balance in the appropriation account, properly chargeable, sufficient to meet the obligation entailed by contract, agreement or order.

(c) Powers of commissioners of revenue.—The director of finance shall exercise all the powers conferred and perform all the duties imposed by general law upon commissioners of the revenue, not inconsistent herewith, and shall be subject to the obligations and penalties imposed by general law.

(d) Real estate reassessments.—Every general reassessment of real estate in the county, unless some other person be designated for this purpose by the board of county supervisors in accordance with § 15-281 or unless the board shall create a separate department of assessments in accordance with § 15-287 shall be made by the director of finance; he shall collect and keep in his office data and devise methods and procedure to be followed in each such general reassessment that will make for uniformity in assessments throughout the county.

(e) Powers of county treasurer; deposit of moneys.—The director of finance shall also exercise all the powers conferred and perform all the duties imposed by general law upon county treasurers, and shall be subject to all the obligations and penalties imposed by general law. All moneys received by any officer or employee of the county for or in connection with the business of the county shall be paid promptly into the hands of the director of finance; all such money shall be promptly deposited by the director of finance to the credit of the county in such banks or trust companies as shall be selected by the board of county supervisors. No money shall be disbursed or paid out by the county except upon check signed by the chairman of the board of county supervisors, or such other person as may be designated by the board, and countersigned by the director of the department of finance.

The board may designate one or more banks or trust companies as a receiving or collecting agency or agencies under the direction of the department of finance. All funds so collected or received shall be deposited to the credit of the county in such banks or trust companies as shall be selected by the board.

Every bank or trust company serving as a depository or as a receiving or collecting agency for county funds shall be required by the board of county supervisors to give adequate security therefor and to meet such requirements as to interest thereon as the board may by ordinance or resolution establish. All interest or money so deposited shall accrue to the benefit of the county.

(f) Claims against counties; accounts.—The director of finance shall audit all claims against the county for goods or services; it shall also be his duty to ascertain that such claims are in accordance with the purchase orders or contracts of employment from which same arise; to present such claims to the board of county supervisors for approval after such audit; to draw all checks in settlement of such claims after approval by the board of county supervisors; to keep a record of the revenues and expenditures of the county; to keep such accounts and records of the affairs of the county as shall be prescribed by the Auditor of Public Accounts; and at the end of each month to prepare and submit to the board of county supervisors statements showing the progress and status of the affairs of the county in such form as shall be agreed upon by the Auditor of Public Accounts and the board of county supervisors.

(g) Director as purchasing agent.—The director of finance shall act as purchasing agent for the county, unless the board of county supervisors shall designate some other officer or employee for such purpose. The director of finance or the person designated as purchasing agent shall make all purchases, subject to such exceptions as may be allowed by the board of county supervisors, for the county in such manner as may be provided by resolution of the board. He shall have authority to make transfers of supplies, materials and equipment between departments and offices, to sell any surplus supplies, materials or equipment and to make such other sales as may be authorized by the board of county supervisors.

He shall also have power, with the approval of the board of county supervisors, to establish suitable specifications or standards for all supplies, materials and equipment to be purchased for the county and to inspect all deliveries to determine their compliance with such specifications and standards. He shall have charge of such storerooms and warehouses of the county as the board of county supervisors may provide.

All purchases and sales shall be made under such rules and regulations as the board of county supervisors may by ordinance or resolution establish. Subject to such exceptions as the board may provide, he shall before making any purchase or sale invite competitive bidding under such rules and regulations as the board may by ordinance or resolution establish. He shall not furnish any supplies, materials, equipment or contractual services to any department or office except upon receipt of a properly approved requisition and unless there be an unencumbered appropriation balance sufficient to pay for the same.

(h) Other duties.—He shall perform such other duties as may be imposed upon him by the board of county supervisors.

(i) Assistants.—The director may have such deputies or assistants in the performance of his duties as may be allowed by the board of county supervisors.

(j) Approval of chief assessing officer.—Before the appointment of the chief assessing officer of the county, whether he be the director of finance, a deputy or supervisor of assessments in the department of finance or the head of the department of assessments, shall become effective, it shall be approved by the State Tax Commissioner and such officer shall be subject to the obligations and penalties imposed by general law upon commissioners of the revenue.

§ 15-320.—(a) Director; general duties.—The director of finance shall be the head of the department of finance and as such have charge of the administration of the financial affairs of the county, including the budget; the assessment of property for taxation; the collection of taxes, license fees and other revenues; the custody of all public funds belonging to or handled by the county; supervision of the expenditures of the county and its subdivisions; the disbursement of county funds; the purchase, storage and distribution of all supplies, materials, equipment and contractual service needed by any department, office or other using agency of the county unless some other officer or employee is designated for this purpose; the keeping and supervision of all accounts; and such other duties as the board of county supervisors may by ordinance or resolution require.

(b) Expenditures and accounts.—No money shall be drawn from the treasury of the county, nor shall any obligation for the expenditure of money be incurred except in pursuance of \* appropriation \* resolutions. Accounts shall be kept for each item of appropriation made by the board of county supervisors. Each such account shall show in detail the appropriations made thereto, the unpaid obligations charged against it, and the unencumbered balance in the appropriation account, properly chargeable, sufficient to meet the obligation entailed by contract, agreement or order.

(c) Powers of commissioners of revenue.—The director of finance shall exercise all the powers conferred and perform all the duties imposed by general law upon commissioners of the revenue, not inconsistent herewith, and shall be subject to the obligations and penalties imposed by general law.

(d) (1) Real estate reassessments.—Every general reassessment of real estate in the county, unless some other person be designated for this purpose by the county manager in accordance with § 15-314 or unless the board of county supervisors shall create a separate department of assessments in accordance with § 15-319, shall be made by the director of finance; he shall collect and keep in his office data and devise methods and procedure to be followed in each such general reassessment that will make for uniformity in assessments throughout the county.

(2) In addition to any other method provided by general law or by this article or to certain classified counties, the director of finance may provide for the annual assessment and equalization of real estate and any general reassessment ordered by the board of county supervisors. The director of finance or his designated agent shall collect data, provide maps and charts, devise methods and procedures to be followed for such assessment that will make for uniformity in assessments throughout the county.

There shall be a reassessment of all real estate at periods not to exceed six (6) years between each reassessment.

All real estate shall be assessed as of January first of each year by the director of finance or such other person designated to make such assessment and such annual assessment shall provide for the equalization of assessments of real estate, correction of errors in tax assessment records, addition of erroneously omitted properties to the tax rolls, and the removal of properties acquired by owners not subject to taxation.

The taxes for each year on such real estate assessed shall be extended on the basis of the last assessment made prior to such year.

This section shall not apply to real estate assessable under the law by the State Corporation Commission, and the director of finance or his designated agent shall not make any real estate assessments during the life of any general reassessment board.

Any reassessments made, which shall change the assessment of real estate shall not be extended for taxation until forty-five days after there is mailed a written notice to the person in whose name such property is to be assessed at his last known address, setting forth the amount of the prior assessment and the new assessment.

The board of county supervisors shall establish a continuing board of real estate review and equalization to review all assessments made under authority of this section and to which all appeals by any person aggrieved by any real estate assessment shall first apply for relief. The board so established shall consist of not less than three nor more than five members who shall be freeholders in the county. The appointment, terms of office and compensation of the members of such board shall be prescribed by the board of county supervisors; such board shall have all the powers conferred upon boards of equalization by general law. All applications for review to such board shall be made not later than April first of the year for which extension of taxes on the assessment is to be made. Such board shall grant a hearing to any person making application at a regular advertised meeting of the board and shall rule on all applications within sixty days after the date of the hearing, and shall thereafter promptly certify its action thereon to the director of finance, shall conduct hearings at such time or times as is convenient after publishing a notice in a newspaper having general circulation in the county, ten days prior to such hearing at which any person applying for review will be heard.

Any person aggrieved by any reassessment or action of the real estate board of review and equalization may apply for relief to the circuit court of the county in the manner provided by general law.

(e) Powers of county treasurer; deposit of moneys.—The director of finance shall also exercise all the powers conferred and perform all the duties imposed by general law upon county treasurers, and shall be subject to all the obligations and penalties imposed by general law. All moneys received by any officer or employee of the county for or in connection with the business of the county shall be paid promptly into the hands of the director of finance; all such money shall be promptly deposited by the director of finance to the credit of the county in such banks or trust companies as shall be selected by the board of county supervisors. No money shall be disbursed or paid out by the county except upon check signed by the chairman of the board of county supervisors, or such other person as may be designated by the board, and countersigned by the director of the department of finance.

The board may designate one or more banks or trust companies as a receiving or collecting agency or agencies under the direction of the department of finance. All funds so collected or received shall be deposited to the credit of the county in such banks or trust companies as shall be selected by the board.

Every bank or trust company serving as a depository or as a receiving or collecting agency for county funds shall be required by the board of county supervisors to give adequate security therefor, and to meet such requirements as to interest thereon as the board may by ordinance or resolution establish. All interest on money so deposited shall accrue to the benefit of the county.

(f) Claims against counties; accounts.—The director of finance shall audit all claims against the county for goods or services; it shall also be his duty to ascertain that such claims are in accordance with the purchase orders or contracts of employment from which same arise; to present such claims to the board of county supervisors for approval after such audit; to draw all checks in settlement of such claims after approval by the board of county supervisors unless the said board otherwise provides pursuant to the provisions of § 15-253; to keep a record of the revenues and expenditures of the county; to keep such accounts and records of the affairs of the county as shall be prescribed by the Auditor of Public Accounts; and at the end of each month to prepare and submit to the board of county supervisors statements showing the progress and status of the affairs of the county in such form as shall be agreed upon by the Auditor of Public Accounts and the board of county supervisors.

(g) Director as purchasing agent.—The director of finance shall act as purchasing agent for the county, unless the board of county supervisors shall designate some other officer or employee for such purpose. The director of finance or the person designated as purchasing agent shall make all purchases, subject to such exceptions as may be allowed by the board of county supervisors, for the county in such manner as may be provided by resolution of the board. He shall have authority to make transfers of supplies, materials and equipment between departments and officers, to sell any surplus supplies, materials or equipment and to make such other sales as may be authorized by the board of county supervisors. He shall also have power, with the approval of the board of county supervisors, to establish suitable specifications or standards for all supplies, materials and equipment to be purchased for the county and to in-

spect all deliveries to determine their compliance with such specifications and standards. He shall further have the power, with the approval of the board of county supervisors, to sell supplies, materials, and equipment to volunteer rescue squads and firefighting companies at the same cost as the cost of such supplies, materials and equipment to the county. He shall have charge of such storerooms and warehouses of the county as the board of county supervisors may provide.

All purchases and sales shall be made under such rules and regulations as the board of county supervisors may by ordinance or resolution establish. Subject to such exceptions as the board may provide, he shall before making any purchase or sale invite competitive bidding under such rules and regulations as the board may by ordinance or resolution establish. He shall not furnish any supplies, materials, equipment or contractual services to any department or office except upon receipt of a properly approved requisition and unless there be an unencumbered appropriation balance sufficient to pay for the same.

(h) Other duties.—He shall perform such other duties as may be imposed upon him by the board of county supervisors.

(i) Assistants.—The director may have such deputies or assistants in the performance of his duties as may be allowed by the board of county supervisors.

(j) Approval of chief assessing officer.—Before the appointment of the chief assessing officer of the county (whether he be the director of finance, a deputy or supervisor of assessments in the department of finance or the head of the department of assessments) shall become effective, it shall be approved by the State Tax Commissioner and such officer shall be subject to the obligations and penalties imposed by general law upon commissioners of the revenue.

§ 15-353.—In addition to such other duties as are or may be prescribed by law or directed by the board, the county manager in counties having a population of five hundred or more per square mile shall each year on or before \* *April* fifteenth prepare and submit to the board a tentative budget for *informative and fiscal planning purposes only* prepared in accordance with the provisions of law in effect governing the preparation of the county budget and showing in detail the recommendations of the county manager for expenditures on each road and bridge or for other purposes. \*

The county manager shall be the executive and administrative officer of the county in all matters relating to the public roads and bridges of the county, and other public works and business of the county, except public schools, and shall have general supervision and charge of all construction and maintenance of the public roads, bridges and landings of the county, and all public works and business of the county, except public schools, and the purchase of all supplies, equipment and materials for the roads, bridges and landings and other public works and business of the county, and the employment of all superintendents, foremen and labor therefor; provided, however, that the county board may, by ordinance, prescribe rules and regulations for the purchase of all supplies, equipment and materials for the roads, bridges and landings and other public works and business of the county.

The county manager shall keep the board advised as to the financial condition of the county, and at each regular meeting of the board he shall present to the board an itemized statement of all expenditures made by

him since his last report, and on or before July fifteenth of each year shall file with the clerk of the board an itemized statement showing the amount expended on each road, bridge or for other purposes for the year preceding, ending June thirtieth.

§ 15-370.—(a) The board of county supervisors may by resolution designate the executive secretary as clerk of the board of county supervisors. In such case and upon the qualification of the executive secretary authorized by this article the county clerk of such county shall be relieved of his duties in connection with the board of county supervisors and all of his duties shall be imposed upon and performed by the executive secretary. If the board of county supervisors does not designate the executive secretary as clerk, the county clerk or one of his deputies shall attend the meetings of said board and record in a book provided for the purpose all of the proceedings of the board, but he shall not be authorized and required to sign the warrants of the board, if any, such authority being hereby vested in the executive secretary; provided, however, the board of county supervisors may by resolution of record require the county clerk to sign all warrants of the board of county supervisors.

(b) He shall, in so far as he shall be required by the board of county supervisors, be responsible to the board for the proper administration of all affairs of the county which the board has authority to control. He shall keep the board advised as to the financial condition of the county and shall submit to the board monthly, and at such other times as may be required, reports concerning the administrative affairs of the county.

(c) The executive secretary shall, if required by the board of county supervisors, examine regularly the books and papers of each department, officer and agency of the county and report to the board the condition in which he finds them and such other information as the board may direct.

(d) He shall from time to time submit to the board such recommendations concerning the affairs of the county and its departments, officers and agencies as he shall deem proper.

(e) Under the direction of the board of county supervisors, the executive secretary *for informative and fiscal planning purposes only* shall \*prepare and submit to the board a proposed annual budget for the county. \*The board of county supervisors may, however, direct that the county budget be prepared by the county clerk.

(f) He shall audit all claims against the county for services, materials and equipment for such county agencies and departments as the board of county supervisors may direct, except those required to be received and audited by the county school board, and shall present the same to the board of county supervisors together with his recommendation and such information as shall be necessary to enable the board to act with reference to such claims.

(g) In case the board of county supervisors shall by resolution of record designate the executive secretary as clerk of the board of county supervisors, such executive secretary shall have the following powers, authority and duties: (1) All the powers, authority and duties vested in the county clerk as clerk of the board of supervisors, under general law; (2) To pay, with his warrant, all claims against the county chargeable against any fund under the control of the board of county supervisors, other than the general county fund, when such expenditure is authorized and approved by the officer and/or employee authorized to procure the services, supplies, materials or equipment accountable for such claims,

and after auditing the same as to its authority and correctness; to pay with his warrant all claims against the county chargeable against the general county fund where the claim arose out of purchase made by the executive secretary or for contractual services by him authorized and contracted within the power and authority given him by the board of county supervisors by resolution; (3) He shall pay with his warrant all claims against the county authorized to be paid by the board of county supervisors.

§ 15-395. All moneys collected or received for any city or town shall be applied as the council thereof may direct *by duly approved appropriation resolutions*; and the council and the clerk of the circuit and corporation courts shall cause to be made out quarterly an itemized statement of all accounts authorized to be paid by the council and by the judge of the circuit and corporation court and cause the same to be posted at the front door of the courthouse or other public place in the city or town and also to be published in such newspaper as the council may direct.

§ 15-551.3. Powers and duties.—The executive secretary shall be clerk to the governing body. It shall be his general duty:

(1) To record in a book to be provided for that purpose all of the proceedings of the governing body.

(2) To make regular entries of all the governing body's resolutions and decisions on all questions concerning the raising of money; and within five days after any order for a levy is made, to deliver a copy thereof to the commissioner of the revenue of his county.

(3) To record the vote of each supervisor on any question submitted to the governing body, if required by any member present.

(4) To sign all warrants issued by the governing body for the payment of money, and to record, in a book provided for that purpose, the reports of the county treasurer of his receipts and disbursements.

(5) To preserve and file all accounts and papers acted upon by the governing body with its action thereon.

(6) To make recommendations to the governing body concerning any office or department of the county government or employee under the control and supervision of the governing body.

(7) To attend to the execution of and enforce all lawful resolutions and orders of the governing body concerning any department, office or employee in the county government, and shall see that all laws of the State required to be enforced through the governing body or any county officer or employee subject to the control of the governing body are faithfully executed, and to make report to the governing body how such orders, resolutions and laws have been executed.

(8) To confer with any person concerning the affairs of the county government and to make report to the governing body of all such matters whereon it should take action.

(9) To make monthly reports to the governing body in regard to matters of administration, and keep it fully advised as to the financial condition of the county.

(10) He *for informative and fiscal planning purposes only* shall prepare and submit to the governing body, in accordance with general law, *\*a budget*.

(11) To audit all claims of every character or nature against the county, except those required to be received and audited by the county school board, to ascertain that such claims are in accordance with the purchase orders or contracts of employment or in accordance with the law from which same arise; to present such claims to the governing body for approval and allowance after such audit; to draw all warrants in settlement of such claims after approval and allowance by the governing body. However, he shall pay, with his warrant, all lawful claims out of the appropriations from the various funds, such as routine or standard charges for which such funds were set up, upon the approval of the department head who is charged with expenditure of such fund, in the manner hereinafter authorized; to keep a record of the revenues and expenditures of the county; to keep such accounts and records of the affairs of the county as shall be prescribed by the governing body; and monthly to prepare and submit to the governing body statements showing the progress and status of the affairs of the county in such form as shall be specified by the governing body.

(12) To act as purchasing agent for the county; to make all purchases for the county subject to such exception as may be allowed by the governing body. He shall have authority to make transfer of supplies, materials and equipment between departments and officers, and employees; to sell any surplus supplies, materials and equipment and to make such other sales as may be authorized by the governing body. He shall have power, with consent of the governing body, to establish suitable specifications or standards for all supplies, materials and equipment to be purchased for the county, and to inspect all deliveries to determine their compliance with such specifications and standards, and if such deliveries are not in accordance with such specifications and standards it shall be his duty and he is empowered to reject the same. He shall have charge of such storerooms and warehouses of the county as the governing body may provide. He shall have the care and charge of all public buildings and the furnishings and fixtures therein under the control of the governing body.

All purchases and sales shall be made under such rules and regulations as the governing body may by ordinance or resolution establish. Subject to such exception as the governing body may provide, he shall before making any purchase or sale invite competitive bidding under such rules and regulations as the governing body may by ordinance or resolution establish. He shall not furnish any supplies, materials, equipment or contractual services to any department or office or employee, except upon receipt of a properly approved requisition and unless there be an unencumbered balance sufficient to pay the same.

(13) To pay, with his warrant, all claims against the county chargeable against any fund under the control of the governing body other than the general county fund, when such expenditure is authorized and approved by the officer and/or employee authorized to procure the services, supplies, materials or equipment accountable for such claims, and after auditing the same as to its authority and correctness; to pay, with his warrant, all claims against the county chargeable against the general county fund where the claim arose out of purchase made by the executive secretary or for contractual services by him authorized and contracted within the power and authority given him by the governing body by resolution. Whenever any such payment is made the executive secretary shall make report of the same in such form as may be prescribed by the governing body.

(14) To perform such other duties as may be imposed upon him by the governing body.

(15) To perform all such duties as may be required of him by the governing body within the terms of the preceding fourteen subsections of this section as may be evidenced by a resolution of the governing body made of record.

(16) To perform all duties imposed by law upon the county clerk as clerk of the governing body; all duties imposed upon the county purchasing agent, and all duties imposed upon the "local delinquent tax collector" provided for in §§ 58-990 and 58-991 of the Code, if such governing body so require of him, in which event he shall have all the powers and duties imposed by that section.

*(17) He shall not approve, draw or permit to be paid any warrant drawn for any purpose unless there has been an appropriation of funds by the board of supervisors for that purpose, any other provision of this Article to the contrary notwithstanding.*

§ 15-575.—*All officers and heads of departments, officers, divisions, boards, commissions, and agencies of every county, city, and town shall, on or before the first day of May, 1959, and on or before the first day of April of each year thereafter, prepare and submit to the board of supervisors or council an estimate of the amount of money deemed to be needed during the ensuing fiscal year for his department, office, division, board, commission, or agency; provided, that in any locality where the fiscal year begins on some date other than the first day of July, the estimate shall be submitted at least three months prior to the beginning of the fiscal year. If such person does not submit an estimate in accordance with this section, the clerk of the board of supervisors or council or other designated person or persons shall prepare and submit an estimate for that department, office, division, board, commission or agency.\** The board of supervisors of the counties and the councils of the cities and towns shall prepare a budget for *informative and fiscal planning purposes only*, containing a complete itemized and classified plan of all \* *contemplated* expenditures and all estimated revenues and borrowings for the locality or any subdivision thereof for the ensuing \* *fiscal* year, which shall begin for each county on the first day of July of each year or at such other date as may be provided by law for the beginning of the \* *fiscal* year.

§ 15-576.—Opposite each item of the \* *contemplated* expenditures the budget shall show in separate parallel columns the *aggregate* amount appropriated \* *during* the preceding \* *fiscal* year, the amount expended during that year, the *aggregate* amount appropriated \* *and expected to be appropriated during* the current *fiscal* year, and the increases or decreases in the \* *contemplated* expenditures for the ensuing year as compared with the \* *aggregate amount appropriated or expected to be appropriated* for the current year. This budget shall be accompanied by:

(1) A statement of the contemplated revenue and disbursements, liabilities, reserves and surplus or deficit of the county, city or town as of the date of the preparation of the budget.

(2) An itemized and complete financial balance sheet for the locality at the close of the last preceding \* *fiscal* year.

§ 15-577.—*For informative and fiscal planning purposes only* a brief synopsis of the budget shall be published in a newspaper having general

circulation in the locality affected, and notice given of one or more public hearings, at least \* *seven* days prior to the date set for hearing, at which any citizen of the locality shall have the right to attend and state his views thereon. The board of supervisors of any county not having a newspaper of general circulation may in lieu of the foregoing notice provide for notice by written or printed handbills, posted at such places as it may direct \*. *The hearing shall be held at least seven days prior to the beginning of the fiscal year; provided that the governing body may recess or adjourn from day to day or time to time during such hearing. The fact of such notice and hearing shall be entered of record in the minute book.*

The \* *contemplated* expenditure for \* *all* purposes as contained in \* *the* budget prepared under §§ 15-575 and 15-576 and published under this section shall be \* *for informative and fiscal planning purposes only and shall not be deemed to be an appropriation. No money shall be paid out or become available to be paid out for any contemplated expenditure unless and until there has first been made an annual, semiannual, quarterly or monthly appropriation for such contemplated expenditure by the board, council or other governing body.*

§ 15-579.—\* *The Director of the Division of the Budget shall prescribe and furnish for the boards of supervisors \* forms and classifications \* to aid in the preparation of county budgets.*

§ 15-584.—\* *The governing body of any county having a special budget law may \* elect to comply with the provisions of this chapter rather than those of the special budget law for that county.*

§ 15-585.—\* *The Council of any city or town whose charter contains provisions for a budget \* may elect to comply with the provisions of this chapter rather than those contained in the charter.*

2. That § 15-582 of the Code of Virginia is repealed.
3. An emergency exists and this Act is in effect from its passage.

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A *BILL to amend and reenact §§ 22-55, 22-60 as amended, 22-72 as amended, 22-73, 22-78, 22-97 as amended, 22-124, 22-126 as amended, 22-127 as amended, 22-128 as amended, 22-130, 22-132, 22-133 and 22-141 as amended, of the Code of Virginia, relating to management and control of funds made available to school boards, auditing and approving claims and issuing warrants by school boards, levies and appropriations for school purposes, including capital expenditures, indebtedness, and rents, custody and disbursement of local school funds, and town school districts' share of county school funds, to provide claims against, warrants issued by, and disbursements on behalf of the school board of a county, city, or town shall only be payable out of funds made available to the school board, to provide for the appropriation of funds for public school and for educational purposes, annually, semiannually, quarterly, or monthly, which shall not be decreased in an appropriation period except under certain conditions, the levying of taxes for public school purposes by counties, cities, and towns, including for capital expenditures, indebtednesses, and rents; to add to the Code of Virginia new Sections numbered 22-120.3, 22-120.4, and 22-120.5 to provide the superintendent shall prepare and submit with the approval of the school board an estimate of the amount of money*

*deemed to be needed for public schools and in the alternative an estimate of the money deemed to be needed for educational purposes, the inclusion of such estimates in the county budget for informative and fiscal planning purposes only, the request for funds for public schools and for educational purposes; to repeal §§ 22-121, 22-122, 22-123, 22-125, 22-127.1, 22-129, 22-131, 22-139, and 22-139.1 of the Code of Virginia, and all amendments thereof, relating to budgets, estimates, and requests for funds needed for school purposes, to referendum in a county, city, or town in event the governing body refuses to lay such levy or make such appropriation as is requested by the division superintendent, the cessation of expenditures on local school funds on direction of the governing body, town levies for school purposes, assessment of taxes for public school purposes, apportionment of state school funds, and additional funds for school purposes from local school taxes.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 22-55, 22-60 as amended, 22-72 as amended, 22-73, 22-78, 22-97 as amended, 22-124, 22-126 as amended, 22-127 as amended, 22-128 as amended, 22-132, 22-133, and 22-141 as amended, of the Code of Virginia, be amended and reenacted, and §§ 22-120.3, 22-120.4, and 22-120.5 be added to the Code as follows:

§ 22-55.—The school board of any county, city or town, or any two or more of such school boards acting in conjunction, may establish and operate or cause to be established and operated, for the benefit of children of school age, vacation schools or camps for the advancement of education, physical training, health, nutrition, the prevention of communicable diseases, or for any other purpose deemed by such board or boards beneficial to children of school age requiring special training or attention or which will promote the efficiency of their respective school systems. Such school board or boards may provide and appropriate such sum or sums as may be reasonable and requisite for such purposes; or may appropriate such sum or sums and permit the proper use of any school property, under reasonable safeguards, toward the establishment and operation of such vacation school or camp conducted under the auspices and supervision of any other governmental agency approved by such school board or boards, for the benefit of children of school age within the jurisdiction of such board or boards; provided, such \* *activity* shall have been included in the \* *estimate of money deemed to be needed for public schools* for the year in which such appropriation may be made, and provided, further, that the establishment and operation of such school or camp shall be approved, as to conditions affecting sanitation and safety, by the health authorities having jurisdiction of the area in which such vacation school or camp is located and conducted.

§ 22-60.—In each county there shall be a board, to be known as the school trustee electoral board, which shall be composed of three resident qualified voters, who are not county or State officers, to be appointed by the circuit court of each county, or the judge in vacation, within thirty days after the first day of July, nineteen hundred and fifty and every four years thereafter. The members of the trustee electoral board shall each receive a per diem of ten dollars for each day actually employed, to be paid out of the \* *funds made available to the school board*. Any vacancy occurring within the terms of the appointees shall be filled by the circuit court, or by the judge in vacation, within thirty days thereafter. No person employed by, or paid from, public school funds in whole or in part shall be eligible to serve on such trustee electoral board.

§ 22-72.—The school board shall have the following powers and duties :

(1) Enforcement of school laws.—To see that the school laws are properly explained, enforced and observed.

(2) Rules for conduct and discipline.—To make local regulations for the conduct of the schools and for the proper discipline of the students, which shall include their conduct going to and returning from school, but such local rules and regulations shall be in harmony with the general rules of the State Board and the statutes of this State.

(3) Information as to conduct.—To secure, by visitation or otherwise, as full information as possible about the conduct of the schools.

(4) Conducting according to law.—To take care that they are conducted according to law and with the utmost efficiency.

(5) Payment of teachers and officers.—To provide for the payment of teachers and other officers on the first of each month, or as soon thereafter as possible.

(6) School buildings and equipment.—To provide for the erecting, furnishing, and equipping of necessary school buildings and appurtenances and the maintenance thereof.

(6a) Insurance.—To provide for the necessary insurance on school properties against loss by fire or against such other losses as deemed necessary.

(7) Drinking water.—To provide for all public schools an adequate and safe supply of drinking water and see that the same is periodically tested and approved by or under the direction of the State Board of Health, either on the premises or from specimens sent to such board.

(8) Textbooks for indigent children.—To provide such textbooks as may be necessary for indigent children attending public schools.

(9) Costs and expenses.—In general, to incur costs and expenses, but only the costs and expenses of such items as are provided for in its *\*estimates submitted to the tax levying body* without the consent of the tax levying body.

(10) Consolidation of schools.—To provide for the consolidation of schools whenever such procedure will contribute to the efficiency of the school system.

(11) Other duties.—To perform such other duties as shall be prescribed by the State Board or as are imposed by law.

§ 22-73.—The school board shall receive and audit all claims arising from commitments made pursuant to the provisions of §§ 22-71 to 22-78 and by resolution or recorded vote, to approve and issue warrants on the county treasurer *payable out of funds made available to the school board for public schools* in settlement of those of such claims *\*as* are found to be valid.

§ 22-78.—The school board may provide, by resolution, for the drawing of special warrants on the county treasurer, payable out of the *\* funds made available to the school board for public schools* in payment of compensation, when such compensation has been earned and is due, for (1) all employees and school bus operators under written contract, and (2) upon receipt of certified time sheets or other evidence of service performed, the payment of all other employees whose rates of pay have been established by the school board or its properly delegated agent, and

(3) for payment on contracts for school construction projects according to the terms of such contracts. All such special warrants so authorized shall be signed by the clerk or deputy clerk of the school board and countersigned by the division superintendent of schools or the chairman or vice chairman of the school board, provided, however, that when the division superintendent and clerk is one and the same person such special warrants shall be countersigned by such chairman or vice chairman. Any special warrant may be converted to a negotiable check in the manner provided in § 22-76.

Such payrolls and contracts so paid shall be reviewed and approved by the school board at its next regular meeting.

§ 22-97. The city school board shall have the following powers and duties:

(1) Rules and regulations.—To explain, enforce, and observe the school laws, and to make rules for the government of the schools, and for regulating the conduct of pupils going to and returning therefrom.

(2) Method of teaching and government employed.—To determine the studies to be pursued, the methods of teaching, the government to be employed in the schools, and the length of the school term.

(3) Employment and control of teachers.—To employ teachers on recommendation of the division superintendent and to dismiss them when delinquent, inefficient or in anywise unworthy of the position; provided, that no school board shall employ or pay any teacher from the public funds unless the teacher shall hold a certificate in full force, according to the provisions of §§ 22-203 to 22-206. It shall also be unlawful for the school board of any city, or any town constituting a separate school district, to employ or pay any teacher or other school employee related by consanguinity or affinity as provided in § 22-206. The exceptions and other provisions of that section shall apply to this section.

(4) Suspension or expulsion of pupils.—To suspend or expel pupils when the prosperity and efficiency of the school make it necessary.

(5) Free textbooks.—To decide what children, wishing to enter the schools of the city, are entitled by reason of poverty of their parents or guardians to receive textbooks free of charge, and to provide for supplying them accordingly.

(6) Establishment of high and normal schools.—To establish high and normal schools and such other schools as may, in its judgment, be necessary to the completeness and efficiency of the school system.

(7) Census.—To see that the census of children required by § 22-223 is taken within the proper time and in the proper manner.

(8) Meetings of board.—To hold regular meetings and to prescribe when and how special meetings may be called.

(9) Meetings of people.—To call meetings of the people of the city for consultation in regard to the school interests thereof, at which meetings the chairman or some other member of the board shall preside if present.

(10) School houses and property.—To provide suitable schoolhouses, with proper furniture and appliances, and to care for, manage, and control the school property of the city. For these purposes it may lease, purchase, or build such houses according to the exigencies of the city and the

means at its disposal. No schoolhouse shall be contracted for or erected until the plans therefor shall have been submitted to and approved in writing by the division superintendent of schools, and no public school shall be allowed in any building which is not in such condition and provided with such conveniences as are required by a due regard for decency and health; and when a schoolhouse appears to the division superintendent of schools to be unfit for occupancy, it shall be his duty to condemn the same, and immediately to give notice thereof, in writing, to the chairman of the school board, and thenceforth no public school shall be held therein, nor shall any part of the State or city fund be applied to support any school in such house until the division superintendent shall certify, in writing, to the city school board that he is satisfied with the condition of such building, and with the appliances pertaining thereto.

(11) Visiting schools.—To visit the public free schools within the city, from time to time, and to take care that they are conducted according to law, and with the utmost efficiency.

(12) Management and control of \* funds.—To manage and control the \* funds of the city *made available to the school board for public schools*, to provide for the pay of teachers and of the clerk of the board, for the cost of providing schoolhouses and the appurtenances thereto and the repairs thereof, for school furniture and appliances, for necessary text books for indigent children attending the public free schools, and for any other expenses attending the administration of the public free school system, so far as the same is under the control or at the charge of the school officers.

(13) Approval and payment of claims.—To examine all claims against the school board, and when approved, to order or authorize the payment thereof. A record of such approval, order or authorization shall be made in the proceedings of the board. Payment of each claim shall be ordered or authorized by a warrant drawn on the treasurer or other officer of the city charged by law with the responsibility for the receipt, custody and disbursement of the funds *made available to the school board* of such city. The warrant shall be signed by the chairman or vice chairman of the board and countersigned by the clerk or deputy clerk thereof, payable to the person or persons, firm or corporation entitled to receive such payment. There shall be stated on the face of the warrant the purpose or service for which such payment is drawn and also that such warrant is drawn pursuant to an order entered or authority granted by the board on the .....day of ..... The warrant may be converted into a negotiable check when the name of the bank upon which the funds stated in the warrant are drawn or by which the check is to be paid is designated upon its face and is signed by the treasurer, deputy treasurer or other officer of the city charged by law with the responsibility for the receipt, custody and disbursement of the funds of the city.

The board may, in its discretion, appoint an agent and a deputy agent to act for the agent in his absence or inability to perform this duty by resolution spread upon the record of its proceedings to examine and approve such claims and, when approved by him or his deputy to order or authorize the payment thereof. A record of such approval, order or authorization shall be made and kept with the records of the board. Payment of each such claim so examined and approved by such agent or his deputy shall be ordered or authorized by a warrant drawn on the treasurer or other officer of the city charged by law with the responsibility for the receipt, custody, and disbursement of the funds *made available to the*

*school board* of the city. The warrant shall be signed by such agent or his deputy and countersigned by the clerk or deputy clerk of the board, payable to the person or persons, firm or corporation entitled to receive such payments; provided, however, that when the agent appointed by the board is the division superintendent of schools and the division superintendent and clerk is one and the same person, all such warrants shall be countersigned by the chairman or vice chairman of the board; provided further that when the deputy agent and deputy clerk is one and the same person the warrant shall be countersigned by either the clerk or the agent of the board. There shall be stated on the face of the warrant the purpose or service for which such payment is made and also that such warrant is drawn pursuant to authority delegated to such agent or his deputy by the board on the .....day of ..... The warrant may be converted into a negotiable check in the same manner as is prescribed herein for warrants ordered or authorized to be drawn by the school board. The board shall require such agent and his deputy to furnish the city a corporate surety bond conditioned upon the faithful performance and discharge of the duties herein assigned to each such official. The board shall fix the amount of such bond or bonds and the premium therefor shall be paid out of the \* funds *made available to the school board* of such city.

(14) Report of expenditures and estimate of necessary funds.—It shall be the duty of the school board of every city, once in each year, and oftener if deemed necessary, to submit to the council, in writing, a classified report of all expenditures and a classified estimate of \* funds \* *deemed to be needed* for the proper maintenance and growth of the public schools of the city, and to request the council to make provisions by appropriation or levy *pursuant to § 22-126*, for the same.

(15) Other duties prescribed by State Board.—To perform such other duties as shall be prescribed by the State Board or are imposed by other parts of this title.

(16) Acquisition of land.—City school boards shall, in general, have the same power in relation to the condemnation or purchase of land and to the vesting of title thereof, and also in relation to the title to and management of property of any kind applicable to school purposes, whether heretofore or hereafter set apart therefor, and however set apart, whether by gift, grant, devise, or any other conveyance and from whatever source, as county school boards have in the counties, and in addition thereto, they shall have the further right and power to condemn not in excess of fifteen acres of land for any one school when necessary for school purposes, except that when dwellings or yards are invaded no more than five acres may be condemned for any one school.

(17) Consolidation of schools.—To provide for the consolidation of schools whenever such procedure will contribute to the efficiency of the school system.

§ 22-120.3.—*It shall be the duty of the division superintendent of schools, on or before the first day of May, 1959, and on or before the first day of April of each year thereafter, to prepare, with the advice of the school board, and submit to the governing body of the county, city, or town, if the town be a separate school district, two estimates. The first estimate shall show the amount of money deemed to be needed during the next scholastic year, for the support of the public schools of the county, city, or town. The second estimate shall show, in the alternative, the amount of*

money deemed to be needed for educational purposes for the county, city, or town.

§ 22-120.4.—*On the basis of the two estimates, the division superintendent of schools shall request the governing body of the county, city, or town to fix such levy, or make such appropriations as will provide an amount of money deemed to be needed for the operation of the public schools, or will provide an amount of money deemed to be needed for the educational purposes of such county, city, or town.*

§ 22-120.5.—*The board of supervisors shall include in the county budget, prepared for informative and fiscal planning purposes only, an estimate of the amount of money deemed by the school board to be needed for the public schools of the county, or in the alternative, an estimate of the funds deemed by the school board to be needed for educational purposes. The board of supervisors may, in its discretion, include and publish in the county budget both alternative estimates. The two estimates so prepared shall be submitted to and approved by the school board prior to submission to the tax levying body. The estimate of the amount of money deemed to be needed for support of public schools shall set up the amount of money deemed to be needed for overhead charges, for instruction, for operation, for maintenance, for a reserve fund to purchase new school buses to replace obsolete or worn out equipment, for auxiliary agencies, for miscellaneous, and for permanent capitalization and such other headings or items as may be necessary. The estimate so made shall clearly show all necessary details in order that the governing body and the taxpayers of the county, or of the city, or town may be well informed as to every item of the estimate. The alternative estimate of the amount of money deemed to be needed for educational purposes shall show the number of children who reside in the county, city, or town between the ages of six and twenty years multiplied by the expected average cost per child to the county, city, or town and a sum sufficient for debt service.*

§ 22-124. \*The governing body of the county or the city \*shall not decrease at any time \*in an appropriation period, whether such appropriation period be a year, a half-year, a quarter, or a month, the amount appropriated by such governing body for schools for such \*appropriation period, except by the same percentage of reduction as all other appropriations for such appropriation period are reduced, but this provision shall not apply to fixed obligations, and the interest thereon, created by bond issues or by written contracts calling for regular or installment payments.

§ 22-126.—*Each county, \*city, and town if the town be a separate school district, is authorized to raise sums of money by a tax on all property, subject to local taxation, at such rate as may be deemed sufficient, but in no event more than three dollars on the one hundred dollars of the assessed value of the property in any one year to be expended by the local school authorities in establishing, maintaining and operating such schools as in their judgment the public welfare requires and in payment of \*scholarships for the furtherance of elementary or secondary education and transportation costs as required or authorized by law; provided that in counties with a population of more than six thousand four hundred but less than six thousand five hundred, such rate may be increased to four dollars on the one hundred dollars of the assessed value of the property therein in any one year; and provided further that in counties having a population of more than thirty-seven thousand but less than thirty-nine thousand such rate may be increased to four dollars on the one hundred dollars of the assessed value of the property therein in any one year.*

§ 22-127. \*The governing body of any county, \*city, or town if the town be a separate school district, may, in its discretion, make a cash appropriation, \*either annually, semi-annually, quarterly, or monthly, from the funds derived from the general county, \*city, or town levy \*and from any other funds available, of such sums as in its judgment may be necessary or expedient for the establishment, maintenance and operation of \*public schools, \*and/or for educational purposes.

§ 22-128. For capital expenditures and for the payment of indebtedness or rent, the governing body of any county, city \* or town if the town be a separate school district, may levy a special county tax, a special district tax, or a special city tax, or a special town tax, as the case may be, on all property subject to local taxation, such levy or levies to be at such rate or rates as the governing body levying the tax may deem necessary for the purpose or purposes for which levied, except that where the tax is for raising funds for capital expenditures the rate shall not be more than two dollars and fifty cents on the one hundred dollars of the assessed value of the property in any one year; *provided that there may be exempted from such taxes for debt service on Literary Fund Loan or other loan for capital outlay, property located in a special town school district which levies its own taxes for debt service and capital outlay.*

§ 22-130.—Nothing contained in §§ 22-126 \* through 22-128 shall be construed as raising or abrogating any maximum tax rate limit provided in any city charter.

§ 22-132.—All funds both State and local \* made available to the school board for \* public school and/or educational purposes in each city shall be \* recorded by the treasurer or other officer of the city charged by law with the responsibility for the receipt, custody and disbursement of the funds of the city \* in an account or accounts separate and distinct from all other funds. Such school funds shall be disbursed upon the order or authority of the school board of the city.

§ 22-133.—All funds made available to the school board for public school and/or educational purposes in the counties, both State and local shall be handled by the county treasurer and paid out in the same manner as other county funds are paid out by him under the provisions of § 58-951.

§ 22-141.—(a) Funds to be paid by county treasurer to town treasurer.—For the benefit of each town school district operated by a school board of three members, the county school board shall require the county treasurer to pay over to the town treasurer, if and when properly bonded, the following funds to be used for public school and/or educational purposes within such special town school district:

(1) From the amount derived from \* a county school levy and/or appropriations for public school and/or educational purposes, a sum equal to the pro rata amount from such levy or appropriations derived from such town.

(2) The amount due from State school funds received by the county for general school purposes, to be determined as between the county and the town on the same basis of distribution used by the State in making the distribution of such school funds to the counties and cities.

(3) The amounts due from the county to such special town school district from special State school funds to be determined in accordance with the purposes for which the allocations are made.

(4) From federal funds allocated to and received by the county on the basis of federally connected pupils for operations and/or capital outlay purposes, to be apportioned between the county and the town on the same basis of distribution as used in making the allotment of such federal funds to the county and in the ratio that such federally connected pupils residing in the town bear to the total of such federally connected pupils residing in the county including the town and which were included in the county's application for such federal funds.

(b) District located in adjoining counties.—Where a special town school district is located partly in each of two adjoining counties and operated by a town school board created or constituted by the charter of such town, for the benefit of such town school district, each county school board shall require each respective county treasurer to pay over to the town treasurer, if and when properly bonded, the following funds to be used for *public school and/or educational* purposes within such special town school district:

(1) From the amount derived from \* *a county school* levy and/or appropriations in each respective county for *public school and/or educational* purposes, a sum equal to the pro rata amount from such levy or appropriations derived from such town.

(2) The amount due from State school funds received by each county for general school purposes, to be determined as between each county and the town on the same basis of distribution used by the State in making the distribution of such school funds to the counties and cities.

(3) The amounts due from each county to such special town school district from special State school funds to be determined in accordance with the purposes for which the allocations are made.

(c) State funds from special sources.—None of the provisions of this section shall require the county treasurer to pay over to the town treasurer of a special town school district any funds received from the State from special sources, including funds distributed to the localities from the profit realized from the operation of the State alcoholic beverage control system, when said town has received direct appropriations or allocations from the State from the same special sources.

(d) Sections not amended or repealed.—None of the provisions of this section or §§ 22-42, 22-43, 22-60, 22-67 and 22-99 shall be construed to amend or repeal the provisions of §§ 15-292 and 15-324.

2. That §§ 22-121, 22-122, 22-123, 22-125, 22-127.1, 22-129, 22-131, 22-139 and 22-139.1 of the Code of Virginia, and all amendments thereof, be repealed.

3. An emergency exists and this Act is in force from its passage.

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*A BILL to amend and reenact §§ 58-839 and 58-844 of the Code of Virginia, relating to the fixing and making of county, city, town, and district levies by governing bodies; to provide that such levies shall be fixed or made not later than a regular or called meeting in June; and to provide that no funds collected from general levies shall be considered available, allocated, or expended for any purpose until there has been an appropriation of funds for that purpose by the governing*

*body; and to add § 58-846.1 to the Code of Virginia, to provide that notice shall be given before any local tax levy shall be increased in any county, city, town or district.*

Be it enacted by the General Assembly of Virginia :

1. That §§ 58-839 and 58-844 of the Code of Virginia be amended and reenacted and that § 58-846.1 be added to the Code of Virginia as follows:

§ 58-839. The board of supervisors or other governing body of each county shall, at their regular meeting in the month of January in each year, or as soon thereafter as practicable not later than a regular or called meeting in \* *June*, fix the amount of the county and district levies for the current year, shall order the levy on all property within the county segregated by law for local taxation, and shall order the levy on the real estate and tangible personal property of public service corporations based upon the assessment fixed by the State Corporation Commission, and certified by it to the board of supervisors or other governing body, both with respect to location and valuation; any such governing body may provide that if any taxpayer owns tangible personal property of such small value that the local levies thereon for the year result in a tax of less than one dollar, such property may be omitted from the personal property book and no assessment made thereon. \*

*The making of a general county levy or the imposition of other taxes or the collection of such levy or taxes shall not constitute an appropriation nor an obligation or duty to appropriate any funds by the board of supervisors or other governing body of any county for any purpose, expenditure or contemplated expenditure. The laying or making of a levy in an amount sufficient to cover or pay all estimated and contemplated expenditures for the fiscal year shall not be construed as imposing any obligation or duty on the board of supervisors or other governing body to appropriate any amount whatsoever. No part of the funds raised by the general county levies or taxes shall be considered available, allocated or expended for any purpose until there has been an appropriation of funds for that expenditure or purpose by the board of supervisors or other governing body either annually, semiannually, quarterly, or monthly. There shall be no mandatory duty upon the board of supervisors or other governing body of any county to appropriate any funds raised by general county levies or taxes except to pay the principal and interest on bonds and other legal obligations of the county or district and to pay obligations of the county or its agencies and departments arising under contracts executed or approved by the board of supervisors or other governing body, unless otherwise specifically provided by statute. Any funds collected and not expended in any fiscal year shall be carried over to the succeeding fiscal years and shall be available for appropriation for any governmental purposes in those years.*

§ 58-844. The council of every city and town shall annually cause to be made up and entered on their journals an account of all sums lawfully chargeable on the city or town which ought to be paid within one year and order a city or town levy of so much as in their opinion is necessary to be raised in that way in addition to what may be received for licenses and from other sources; any such governing body may provide that if any taxpayer owns tangible personal property of such small value that the local levies thereon for the year result in a tax of less than one dollar, such property may be omitted from the personal property book and no assessment made thereon. The levy so ordered may be upon the persons in the city or town above the age of twenty-one years, not exempt

by law from the payment of the State capitation tax, and upon any property therein subject to local taxation and not expressly segregated to the State for purposes of State taxation only.

*The making of a general city or town levy or imposition of other taxes or the collection of such levy or taxes shall not constitute an appropriation nor an obligation or duty to appropriate any funds by the council of any city or town for any purpose, expenditure, or contemplated expenditure. The laying or making of a levy in an amount sufficient to cover or pay all estimated and contemplated expenditures for the fiscal year shall not be construed as imposing any obligation or duty on the council to appropriate any amount whatsoever. No part of the funds raised by the general city or town levies or taxes shall be considered available, allocated, or expended for any purpose until there has been an appropriation of funds for that expenditure or purpose by the council either annually, semiannually, quarterly, or monthly. There shall be no mandatory duty upon the council of any city or town to appropriate any funds raised by general city or town levies or taxes except to pay the principal and interest on bonds and other legal obligations of the city or town and to pay obligations of the city or town or its agencies and departments arising under contracts executed or approved by the council, unless otherwise specifically provided by statute. Any funds collected and not expended in any fiscal year shall be carried over to the succeeding fiscal years and shall be available for appropriation for any governmental purposes in those years. This section shall be applicable to all cities and towns in the State and the provisions of any charter of any city or town inconsistent or in conflict with this section shall be inoperative to the extent of such inconsistency or conflict.*

§ 58-846.1. *Before any local tax levy shall be increased in any county, city, town, or district, such proposed increase shall be published in a newspaper having general circulation in the locality affected at least fifteen days before the increased levy is made and the citizens of the locality shall be given an opportunity to appear before, and be heard by, the local governing body on the subject of such increase.*

2. An emergency exists and this Act is in force from its passage.

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*A BILL to amend and reenact §§ 58-921, 58-925, and 58-928 of the Code of Virginia, relating to the payment of warrants and the settlement of accounts by county treasurers, to provide that warrants may only be paid from funds appropriated for the purpose for which the warrant was drawn, and to provide that the clerk of the governing body of the county shall deliver copies of all appropriations of funds to the treasurer of the county.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 58-921, 58-925, and 58-928 of the Code of Virginia be amended and reenacted as follows:

§ 58-921. No county treasurer shall refuse to pay any warrant legally drawn upon him and presented for payment for the reason that a warrant of prior presentation has not been paid, when there shall be appropriated money in the treasury belonging to the fund drawn upon available and sufficient to pay such prior warrant and also the warrant

so presented; but such treasurer shall, as he may receive money into the treasury belonging to the fund so drawn upon, set the same apart for the payment of warrants previously presented and in the order presented. He shall receive in payment of the county levy any county warrant drawn in favor of any taxpayer, whether such warrant has been entered in the treasurer's book or not, but if the warrant has been transferred it shall be subject to any county levy owing by the taxpayer in whose favor the same was issued. When the warrant is for a larger sum than the county levy due from the payee or transferee of the warrant, the treasurer shall endorse on the warrant a credit for the amount of the county levy so due and such payee or transferee shall execute to the treasurer a receipt for such amount, specifying the number and date of the warrant on which it was credited; and the residue of the warrant shall be paid according to the order of its entry in the treasurer's book. *Copies of all appropriations, and ordinances and resolutions appropriating funds by the governing body, shall be delivered to the treasurer by the clerk of the governing body.*

§ 58-925. The treasurer shall receive the county levy in the manner prescribed for the receipt of the State revenue and shall, at the August meeting of the board of supervisors or other governing body of the county, or within thirty days thereafter, settle with the supervisors or other such body his accounts for that year; and out of the balance shown to be in his hands upon the settlement he shall at once pay all warrants drawn on the \* *appropriations* for that year not previously paid, in the order of their presentation. And when his term of office expires or if he die, resign or be removed from office, he, upon the expiration of his term of office, resignation, or removal, or his personal representative, upon his death, shall immediately make such settlement, showing the amount in his hands to be accounted for and the fund to which the same belongs and deliver to his successor all bonds belonging to his office and all money belonging to the county.

§ 58-928. If any such treasurer fail to pay, upon presentation, any legal warrant, having in his hands at the time *appropriated* funds out of which the same ought to be paid, or fail to set apart necessary funds, when the same \* *are appropriated and* come into his hands, for the payment thereof in its order, if listed under § 58-920, and to pay over the amount due upon such warrant as soon thereafter as the same may be again presented, the holder thereof may, on motion in his own name, in the circuit court of the treasurer's county, recover from him and his sureties the amount of such warrant, together with damages at the rate of ten per centum per month on the amount from the time such treasurer should have paid the same and the costs of such motion, including an attorney's fee of five dollars.

2. An emergency exists and this Act shall be in force on and after July 1, 1959.

## Surplus Property Bill

*A BILL to permit a referendum to be held in any county, city or town constituting a separate school district, to determine if specific real or personal school properties are needed for public purposes, to provide when such referendum shall be held, the manner of conducting such referendum, and to provide that specific properties shall be sold if the majority of the voters voting find that the school property is no longer needed for public purposes.*

Be it enacted by the General Assembly of Virginia:

1. In any county, city, or town, if the town constitutes a separate school district, where a number of qualified voters not less than ten per centum of the number of voters voting in the last preceding presidential election in that county, city, or town are of the opinion that any specific real or personal school property or properties are no longer needed for public purposes and the school board has not initiated proceedings to sell or exchange that real or personal property or properties, then on petition of a number of qualified voters not less than ten per centum of the number of voters voting in the last preceding presidential election in the county, city, or town, requesting the same, the circuit court of the county or the corporation court of the city or the judge thereof in vacation shall order an election by the people of the county, city, or town to be held not less than twenty nor more than thirty days after entry of the order, to determine whether the real or personal school property or properties specified in the petition are or are not needed for public purposes.

The electoral board of any county or city when an election has been ordered held, shall, prior to the date of such election, have printed at the expense of such county, city, or town proper ballots to be voted at such election, on which shall be set out the date of the election, and the question "Are (Is) the following specific school properties (property) needed for public purposes?"

Each separate parcel of real property, if there are more than one, shall be separately listed with its general description and location. Personal property in, on, or used in connection with the parcel of real property may be listed with the specific parcel of real property by the general description "together with all personal property located thereon and therein" or such personal property may be listed separately. Immediately below the name, general description and location of each separate parcel of real property, there shall be printed on separate lines, the words, "No, this property is not needed" and "Yes, this property is needed". On each such line and immediately to the left of "No" and "Yes", there shall be printed a square not less than one-quarter nor more than one-half an inch in size.

School buses may be listed thereon as ".....(Number) school buses", and all other personal property may be listed together with its general description. Immediately below each of the two classes of personal property, there shall be printed on separate lines, the words, "No, this property is not needed" and "Yes, this property is needed" with the squares as specified above.

The ballot shall be printed substantially thus :

Are (Is) the following specific properties (property) needed for public purposes:

1. .... elementary (junior high) (high) school  
(Name)

buildings containing.....class rooms designed to house.....  
(Number) (Number)

pupils, together with.....acres of land, located at.....;  
(Number) (Address)

together with all the personal property located thereon and therein.

- No, this property is not needed.
- Yes, this property is needed.

2. .... school buses.  
(Number)

- No, this property is not needed.
- Yes, this property is needed.

3. The following personal school property,.....,  
(General Description)

now or formerly used for public school purposes at.....  
(Location or Locations)

- No, this property is not needed.
- Yes, this property is needed.

Each person voting at such election shall mark his ballot in the manner prescribed by § 24-245 for the marking of ballots.

Such ballots shall be delivered to the judges of election, within five days preceding the day of election, in the same manner as ballots are delivered to the judges of election in regular elections, for use at such election. Such election shall be conducted in the manner prescribed by law for the conduct of regular elections by the regular election officers of such locality.

The poll books and the certificates of the judges of election shall be delivered by one of the judges of election from each precinct in the county, city, or town to the clerk of the court to which election returns are made in regular elections, and canvassed as returns are canvassed in regular elections and the results thereof certified by the clerk of the court to the judge of the court ordering the election.

If it shall appear from the returns that a majority of the qualified voters voting thereon at such election shall vote that any specific property is not needed for public purposes, an order shall be entered of record accordingly, a copy of which shall be forthwith certified by the clerk of such court to the school board, which shall within thirty days after the receipt of the copy of the order initiate proceedings to sell the specific property pursuant to the applicable provisions of law, upon such terms and conditions as the court may deem necessary to protect the public interest and by order of record approve.

The provisions of this Act shall be in addition to all other provisions of law and shall not impair the right or authority granted by law to any board, commission, governing body or court to sell, exchange, convey, or otherwise dispose of school property.

## Enrollment and Transfers Bill

*A BILL to require the State Board of Education to adopt rules and regulations for the placement of pupils in the public schools; to provide that initial placement shall be made by local school boards; to provide for administrative procedure and remedies for pupils seeking enrollments; to create a Placement Board of Appeals and confer upon it powers as to placement of pupils; to provide for appeals to the courts of this State; and to repeal Sections 22-232.1 through 22-232.17 of the Code of Virginia, as amended, relating to enrollment or placement of pupils.*

Be it enacted by the General Assembly of Virginia:

1. § 1. The State Board of Education shall promulgate rules and regulations to be used and applied by school boards in their respective jurisdictions in making placements of individual pupils in particular public schools so as to provide for the orderly administration of such schools, the competent instruction of the pupils enrolled and the health, safety, best interest and general welfare of such pupils.

§ 2. The placement of pupils in accordance with the rules and regulations adopted by the State Board of Education shall be made by school boards which are hereby authorized to fix attendance areas and adopt such other additional rules and regulations, not inconsistent with the rules and regulations of the State Board, relating to the placement of pupils as may be to the best interest of their respective school districts and the pupils therein.

§ 3. School boards are authorized to designate agents who may be division superintendents, or other school officials or employees, to make all initial placements in the manner required by this Act. All such placements must be made not later than April 15 preceding the school year to which placements are to be applicable and shall become final within ten days after notices thereof have been mailed to the last known address of the parents, guardians or other persons having custody of the pupils so placed and copies thereof delivered by mail, or otherwise, to the office of the principal of the school in which the pupil has been placed. The mailing of the notices of placement as required herein shall be prima facie evidence of receipt of same.

Parents, guardians or other persons having custody of pupils in the public school system are hereby required to notify their school board of any change of address or residence. The placement of any pupil whose parent, guardian or other person fails to so notify his board shall be final.

Any child who has not previously attended the public schools, any child whose residence has been moved from a county, city or town in which such child formerly attended school and any child who wishes to attend a school other than the school which he attended the preceding school year shall not be eligible for placement in a particular school unless application is made therefor, on or before April 5 preceding the school year to which the placement requested is to be applicable, by the parent, guardian or other person having custody of such child to the division superintendent having control of the school to which such child seeks admission. Such application shall be in writing on forms provided therefor by the State Board of Education and shall set forth the relationship of the applicant to the child and such other information as may be re-

quired by the State Board or requested by the school board. The action of the school board, or its representative, in making the placement of any pupil, whose parent, guardian or other person having custody of such pupil fails to make application within the time required herein, shall be final.

§ 4. If any parent, guardian, or other person having custody of a pupil, shall feel aggrieved by the placement of such pupil in a particular school under the provisions of § 3 or 10 of this act then such parent, guardian, or other person may, at any time prior to the placement becoming final, make application in writing to the school board for a review of such action, setting out therein the relationship of the applicant to the pupil and the specific reasons why such pupil should not attend the school in which placed and also setting out the particular reasons why such pupil should be placed in some other school to be named in such application. The school board shall review the initial placement within twenty days after receipt of such application for review. In making the review the school board shall have the authority to examine all records, files and other data pertinent to a consideration of the proper placement of the pupil involved, and shall have the further authority to require any person, including the applicant and the pupil, to appear and present evidence concerning the placement. The applicant shall be notified of the time and place of review and given the opportunity to appear if he so requests in his application. After review, the local board shall determine whether the placement sought in such application should be allowed and shall promptly enter an order either affirming the initial placement or changing the same. All such orders shall be entered on or before May 20 preceding the school year to which they are applicable and copies thereof furnished the applicants.

§ 5. There is hereby created a board to be known as the Placement Board of Appeals, hereinafter referred to as the Board of Appeals, which shall consist of five members who shall be appointed by the Governor, subject to confirmation by the General Assembly for a term coincident with that of the Governor making the appointments. Any vacancy shall be filled by appointment by the Governor, subject to confirmation by the General Assembly.

Members of the Board of Appeals shall receive as compensation for their services a per diem of twenty-five dollars for each day actually spent in the performance of their duties and shall be entitled to reimbursement for their necessary expenses incurred in connection therewith.

§ 6. The Board of Appeals may retain counsel and designate, appoint and employ such agents as it may deem desirable and necessary in the administration of its duties. It may designate any of its members or agents to hold the hearings hereinafter provided for and take testimony and submit recommendations in any and all cases referred to them by it. The Board of Appeals, or any member thereof, and any of its agents shall have authority to administer oaths to those who appear before it, any member thereof, or any of its agents in connection with the administration of its duties. The Board of Appeals, or any member thereof, and any of its agents shall also have the authority to issue subpoenas in the name of the Commonwealth to compel the attendance of witnesses and the production of documents. All such subpoenas shall be served by the sheriff, sergeant, constable, or any deputy thereof, of the county, city or town to which the same is directed. Should any person fail or refuse to obey any subpoena so issued, any court of record of the Commonwealth shall have jurisdiction, upon application of the Board of Appeals, a member there-

of or its agent, to compel such person to appear before the Board of Appeals, or any member or agent, and give testimony or produce documents as ordered. Should any person fail or refuse to obey an order of the court issued in accordance with this section, he may be punished by the court issuing the same as for contempt thereof.

§ 7. For the conduct of hearings and to facilitate the performance of the duties imposed upon it, its members and agents under this act, the Board of Appeals is authorized to promulgate all such rules and regulations and procedures and prescribe such uniform forms as it deems appropriate and needful and to require strict compliance with the same by all persons concerned.

§ 8. If the parent, guardian, or other person having custody of a pupil who has been placed in a particular public school, or five interested heads of families as described in § 11 of this act, shall feel aggrieved by the final decision of the school board making such placement, such person or heads of families may at any time within ten days from the date of such final decision appeal therefrom to the Board of Appeals. Such appeal shall be by petition with copy thereof delivered to the clerk or chairman of the school board, alleging therein the decision complained of and the objections thereto, and specifying the relief sought.

The Board of Appeals shall thereupon be charged with the duty of reviewing the placement made by the school board and of determining whether or not the petitioner is entitled to the relief requested.

Upon filing the petition for review, the Board of Appeals shall fix the time and place for hearing, which shall be held at Richmond, or a place reasonably accessible to the county, city or town in which the petitioner resides if so requested in the petition, and mail notices thereof to the petitioner and the school board. Upon receipt of a copy of the petition, the school board shall immediately certify to the Board of Appeals all records, exhibits and other information considered by it in making the final placement of the pupil concerned. The school board, or its representative, may appear at the hearing, and shall do so upon request of the Board of Appeals, and present such facts and information as may be deemed material for a proper review of the placement.

After consideration of the petition, the information furnished by the school board and the evidence adduced at the hearing, if any, the Board of Appeals shall determine the school in which the pupil should be placed and enrolled and enter an order accordingly. Such order shall be entered within thirty days from the date the petition was filed.

§ 9. If the parent, guardian, or other person having custody of the pupil, or five interested heads of families described in § 11 of this act, shall feel aggrieved by the final order of the Board of Appeals, such person or heads of families may at any time within ten days from the date of such order appeal therefrom to the circuit court of the county or corporation court of the city wherein such child resides. Such appeal shall be by petition against the Board of Appeals as defendant, alleging therein the order complained of and the objections thereto, and specifying the relief sought. Upon the filing of the petition for appeal the clerk of the court shall forthwith issue a summons returnable within twenty-one days. On or before the return day of such summons, the Board of Appeals may file its plea, demurrer, or answer to the allegations contained in the petition, but failure to do so shall not be taken as an admission of the truth of the facts set forth therein. The record on appeal shall consist of the petition to the Board of Appeals and the order complained of duly

certified by such board, which shall be filed with the clerk of the court on or before the return day of such summons. The case shall be matured for hearing upon the return date of such summons, and heard and determined de novo by the court without a jury, either in term or vacation.

If the decision of the court be that the order of the Board of Appeals shall be set aside, the court may adjudge that such pupil is entitled to attend the school as claimed in the petition to the Board of Appeals, or such other school as it may find such pupil is entitled to attend, and, in such case, such pupil shall be admitted to such school by the school board. From the final order of the court an appeal may be taken by either party to the Supreme Court of Appeals in the same manner as other appeals are taken from judgments in civil actions.

§ 10. Notwithstanding the requirements of § 3, any child whose residence is established in any county, city or town subsequent to March 5 preceding the school year in which he wishes to attend school shall make application to the school board for placement through his parent, guardian or other person having custody of such child within thirty days after such residence is established. The school board, or its designated agent, shall make the initial placement within 10 days after receipt of such application. Such application shall be in the same form as required by § 3 and the procedure to be followed, except insofar as altered by this section, shall be mutatis mutandis the same as prescribed by the preceding sections of this act.

The action of the school board, or its representative, in making the placement of any pupil, whose parent, guardian or other person having custody of such pupil fails to make application within the time required by this section, shall be final.

All final orders of school boards concerning applications for review of placements made by parents, guardians or other persons having custody of children whose residences are established in any county, city or town subsequent to March 5 preceding the school year in which they wish to attend school shall be entered within thirty days after receipt of such applications for review.

§ 11. Any five interested heads of families who are residents of the county, city or town and patrons of the public school involved in the placement or placements required by this act, who may feel themselves aggrieved by the action of the school board, or any of its agents or representatives, in making the initial placement or placements required by this act, may apply for review within ten days from the date all placements must be made pursuant to provisions of § 3 or 13, as the case may be, or within ten days after the making of the initial placements under § 10, by making application in writing to the school board setting forth the particular objections to the placement or placements involved. Upon receipt of such application, the school board shall review the placement or placements complained of in the same manner as required by § 4. If the relief requested is not granted, a petition may be filed with the Board of Appeals and the circuit or corporation court, as the case may be, in the same manner as is provided in the case of an aggrieved parent, guardian or other person having custody of a pupil.

§ 12. In any case where schools are operated jointly by more than one political subdivision, any final placement must be approved by a majority of the school board if a single board has been formed pursuant to the provisions of Chapter 6 of Article 5 of Title 22 of the Code and if such single board has not been formed then such final placement must be

approved by a majority of the members of each participating board, which said boards shall sit jointly but vote separately.

§ 13. For the school session beginning in September, 1959, and for that session only, all placements made pursuant to § 3 of this act shall be made not later than April 29 and applications for placements in particular schools may be received on or before April 25. Likewise, all final orders of school boards entered pursuant to § 4 of this Act may be entered not later than June 1 for the school session beginning in September, 1959.

§ 14. If any part or parts, section, subsection, sentence, clause or phrase of this act or the application thereof to any person or circumstance is for any reason declared unconstitutional, such decision shall not affect the validity of the remaining portions of this act which shall remain in force as if such act had been passed with the unconstitutional part or parts, section, subsection, sentence, clause, phrase or such application thereof eliminated; and the General Assembly hereby declares that it would have passed this act if such unconstitutional part or parts, section, subsection, sentence, clause or phrase had not been included herein, or if such application had not been made.

2. §§ 22-232.1 through 22-232.17 of the Code of Virginia, as amended, are hereby repealed.

3. An emergency exists and this act is in force from its passage.

## **Teacher Status; Pupil Attendance, Activities and Transportation Bills**

*A BILL to permit teachers to repay State scholarships by teaching in non-sectarian private schools.*

Be it enacted by the General Assembly of Virginia :

1. § 1. That any recipient of a scholarship from the State Board of Education, out of funds appropriated for teacher education and teaching scholarships under an agreement whereby the obligation to repay the amount of the grant or loan may be cancelled by teaching one year in the public schools of this State, may satisfy his obligation to repay the amount of the grant or loan by teaching one year in a nonsectarian private school approved by the State Board of Education.
2. An emergency exists and this act is in force from its passage.

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*A BILL to provide in certain cases and under certain circumstances for the compulsory attendance of children between the ages of seven and sixteen upon the public schools of this State and to provide penalties for violations.*

Be it enacted by the General Assembly of Virginia :

1. § 1. Every parent, guardian, or other person in the Commonwealth, having control or charge of any child, or children, who have reached the seventh birthday and have not passed the sixteenth birthday, shall send such child, or children, to a public school, or to a private, denominational or parochial school, or have such child or children taught by a tutor or teacher of qualification prescribed by the State Board of Education and approved by the division superintendent in a home, and such child, or children, shall regularly attend such school during the period of each year the public schools are in session and for the same number of days and hours per day as in the public schools. The provisions of this section shall apply to any child or children who may be admitted to the primary grades in the public free schools of Virginia under the discretionary provision of § 22-218 of the Code.

§ 2. The period of compulsory attendance shall commence at the opening of the first term of the school which the pupil attends and shall continue until the close of such school for the school year or until the pupil reaches his or her sixteenth birthday.

§ 3. The provisions of this Act shall not apply to children physically or mentally incapacitated for school work, nor to those children suffering from contagious or infectious diseases while suffering from such diseases; nor to children under ten years of age who live more than two miles from a public school, unless public transportation is provided within one mile of the place where such children live; nor to children between ten and sixteen years of age who live more than two and one-half miles from a public school, unless public transportation is provided within one and one-half miles of the place where such children live. Compulsory education distances shall be measured or determined by the nearest practical routes, which are usable for either walking or riding, from the entrance to the

school grounds, or from the nearest school bus stop, to the residence of such children. Physical incapacity or disease shall be established by the certificate of a reputable practicing physician, made in accordance with the rules and regulations adopted by the State Board of Education, and mental incapacity is to be determined by such mental test or tests as may be prescribed by the State Board of Education.

§ 4. Notwithstanding the provisions of § 1 of this Act the school board shall on recommendation of the principal, the superintendent of schools and the judge of the juvenile and domestic relations court of such county or city, or on recommendation of the Superintendent of Public Instruction, excuse from attendance at school any pupil who in their or his judgment cannot benefit from education at such school, provided no such child shall be so excused unless the written consent of his parents or guardian be given.

§ 5. Every blind or partially blind child and every deaf child between seven and sixteen years of age, shall attend some school for the blind, or some school for the deaf, or some class in the public schools wherein special methods are used and special equipment and instruction are provided for the blind or deaf for nine months, or during the scholastic year, unless it can be shown that the child is elsewhere receiving regularly equivalent instruction during the period in studies usually taught in the public schools to children of the same age, provided that the superintendent or principal of any school for the blind, or the public schools or the schools for the deaf, or person or persons duly authorized by such superintendents or principals, may excuse cases of necessary absence among its enrolled pupils, and provided, further, that the provisions of this section shall not apply to a child whose physical or mental condition is such as to render its instruction as above described inexpedient or impracticable.

Any blind or partially blind or deaf child who prior to his sixteenth birthday has been regularly enrolled in some school for the blind or some school for the deaf or some class in the public schools wherein special methods are used and special equipment and instruction are provided for the blind or deaf, shall be required to continue attendance thereat until he reaches his twentieth birthday or until he has completed all courses offered by such school from which such child can benefit, unless it can be shown that such child is elsewhere receiving regularly equivalent instruction during the period in studies usually taught in the public schools.

§ 6. Every person having under his or her control a child between the ages above set forth, shall cause the child to attend school or receive instruction as required by this Act.

§ 7. Any person violating any of the preceding sections shall be guilty of a misdemeanor.

§ 8. Within ten days after the opening of the school, each principal teacher shall report to the division superintendent the names of the pupils enrolled in the school, giving age, grade and the name and address of parent or guardian.

§ 9. Within ten days after the opening of the school, each principal teacher shall submit another report to the division superintendent giving to the best of the principal teacher's information the names of all children not enrolled in school, with the name and address of parent or guardian, within the limits of the compulsory education requirements with regard to age and distance, according to the provisions of § 3.

§ 10. The division superintendent shall check these lists with the last school census and with reports from the Bureau of Vital Statistics. From these reports and from any other reliable source the superintendent shall within five days make a list of the names of children who are not enrolled in any school, and who are not exempt from school attendance. It shall be the duty of the division superintendent, or the attendance officer, if one be employed, to investigate all cases of nonenrollment and, when no valid reason is found therefor, to notify the parent, guardian or other person having control of the child, to require the attendance of such child at the school within three days from the date of such notice.

§ 11. A list of persons so notified shall be sent by the superintendent of schools, or the attendance officer, if there is one, to the principal teacher of the school. If the parent, guardian or other person having control of the child or children fails, within the specified time, to comply with the law, it shall be the duty of the division superintendent or the chief attendance officer, if there be one, to make complaint in the name of the Commonwealth before the juvenile and domestic relations court. In addition thereto, such child or children may be proceeded against as a neglected child or children in the manner provided by Title 63 of the Code.

§ 12. Any person who induces, or attempts to induce, any blind or partially blind child or a deaf child to absent himself unlawfully from school or employs or harbors any such child absent unlawfully from school, while the school is in session, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof before a juvenile and domestic relations court, be fined a sum not exceeding ten dollars for each offense.

§ 13. The principal teacher of every public school in the counties and towns and the truant officers of the cities shall, within thirty days from the beginning of the school year, furnish the division superintendent and the county, city or town school board with the names of all children who are blind or partially blind or deaf between the ages of seven and sixteen years, inclusive, living within the boundaries of his or her school district who do not attend school. It shall be the duty of the school board to certify forthwith the names of all such deaf children to the respective superintendents of the State schools for the deaf, and of all such blind or partially blind children to the Virginia Commission for the Visually Handicapped and to the superintendents of the schools for the blind whose duty it shall be to investigate all cases of nonenrollment of such blind children, and when no valid reason is found therefor, such child or children shall be required to attend school as provided in § 5.

§ 14. For the practical interpretation of the preceding sections of this Act a definition of a blind or partially blind child is as follows: A blind child is a child who has, with correcting glasses, twenty-two hundred vision or less, in the better eye. A partially blind child is a child who has twenty-seventy vision or less, in the better eye, or one who has some progressive eye trouble which in the opinion of a competent ophthalmologist makes it necessary for the child to attend a special school or a special class in the public schools.

§ 15. Every teacher in every school in the Commonwealth shall keep an accurate daily record of attendance of all children between seven and sixteen years of age. Such record shall, at all times, be open to any officer authorized to enforce the provisions of this Act who may inspect or copy the same, and shall be admissible in evidence in any prosecution for a violation of this Act, as prima facie evidence of the facts stated therein.

§ 16. Every county school board and school board of a city or town shall have power to appoint, with the approval of its division superintendent of schools, one or more attendance officers who shall be primarily charged with the enforcement of the preceding sections of this Act, and for such purpose only, provided that, in a county, city or town where no attendance officer is appointed by the local school board, the division superintendent of schools shall act as attendance officer with the same powers conferred on attendance officers.

§ 17. Such attendance officers shall have the powers and authority of a sheriff. The compensation of such attendance officers, or of the division superintendent of schools, when he acts as such, shall be fixed by the school boards and paid out of funds available to the school board for public schools. Every attendance officer shall keep an accurate record of all notices served, of cases prosecuted and all other services performed, and shall make an annual report of the same to the board appointing him.

§ 18. Any parent, guardian, or other person who makes a false statement concerning the age of a child between the ages of seven and sixteen years, for the purpose of evading the provisions of this Act, shall be guilty of a misdemeanor.

§ 19. Any person who induces or attempts to induce any child to be absent unlawfully from school, or who knowingly employs or harbors, while school is in session, any child absent unlawfully, shall be guilty of a misdemeanor.

§ 20. Any child or children permitted by any parent, guardian, or other person having control thereof, to be habitually absent from school, contrary to the provisions of this Act, shall be deemed a neglected child, to be disposed of in the manner prescribed by Title 63 of the Code.

§ 21. It shall be the duty of the attorneys for the Commonwealth of the several counties and cities to prosecute all cases arising under this Act and juvenile and domestic relations courts shall have exclusive original jurisdiction for the trial of such cases.

§ 22. When it is found upon investigation that the parent, guardian or other person having control of a child is unable to provide the necessary clothes in order that the child may attend school, such parent, guardian or other person shall not be punished, unless the local board of public welfare, from public funds or otherwise, or some other agency or person, furnish such child with the necessary clothes, and thereafter such parent, guardian or other person fails to send such child or children, to school, as required by law.

§ 23. The State Board of Education shall have the authority and it shall be its duty to see that the compulsory attendance laws, as provided in this Act, are properly enforced in those counties, cities and towns wherein this Act is in force.

§ 24. This Act shall be in force in every county, city or town, if such town be a separate school district, when it has been recommended by resolution of the county, city or town school board and duly adopted by the governing body of such county, city or town in the same manner as local ordinances are adopted. The operation of this Act may be suspended in any county, city or town, if such town be a separate school district, by the governing body thereof in the same manner as local ordinances are repealed.

§ 25. In any case where schools are operated jointly by more than one political subdivision, any resolution adopted pursuant to the authority of this Act must be approved by a majority of the school board if a single board has been formed pursuant to the provisions of Chapter 6, Article 5, Title 22 of the Code and if such single board has not been so formed then by a majority of the members of each participating board, which said boards shall sit jointly but vote separately.

§ 26. If any part, section, sentence, clause or phrase of this Act, or the application thereof to any person or circumstance, when it becomes in full force and effect in any county, city or town as provided herein, shall for any reason be adjudged to be invalid the remainder shall be inoperative; and the General Assembly hereby declares that it would not have passed this Act if such invalid part, section, paragraph, sentence, clause or phrase had not been included therein, or if such application had not been made.

2. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

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*A BILL to permit schools boards to provide transportation for children attending nonsectarian private schools; or in lieu thereof to allot funds to assist in paying the costs of such transportation; to provide for State assistance in the payment of costs thereof; and to provide that local governing bodies may make appropriations therefor.*

Be it enacted by the General Assembly of Virginia:

1. § 1. The school board of every county, city or town, if the same be a separate school district, may provide transportation for any child enrolled in and attending nonsectarian private schools and, in such event, shall be entitled to reimbursement out of State funds to the same extent as counties, cities and towns are reimbursed for costs expended for transportation of pupils to and from public schools. Chapter 13 of Title 22 shall be applicable to such transportation together with the rules and regulations of the State Board of Education adopted pursuant thereto.

§ 2. The school board may, in lieu of furnishing transportation authorized by the preceding section, allot funds to assist parents of children attending nonsectarian private schools in paying the cost of other means of transportation. Such assistance shall not exceed an amount approved by the State Board of Education with due regard to the cost of transporting pupils generally in the public schools throughout this State. Fifty per centum of such cost shall be paid by the school division in which the child resides and fifty per centum by the State.

§ 3. The governing bodies of the several counties and the councils of the several cities and towns are hereby authorized to appropriate such funds as in their judgment may be necessary to carry out the provisions of sections 1 and 2 of this Act.

## Grants in Aid and Aid to Education Generally Bills

*A BILL to encourage the education of the children of the Commonwealth by providing scholarships for the education of such children in non-sectarian private schools and in public schools located outside of the locality in which they reside; to provide for the manner in which such scholarships shall be made available and the extent of State and local participation in the payment of such scholarships; and to make unlawful the improper obtaining or expending of funds provided for such scholarships; and to repeal Chapter 56, Acts of Assembly, Extra Session 1956, and Chapter 7.1 of Title 22 of the Code, consisting of §§ 22-115.1 through 22-115.21, relating to grants for education of children in private schools.*

Be it enacted by the General Assembly of Virginia:

1. § 1. The General Assembly, mindful of the need for a literate and informed citizenry, hereby declares that it is the policy of this Commonwealth to encourage the education of all of the children of Virginia. In furtherance of this objective, the General Assembly finds that in addition to providing instruction in the public schools, it is desirable and in the public interest that scholarships should be provided from the public funds of the State and localities for the education of the children in non-sectarian private schools and in public schools located outside of the locality where the children reside.

§ 2. The governing body of each county, city or town, if the town be a separate school district approved for operation, shall appropriate out of the general tax revenues of the locality and out of funds made available to the locality for such purpose by the State such amounts as may be necessary to provide scholarships of at least the minimum amount specified by § 5 of this Act for children of school age residing in such locality within the meaning of § 22-218 of the Code of Virginia but who attend nonsectarian private schools in or outside such locality or public schools located outside such locality.

§ 3. The funds made available for such scholarships shall be expended by the local school boards pursuant to rules and regulations promulgated by the State Board of Education. Such funds shall be appropriated and recorded separately from funds made available to the school board for the maintenance and operation of the public schools and no funds appropriated for scholarships shall be used or be available to be used for the maintenance or operation of the public schools.

§ 4. The State Board of Education is hereby authorized and directed to promulgate rules and regulations for the administration of this Act. Such rules and regulations may prescribe the minimum academic standards that shall be met by any nonsectarian private school attended by a child to entitle such child to a scholarship, but shall not deal in any way with the requirements of such school concerning the eligibility of pupils who may be admitted thereto. The State Board of Education may also provide for the payment of such scholarships in installments and for their proration in the case of children attending school less than a full school year.

§ 5. The amount of the minimum scholarship to be provided out of joint State and local funds for each child for a full school year shall be two hundred and fifty dollars or the amount equal to the actual cost of tuition at the school attended by such child or the total cost of operation,

excluding debt service and capital outlay, per pupil in average daily attendance in the public schools of the locality providing such scholarships, as determined by the Superintendent of Public Instruction for the school year 1958-1959, whichever of such three sums is the lowest. In the case of a locality in which public schools were closed during the school year 1958-1959 under the provisions of Chapter 68, Acts of Assembly, Extra Session 1956, the cost of operation for the school year 1957-1958 shall be used in making such computation. The locality shall contribute out of local tax revenues for each such scholarship provided for a child residing in such locality the amount obtained by multiplying the amount of the scholarship by the percentage which the expenditure out of local funds is of the total such cost per pupil in average daily attendance in such locality for the school year 1958-1959 or 1957-1958 as the case may be. The balance of such minimum scholarship shall be provided out of State funds appropriated to the locality for such purpose. The governing body of each county, city and town, if the town be a separate school district approved for operation, may appropriate from local revenues additional sums for the purpose of supplementing such minimum scholarships. The amount of the scholarship shall be paid to the parent or guardian of, or the person standing in loco parentis to, the child. The local school board shall require the recipients of the scholarship funds to furnish receipts or other evidence showing that the funds were expended for the purpose for which the scholarships were granted.

§ 6. It shall be unlawful for any person to obtain, seek to obtain, expend, or seek to expend, any scholarship funds for any purpose other than in payment of or reimbursement for the tuition costs for the attendance of his child or ward at a nonsectarian private school in or outside the locality making such scholarship grant or a public school located outside such locality. A violation of this section shall, except for offenses punishable under § 18-237 of the Code, constitute a misdemeanor and be punished as provided by law.

§ 7. If a locality fails to provide the scholarship funds under the provisions of this Act for those entitled thereto, the State Board of Education shall authorize and direct the Superintendent of Public Instruction, under rules and regulations of the State Board of Education, to provide for the payment of such scholarships on behalf of such locality. In such event the Superintendent of Public Instruction shall, at the end of each month, file with the State Comptroller and with the school board and the governing body of such locality a statement showing all disbursements so made on behalf of such locality, and the Comptroller shall from time to time as such funds become available deduct from other State funds appropriated for distribution to such locality the amount required to reimburse the State for expenditures incurred under the provisions of this section, provided that in no event shall any funds to which such locality may be entitled under the provisions of Title 63 of the Code or for the operation of public schools be withheld under the provisions of this section; and provided further that, except out of funds appropriated for distribution to such locality to assist it in providing the basic scholarships under this Act, no greater amount shall be withheld on account of any scholarship paid directly by the State under the provisions of this section than the amount of the locality's share of the minimum scholarship.

2. That Chapter 56, Acts of Assembly, Extra Session 1956, and Chapter 7.1 of Title 22 of the Code of Virginia, consisting of §§ 22-115.1 through 22-115.21, and all amendments thereof, are hereby repealed.

A *BILL to amend and reenact § 3 of Chapter 642 of the Acts of Assembly of 1958, approved April 7, 1958, relating to the appropriation of the public revenue for the two years ending, respectively, on the thirtieth day of June, 1959, and the thirtieth day of June, 1960, as amended by Chapter 3 of the Acts of Assembly, Extra Session 1959, approved January 31, 1959, so as to appropriate monies from the general fund of the State Treasury to assist localities in providing, in accordance with law, scholarships to children attending nonsectarian private schools located in or outside and public schools located outside the locality in which such children reside; and to appropriate additional monies from the general fund of the State Treasury to the Department of Education for research, planning and testing; and to appropriate monies from the general fund of the State Treasury for the administration of the duties of the Placement Board of Appeals; and to repeal the appropriation made for the year ending on the thirtieth day of June 1960 to further and encourage generally the education of the children of Virginia by providing for the payment of tuition grants; and to repeal a portion of the appropriation for the administration of the Pupil Placement Act.*

Be it enacted by the General Assembly of Virginia:

1. That § 3 of Chapter 642 of the Acts of Assembly of 1958, approved April 7, 1958, as amended by Chapter 3 of the Acts of Assembly, Extra Session 1959, approved January 31, 1959, be amended and reenacted as follows:

(ITEMS 1 THRU 128 UNCHANGED)

PUPIL PLACEMENT BOARD

	First Year	Second Year
<b>Item 129</b>		
For administration of Pupil Placement Act.....	\$ 166,510	\$ *

PLACEMENT BOARD OF APPEALS

<i>Item 129-A</i>		
<i>A sum sufficient estimated at.....</i>	<i>\$ 50,000</i>	<i>\$ 167,230</i>

DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION

<b>Item 130</b>		
For expenses of administration of the State Board of Education, including the payment of premiums on official bonds in accordance with the provisions of § 2-8 of the Code of Virginia.....	\$ 176,400	\$ 176,200
Out of this appropriation shall be paid the following salary:		
Superintendent of Public Instruction (without fees, the fees collected by him to be paid into the general fund of the State treasury).....	\$17,000	

<b>Item 131</b>		
For research, planning and testing.....	*\$ 327,213	*\$ 698,963

<b>Item 132</b>	<b>First Year</b>	<b>Second Year</b>
For teacher education and teaching scholarships for the public free schools, an amount not to exceed.....\$	673,375	\$ 698,875
To be apportioned under rules and regulations of the State Board of Education with the approval of the Governor.		
 <b>Item 133</b>		
For State supervision .....	\$ 331,700	\$ 335,600
 <b>Item 134</b>		
For production of motion picture films.....\$	37,800	\$ 37,800
 <b>Item 135</b>		
For production of motion picture films, to be paid only from funds derived by the State Board of Education from the production of such films and paid into the State treasury, and not out of the general fund of the State treasury.....\$17,050 each year.		
 <b>Item 136</b>		
For local administration (salaries of division superintendents) .....	\$ 255,000	\$ 255,000
This appropriation shall be expended for salaries of division superintendents under the conditions set forth in § 22-37, as amended, of the Code of Virginia		
 <b>Item 137</b>		
For the establishment and maintenance of local supervision of instruction in elementary and high schools, including visiting teachers, to be apportioned among such schools by the State Board of Education.....\$	752,700	\$ 752,700
 <b>Item 138</b>		
For basic appropriation for teachers' salaries.....\$44,655,500		\$50,975,150
It is provided that in the apportionment of this sum no county or city shall receive less than the amount prescribed by § 135 of the Constitution of Virginia.		
It is provided, further, that the total of this sum, including the aforementioned apportionment, and the sums set forth in Items 139 and 140 shall be apportioned to the public schools by the State Board of Education under rules and regulations promulgated by it to effect the following provisions:		
a. The apportionment shall be on the basis of the following amounts, as applicable, per State aid teaching position:		
(1) in the first year of the biennium, \$1,650 for each such position, plus an additional \$150 for each such position which is occupied by a teacher having a collegiate professional certificate (or equivalent) and seven or less years of experience or by a teacher having a normal professional certificate (or equivalent) and eleven or less years of experience; and,		

(2) in the second year of the biennium, \$1,750 for each such position, plus an additional \$300 each such position which is occupied by a teacher having a collegiate professional certificate (or equivalent) and seven or less years of experience or by a teacher having a normal professional certificate (or equivalent) and eleven or less years of experience.

It is provided, however, that no payment from this item for a State aid teaching position shall exceed two-thirds of the salary paid the incumbent of a State aid teaching position when the total salary of such incumbent is less than the amount of State aid available for each State aid teaching position. For purposes of this act, "State aid teaching position" is defined as one teaching position for each thirty (30) pupils in average daily attendance in the elementary grades and one teaching position for each twenty-three (23) pupils in average daily attendance in the high school grades. The average daily attendance figures used in the apportionment of this item shall be those of the school year falling within the fiscal year for which the appropriation is made.

b. No apportionment from this item shall be made to any county or city for State aid teaching positions in excess of the number of such positions in which teachers are actually employed; provided, however, that in exceptional circumstances and in the discretion of the State Board of Education, a county or city may employ fewer teachers than the number of assigned State aid teaching positions allotted in accordance with paragraph a.

c. No apportionment from this item shall be made to any county or city except for payment of salaries of teachers or other instructional personnel in the public schools, or for payment of tuition in lieu of teacher or other instructional salaries under rules and regulations of the State Board of Education.

d. The annual expenditure of funds, derived from local sources, for instruction in the public schools shall not be less than the annual expenditure made from local sources for such instruction for the second school year in the previous biennium. However, if a county or city has established and maintains a salary schedule for teachers and other instructional personnel satisfactory to the State Board of Education, the expenditure, derived from local funds, for the salaries of teachers and other instructional personnel may be reduced below such expenditures for the second school year in the previous biennium, provided the reduction and the amount of reduction are approved by the State Board of Education. Also, a county or city may reduce such expenditure in exceptional circumstances due to a substantial loss in average daily attendance of pupils in the county or city, or in other exceptional local conditions, provided the reduction and the amount of reduction are approved by the State Board of Education.

e. The county or city shall pay from local funds at least thirty per cent (30%) of the total amount expended for salaries of teachers and other instructional personnel. However, a county or city shall be permitted by the State Board of Education to pay not less than twenty per cent (20%) of such amount if the county or city provides a levy or cash appropriation or a combination of both for schools which, when converted to an equivalent true tax rate, is as great as the average of all county or all city levies or cash appropriations or a combination of both such levies and appropriations for schools converted to an equivalent true tax rate; in converting a levy or cash appropriation or a combination of both for schools to an equivalent true tax rate, ratios of assessed valuations to true values used shall be such ratios determined by the State Tax Commissioner for the tax year 1950. For such counties or cities, the State Board of Education shall determine the per cent of local contribution, in no instance less than twenty per cent (20%) of the total amount expended for salaries of teachers and other instructional personnel.

f. A minimum salary schedule for teachers and other instructional personnel, satisfactory to the State Board of Education and approved by the Governor, shall be put into effect.

g. If any municipality annexes any portion of any county or counties, the State Board of Education shall make such equitable adjustment of the funds which would otherwise have gone to either as is in its opinion justified by the peculiar condition created by such annexation, and order distribution of such funds according to its findings. This provision shall not apply if a court of competent jurisdiction makes such adjustment and orders such distribution.

h. Allotments of funds from this item and from Items 139 and 140 beyond the constitutional appropriation shall be paid to a county or city only after submission of evidence satisfactory to the State Board of Education that the amount for which the allotment is claimed has been or will be expended for the purpose designated and in full compliance with the terms and conditions set forth pursuant to this item.

i. It is further provided that the State Board of Education with the approval of the Governor may make such equitable adjustment in the distribution of this fund as may be necessary due to a substantial loss in average daily attendance of pupils in any county, city or town. The average daily attendance data for such county, city or town for the previous year may be used in making this adjustment.

It is further provided that in the event the total of the sums set forth in Items 138, 139, and 140 exceeds the amount necessary to make the apportionments required by this item, any balance remaining

may, upon request by the State Board of Education, and with the prior written approval of the Governor, be transferred and added to the sums set forth in Item 142 or in Item 148, or in both.

**Item 139**

For basic appropriation for teachers' salaries, to be paid from the actual collections of special taxes segregated by § 135 of the Constitution of Virginia to support of the public free schools; provided, that no part of this appropriation shall be paid out of the general fund of the State treasury, estimated at.....\$1,275,000 the first year, and \$1,350,000 the second year.

**Item 140**

For basic appropriation for teachers' salaries, to be paid from the proceeds of interest payments to the Literary Fund; provided, that no part of this appropriation shall be paid out of the general fund of the State treasury, estimated at .....\$1,056,500 the first year and \$1,478,000 the second year.

**Item 141**

For salary equalization .....\$ 9,050,000    \$ 9,050,000

a. It is provided that the State Board of Education shall pay from the sums provided by this item to each county and city an amount equal to that paid for the year ending June 30, 1958, from Item 137, Chapter 716, Acts of Assembly of 1956.

b. It is provided further that the State Board of Education shall make no distribution from this item to any county or city which has not first complied with the conditions stated in paragraphs c-h, inclusive, of Item 138 and in paragraph b of Item 142.

c. If the sums available for this item as listed herein or by authorized transfer hereto are not sufficient for the purposes described, the distribution of such sums shall be made on a pro rata basis. If the sums available for this item as listed herein exceed the amount required for the purposes described, any balance remaining may, upon request of the State Board of Education, with the prior written approval of the Governor, be transferred and added to the sums set forth in Item 138, or in Item 142, or in both.

**Item 142**

For providing a minimum educational program.....\$ 7,500,000    \$ 8,000,000

A county or city, which meets the requirements stated below is eligible, subject to rules and regulations promulgated by the State Board of Education, to receive an apportionment from this item to provide sufficient monies to operate a minimum educational program; a minimum educational program is defined as expenditure for school operation of not less than one hundred and seventy dollars nor more than two hundred dollars, as promulgated by the State Board of Education, per pupil in average daily attendance.

To be eligible for an apportionment from this item, a county or city must:

a. Have projected, in the opinion of the State Board of Education, a well-planned educational program, and

b. Have expended from local sources for school operation, exclusive of capital outlay and debt service, an amount equivalent to a uniform tax levy of fifty cents per one hundred dollars (\$100) of true valuation of local taxable wealth within such county or city. The true valuation of local taxable wealth used for this purpose shall be that determined by the State Department of Taxation for the tax year 1950.

c. Be still unable, with the amount thus provided from local sources, other available State apportionments for the public free schools, and Federal funds (not including capital outlay), to provide a minimum education program as defined above.

It is further provided that the State Board of Education may, in its discretion, apply eligibility requirements and compute allocations from this fund separately for any town school district operated by a school board of not more than five members, and the county in which such town is located.

If the amount set forth in Items 138-140, inclusive, or in Item 141 are not sufficient for the purposes described therein, the State Board of Education with the prior written approval of the Governor, may transfer from Item 142 to Item 138 or to Item 141, or to both, such sums as may be deemed proper.

If the amount provided by this item is insufficient to meet the entire needs of those counties and cities which qualify for apportionments as herein provided, the amount shall be distributed to such counties and cities on a pro rata basis.

No county or city shall receive from the total appropriation under this item more than two hundred and twenty-five thousand dollars during either year of the current biennium.

**Item 143**

For special education .....	\$ 706,550	\$ 757,450
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**Item 144**

For vocational education and to meet Federal aid.....	\$ 4,391,500	\$ 4,845,025
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**Item 145**

For vocational education, the funds received from the Federal government for vocational education, provided that no part of this appropriation shall be paid out of the general fund of the State treasury, estimated at .....\$950,000 each year.

**First Year    Second Year**

It is provided that a sum, not less than \$5,000 each year, be transferred from this appropriation to the general fund of the State treasury as a proportionate share of the administrative expenses of the State Board of Education.

**Item 146**

For guidance and adult education.....\$    40,000    \$    40,000

**Item 147**

For pupil transportation.....\$ 5,222,280    \$ 5,367,075

This appropriation shall be distributed as reimbursement for costs of pupil transportation under rules and regulations to be prescribed by the State Board of Education; provided no county or city shall receive an allotment in excess of the amount actually expended for transportation of pupils to and from the public schools, exclusive of capital outlay; provided, further, that if the funds appropriated for this purpose are insufficient, the appropriation shall be prorated among the counties and cities entitled thereto.

**Item 148**

For a discretionary fund to be disbursed under the rules and regulations of the State Board of Education.....\$    100,000    \$    100,000

It is provided that the State Board of Education may make apportionments from this discretionary fund only under the following conditions:

(1) For the purpose of aiding certain counties to operate and maintain a nine-month school term: satisfactory assurances must be given to the State Board of Education that (a) without aid from this fund the county is unable from local funds and other State funds to operate and maintain a nine-month school term, (b) maximum local funds for instruction, operation, and maintenance have been provided, and (c) such local funds, with other State funds apportioned to said county, and aid from this appropriation will enable the schools in said county to be operated and maintained for a term of not less than nine-months.

(2) For the purpose of aiding those counties and/or cities which are experiencing extraordinary continuing increases in average daily attendance, thereby requiring employment of additional teachers in excess of the number anticipated on the basis of average daily attendance of pupils enrolled during the preceding school year.

**Item 149**

For sick leave with pay for teachers in the public free schools, to be expended in accordance with regulations of the State Board of Education, subject to the prior written approval of the Governor.....\$    330,000    \$    363,000

	First Year	Second Year
<b>Item 150</b>		
For providing free text books only.....	\$ 225,000	\$ 245,000
<b>Item 151</b>		
For maintenance of libraries and other teaching material in public schools.....	\$ 532,950	\$ 573,450
<b>Item 152</b>		
For maintenance of libraries and other teaching materials in public schools, to be paid only out of the funds re- ceived from localities, and paid into the State treas- ury, and not out of the general fund of the State treasury, estimated at.....	\$300,000	
the first year, and \$330,000 the second year.		
<b>Item 153</b>		
For industrial rehabilitation.....	\$ 551,430	\$ 595,100
<b>Item 154</b>		
For industrial rehabilitation to be paid only from funds received from the Federal government and from local contributions for any such rehabilitation and not out of the general fund of the State treasury, estimated at .....	\$1,136,870	
the first year, and \$1,224,200 the second year.		
<b>Item 155</b>		
For industrial rehabilitation to be paid from the fund for the administration of the Workmen's Compensation Act and not out of the general fund of the State treasury .....	\$17,000	
each year.		
<b>Item 156</b>		
For placement and training of veterans in business estab- lishments .....	\$ 7,425	\$ 7,430
<b>Item 157</b>		
For placement and training of veterans in business estab- lishments, to be paid only out of funds received from the Federal government for this purpose, and not out of the general fund of the State treasury.....	\$91,875	
the first year, and \$92,670 the second year.		
<b>Item 158</b>		
For the education of orphans of soldiers, sailors and marines who were killed in action or died, or who are totally and permanently disabled as a result of serv- ice during the World War.....	\$ 18,000	\$ 18,000
It is provided that the sum hereby appropriated shall be expended for the sole purpose of providing for tuition, institutional fees, board, room rent, books and supplies, at any educational or training institu- tion of collegiate or secondary grade in the State of Virginia, approved in writing by the Superintendent		

of Public Instruction, for the use and benefit of the children not under sixteen and not over twenty-five years of age, either of whose parents was a citizen of Virginia at the time of entering war service and was killed in action or died from other causes in World War I extending from April 6, 1917, to July 2, 1921, or in any armed conflict subsequent to December 6, 1941, while serving in the army, navy, marine corps, air force or coast guard of the United States, either of whose parents was, or is, or may hereafter become totally and permanently disabled due to such service during either such period, whether such parents be now living or dead.

Such children, upon recommendation of the Superintendent of Public Instruction, shall be admitted to State institutions of secondary or college grade, free of tuition.

The amounts that may be, or may become, due hereunder by reason of attendance at any such educational or training institution, not in excess of the amount specified hereinafter shall be payable from this appropriation hereby authorized on vouchers approved by the Superintendent of Public Instruction.

The Superintendent of Public Instruction shall determine the eligibility of the children who may make application for the benefits provided for herein; and shall satisfy himself of the attendance and satisfactory progress of such children at such institutions and of the accuracy of the charge or charges submitted on account of the attendance of any such children at any such institution, provided, that neither said Superintendent nor any member of the State Board of Education, nor any official or agent or employee thereof, shall receive any compensation for such services.

Not exceeding four hundred dollars shall be paid hereunder for any one child for any one school year; and no child may receive benefits of this or similar appropriations for a total of more than four school years.

This amendment shall not operate to divest any such child of any such scholarship now holding any such scholarship under this act except that the four-year limitation herein provided for shall apply to any scholarship heretofore issued.

**Item 158-A**

To further and encourage generally the education of the children in Virginia, by providing for the payment of tuition grants for children attending nonsectarian private schools and public schools located in school districts other than that which the children would normally attend, a sum sufficient, estimated at.....\$1,200,000    \$ \*

a. The sums appropriated by this item shall be expended to provide tuition grants to pupils attending those said schools which are approved for their attendance by the State Board of Education, and

shall be made under rules and regulations to be promulgated and enforced by the State Board of Education. Such grants shall be paid out of this appropriation to the parent, guardian or other custodian school session 1958-59 \*, or the amount necessary to be expended in payment of the actual cost of such pupil's attendance at said school, whichever sum is the lesser.

b. Pupils entitled to tuition grants hereunder shall be those whose parents, guardians or custodians make affidavit, and establish to the satisfaction of the State Board of Education, that there is no adequate public school available for the pupil to attend, or that the welfare of the child would be best served if he attended a school other than the public school which he would normally attend; or that the pupil, his parents, guardian or custodian object upon grounds deemed valid and reasonable by the State Board of Education to such pupil's attendance at the public school to which he has been or would normally be assigned. Nothing herein contained shall be construed as prohibiting localities from supplementing such grants from local funds otherwise legally available.

Item 158-B

To assist localities in providing, in accordance with law, scholarships to children attending nonsectarian private schools located in or outside and public schools located outside the locality in which such children reside, a sum sufficient estimated at.....

\$ 2,500,000

Out of the funds appropriated by this item there shall be paid to each county, city, and town for each such scholarship grant made by such locality an amount equal to the State's share of the minimum amount of such scholarship as such share is defined by law.

(ITEMS 159 THRU 471 UNCHANGED)

2. This act is in force from its passage.

A BILL to amend and reenact § 22-219, as amended, of the Code of Virginia, relating to the attendance of children residing in the State in the public schools of a county, city, or town in which such children do not reside, so as to provide that the tuition charged for attendance shall not exceed the per capita cost of education, exclusive of capital outlay and debt service; and to repeal §§ 22-194 and 22-196 of the Code, relating to tuition charges to children attending high schools.

Be it enacted by the General Assembly of Virginia:

1. That § 22-219, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 22-219. The school board of each county, city or town operating as a separate school district shall have the power to make regulations whereby

persons other than those defined in § 22-218 who are residents of the State of Virginia may attend school in such county, city or town, and may charge tuition for the attendance of such persons in such schools, *provided, however, that the tuition charge for any such person shall not exceed the total per capita cost of education, exclusive of capital outlay and debt service, for high school or elementary pupils, as the case may be, of such county, city or town.*

2. That §§ 22-194 and 22-196 of the Code are hereby repealed.

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*A BILL to authorize any person, firm or corporation to use any existing building for the purpose of operating a private elementary or high school notwithstanding the provisions of any other statute, city charter, or ordinance.*

Be it enacted by the General Assembly of Virginia:

1. § 1. Notwithstanding the provisions of any other statute, the provisions of any city charter, local ordinance, zoning requirement, plumbing or building code or any other requirement of any city, town or county, any person, firm or corporation desiring to operate a private elementary or high school for the education of any of the children of any county, city or town in this Commonwealth may with the permission of the owner, lessee or other person having control of any building now existing occupy any such building and use the same for the purpose of operating such school without securing any occupancy, use or other permit from any local authority or official and without complying with the requirements of any such statute, charter, provisions, local ordinance, zoning requirement, or plumbing or building code or other requirement, provided such person, firm, or corporation secures a permit to use such building for such purpose from the State Department of Education. The State Department may, with the approval of the State Fire Marshal, grant such a permit if it is satisfied that such school can be operated in such building without endangering the health or safety of the children attending such school. Any such permit issued by the State Department of Education shall be effective for a period of one year only unless extended by the State Department of Education. Such extension shall be for not more than one additional year.

2. An emergency exists and this act is in force from its passage.

## Repeal of Laws Bills

*A BILL to repeal Chapter 68 of the Acts of Assembly of 1956, Extra Session, approved September 29, 1956, as amended, which was codified as §§ 22-188.3, 22-188.4, 22-188.5, 22-188.6, 22-188.7, 22-188.8, 22-188.9, 22-188.10, 22-188.11, 22-188.12, 22-188.13, 22-188.14 and 22-188.15 of the Code of Virginia, relating to the closing of schools; Chapter 69 of the Acts of Assembly of 1956, Extra Session, approved September 29, 1956, which was codified as §§ 22-188.30, 22-188.31, 22-188.32, 22-188.33, 22-188.34, 22-188.35, 22-188.36, 22-188.37, 22-188.38, 22-188.39 and 22-188.40 of the Code, relating to State established school systems; Chapter 41 of the Acts of Assembly of 1958, approved February 17, 1958, which was codified as §§ 22-188.41, 22-188.42, 22-188.43, 22-188.44 and 22-188.45; and Chapter 319 of the Acts of Assembly of 1958, approved March 13, 1958, which was codified as §§ 22-188.46, 22-188.47, 22-188.48 and 22-188.49 of the Code, relating to schools policed or disturbed under federal authority.*

Be it enacted by the General Assembly of Virginia:

1. That Chapter 68 of the Acts of Assembly of 1956, Extra Session, approved September 29, 1956, as amended, which was codified as §§ 22-188.3, 22-188.4, 22-188.5, 22-188.6, 22-188.7, 22-188.8, 22-188.9, 22-188.10, 22-188.11, 22-188.12, 22-188.13, 22-188.14, and 22-188.15 of the Code, Chapter 69 of the Acts of Assembly of 1956, Extra Session, approved September 29, 1956, which was codified as §§ 22-188.30, 22-188.31, 22-188.32, 22-188.33, 22-188.34, 22-188.35, 22-188.36, 22-188.37, 22-188.38, 22-188.39 and 22-188.40 of the Code, Chapter 41 of the Acts of Assembly of 1958, approved February 17, 1958, which was codified as §§ 22-188.41, 22-188.42, 22-188.43, 22-188.44 and 22-188.45 of the Code, and Chapter 319 of the Acts of Assembly of 1958, approved March 13, 1958, which was codified as §§ 22-188.46, 22-188.47, 22-188.48 and 22-188.49 of the Code, are hereby repealed.

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*A BILL to authorize school boards to close the public schools in any school district whenever the orderly administration of the educational process is disrupted or disturbed because of the use of military forces or other personnel under Federal authority for the purpose of policing the operation of any school in the district or to prevent violence or disorder in such district.*

Be it enacted by the General Assembly of Virginia:

1. § 1. The General Assembly hereby declares that it is impossible to provide proper instruction for children in schools whenever military forces or other personnel, military or civil under Federal authority are used for the purpose of policing the operation of the public schools and that the orderly administration of the educational processes can only be provided without resort to military occupation or control.

§ 2. The School Board of any county, city or town if the same be a separate school district approved for operation, is hereby authorized to close the schools of such county, city or town whenever the National

Guard or any other military troops or other personnel, military or civil, are employed or used under any Federal Authority for the purpose of policing the operation of any public school in the locality or for the purpose or alleged purpose of preventing acts or alleged acts of violence in such locality. Such school shall remain closed so long as such military forces or other personnel, military or civil, are deployed in such locality for that purpose and thereafter until the school board finds that the orderly administration of the public schools of such locality may be resumed.

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## Conclusion Resolution

### HOUSE JOINT RESOLUTION NO.

*Commending the school teachers of Virginia.*

Whereas, the education of youth is a matter of greatest importance to the health and happiness of the citizens of the Commonwealth; and

Whereas, the teaching profession is highly valued and respected in a free and growing society; and

Whereas, the school teachers of the State have generally continued to perform their duties in an unselfish and competent manner despite the uncertainties and inconveniences which have resulted from the present school crisis; now, therefore,

Resolved by the House of Delegates, the Senate concurring, That the General Assembly commends the teachers in the schools who have been so loyal to the best interests of their pupils and the people of this Commonwealth and assures the members of the teaching profession that whatever course may be taken in dealing with the present crisis the members of the General Assembly will continue to be deeply concerned with the welfare and interest of the teachers.