

**A BILL TO BE ENTITLED AN ACT
TO ESTABLISH A UNIFORM AND
EFFICIENT SYSTEM OF PUBLIC
INSTRUCTION IN THE STATE OF
ALABAMA**

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MR. BORDEN

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TO ESTABLISH A UNIFORM AND
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INSTRUCTION IN
THE STATE OF ALABAMA**

H. R. J. L. Borden

A BILL

TO BE ENTITLED AN ACT TO ESTABLISH

A Uniform and Efficient System of Public Instruction

IN THE

STATE OF ALABAMA, &c.,

BY

MR. BORDEN, OF CALHOUN COUNTY.

HOUSE OF REPRESENTATIVES, Nov. 19th.
Read first and second times, and referred to Committee on Education.
Nov. 30th.—Read third time, and 500 copies ordered printed.

MONTGOMERY:
REID & SCREWS, STATE PRINTERS.
1866.

A BILL

To be entitled An Act to establish a uniform and efficient System of Public Instruction in the State of Alabama, and to repeal the Act "To render more efficient the System of Public Schools in the State of Alabama," approved February 14th, 1856, and the "Act to amend An Act to render more efficient the System of Free Public Schools in the State of Alabama," approved 24th February, 1860.

Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That to carry into effect the provisions of our State Constitution; to realize the objects of the General Government in making grants and appropriations for the establishment of Schools in each township, and to extend upon equal terms to all the children of our State, the inestimable blessings of liberal instruction, the following system of Public Instruction is hereby established in this State, and the act "To render more efficient the system of Public Schools in the State of Alabama," approved 14th February, 1856, and the act amendatory thereto, approved 24th February, 1860, are hereby repealed.

TITLE—PUBLIC INSTRUCTION.

CHAP. I.—*State Superintendent.*

SECTION 1. The supervision and control of Public Instruction in this State shall be vested in a State Superintendent, who shall be elected by the General Assembly, and shall hold his office for three years; and shall be liable to be removed from office by the Governor for neglect of duty or misconduct at any time during his term; and any vacancy that may occur in said office of State Superintendent shall

be supplied by appointment by the Governor, until the next regular meeting of the General Assembly; *Provided*, that in the event of such removal, the Governor shall at the time communicate his reasons therefor, in writing, to the Superintendent thus removed, and also to the General Assembly, if in session, if not, within ten days after their next meeting.

SEC. 2. The State Superintendent shall, before entering on the duties of his office, take and subscribe an oath to be filed in the office of the Secretary of State, that he will faithfully discharge its duties; and also give bond, with security approved by the Governor, in the sum of twenty thousand dollars, for the faithful performance of the same.

SEC. 3. The office of State Superintendent of Public Instruction shall be located at the seat of Government in the city of Montgomery, in a room in the Capitol, assigned to him by the Governor; and he shall keep his office open during office hours, and shall permit his books to be inspected by all school officers, a committee of either House of the General Assembly, and such visitors as are interested in Public Instruction, when not officially engaged elsewhere.

SEC. 4. He shall visit each County in the State, at least once, during his term of office, for the purpose of conferring with the people and the school officers, counseling with the teachers, and delivering such lectures to the schools and the people as will be calculated to awaken an interest in the cause of education, and produce improvements in the government, methods of instruction, and discipline of the Public Schools; he shall, from time to time, prescribe instructions to the County Superintendents, Trustees, Directors and Teachers, for the systematic performance of their duties, and the proper management of the Schools.

SEC. 5. He shall prepare and preserve in well bound official books, complete, and particular exhibits of the condition of all the schools under his supervision, and the condition of the Public School fund of each township in every

county, specifically discriminating as to the portion derived from its 16th section fund, and from all other sources, designating the amounts of money apportioned to said townships and counties; the number of schools, teachers and pupils, the amount of expenditures in each township, what for, and from what sources derived.

SEC. 6. He shall see to the faithful disbursement of all moneys set apart and appropriated by this act, or from whatever sources raised for Public School purposes, taking as a basis of such disbursement, the returns, made to him next preceding such disbursement, of the number of children within the educational age in the various townships of this State.

SEC. 7. He shall by the first day of June, 1867, and annually thereafter, send out to the County Superintendents of each county, a statement of the proximate amount, per child, which he will pay them at the end of the following scholastic year.

SEC. 8. He shall, also, on or before the first day of June, annually, send out to each County Superintendent in the State, a statement showing the exact amount due and payable to each township for the scholastic year to close on the 30th of June, following.

SEC. 9. He shall, whenever required, give advice, explanations, construction or information in writing, to school officers, or to citizens, relative to the School Laws, the duties of officers, rights and duties of parents, guardians, pupils and all others,—and shall, from time to time, address circular letters to the County Superintendents, Trustees, Directors and Teachers, giving advice as to the best manner of conducting the schools, constructing school-houses, furnishing the same, and on all other subjects which may impart aid and encouragement to the cause of universal education.

SEC. 10. He shall prepare and transmit to the proper officers, suitable forms and blanks for Teachers' Registers, and for making the report required under the provisions of

this Act, and all other necessary forms, regulations and instructions for conducting the various proceedings and details of the system in a uniform and efficient manner.

SEC. 11. He shall, on or before the 15th day of October, present an annual report of his administration of the system of Public Instruction to the Governor, in which he shall furnish a brief exhibit :

1. Of his labors, the results of his experience and observation as to the operation of said system, and suggest the remedy for the observed imperfections.

2. An abstract of the reports received from the County Superintendents, exhibiting the condition of the Public Schools.

3. Estimates and accounts of expenditures, and a statement of the apportionment of money to the several counties.

4. Of plans for the improvement of the School Fund, and the better organization of the Public Schools.

5. He shall present a comparison of the results of the year last closed with the results of the preceding year or years, so as to indicate the progress made in the business of Public Instruction.

6. He shall furnish such other information relative to the system of Public Instruction—the Schools, the Government Funds, annual Revenues, &c., &c., as he may deem expedient to communicate.

7. He shall append to said report statistical tables compiled from the materials transmitted to his office, by the proper officers, with proper summaries, averages and totals. He shall, also, append a statement of the annual collections of School Revenue, and his apportionment thereof, and, when he deems it of sufficient interest so to do, he shall append extracts from the correspondence of the school officers, tending to show either the salutary or defective operations of the system or any of its parts.

8. When the report is laid before the Governor, he shall order the Secretary of State to have printed in the same

manner and upon the same conditions that other public printing is done during the recess of the Legislature, a sufficient number of copies to supply all the school officers of the State, and for the usual exchange with other States; and it shall be the duty of the Superintendent to distribute the same as indicated in this section.

SEC. 12. The State Superintendent shall have power to direct and cause the County Superintendent, or Trustee of the townships, to withhold from any School officer or teacher any part of the School moneys, until such officer or teacher shall have complied with the requirements of this Act, relating to his duties, and he may forbid the payment of any part of the School Fund to any township or district in which the School or Schools have not been kept in accordance with the laws regulating the same.

SEC. 13. He may, upon examination, or on the recommendation of a County Superintendent, or on other evidence satisfactory to himself, grant a certificate of qualification, which until revoked, shall be conclusive evidence, that the person to whom it is granted is qualified by his moral character, learning and ability, to teach in the Public Schools in this State, and such certificate shall be valid anywhere in the State, and the holder thereof shall not be subject to further examination, and upon cause shown he may annul any certificate granted by himself, his predecessor, or by any County Superintendent.

SEC. 14. The State Superintendent shall decide, without appeal, and without cost to the parties, all controversies or disputes that may arise under the School Laws of this State, the facts of which controversies or disputes shall be made known to him through the County Superintendent, by written statements by the parties thereto, verified by oath if required, and accompanied by certified copies of all documents necessary to a full understanding of the question in dispute: *Provided*, that nothing contained in this section shall be so construed as preventing any questions that may arise under this law, from being

subject to the jurisdiction of, and being tried in the Courts of Law or Equity of this State.

SEC. 15. He shall file and arrange in the order of time, and keep in his office, all proceedings on every appeal to him, including his decisions, and orders founded thereon.

SEC. 16. He shall have power to remove any County Superintendent, for neglect of duty, incompetency, or immorality, and when he does so he shall immediately notify the Board of Education of the fact, that they may supply the vacancy.

SEC. 17. It shall be the duty of the State Superintendent to collect in his office such school books, maps, charts, apparatus, Geological and Mineralogical specimens as can be obtained without cost to the State, and also to purchase such rare and valuable works on education, (not to exceed fifty dollars worth per annum,) as cannot be obtained otherwise, to be used as books of reference for the benefit of teachers.

SEC. 18. He shall cause as many copies of the School Laws, with necessary forms, instructions and regulations, to be from time to time printed and distributed among the school officers, as he may deem the public good requires.

SEC. 19. If at any time by failure of the General Assembly to make an election, or by death, resignation or otherwise, the office of Superintendent of Public Instruction shall be vacant, the Governor shall appoint some person to discharge its duties, who shall be entitled to all the powers, and bound by the same provisions as though he had been regularly elected.

SEC. 20. The State Superintendent shall triannually hold a convention of County Superintendents, at the City of Montgomery, for the purpose of consultation in regard to the workings of the School System; for the adoption of a series of text-books to be used in all the schools of the State, and for the adoption of a uniform course of studies for all the High and Normal schools of the State; and when said convention shall, by a majority of the members