

**THE PUBLIC SCHOOL LAW OF NORTH  
CAROLINA, BEING A PART OF CHAPTER  
89, REVISAL OF 1905, AS AMENDED BY  
THE GENERAL ASSEMBLY OF 1907,  
1909, 1911, 1913, 1915 AND 1917**

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The Public School Law of North Carolina, Being a Part of Chapter 89, Revisal of 1905, as Amended by the General Assembly of 1907, 1909, 1911, 1913, 1915 and 1917 by J. Y. Joyner

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**J. Y. JOYNER**

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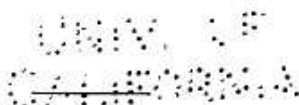
THE  
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OF

NORTH CAROLINA

BEING A PART OF

CHAPTER 89, REVISAL OF 1905, AS AMENDED BY THE GENERAL  
ASSEMBLY OF 1907, 1909, 1911, 1913, 1915, AND 1917



ISSUED FROM THE OFFICE OF THE  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
RALEIGH, 1917

529  
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## PREFATORY NOTE

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This compilation of the Public School Laws of North Carolina is issued in this form, in accordance with section 4089 of The Revisal of 1905.

All amendments to the General School Law made by the several General Assemblies since the compilation of the law in The Revisal of 1905 have been incorporated in the respective sections, and the amendments made by the General Assembly of 1917 are printed in italics in the amended sections. This compilation includes also the special acts of State-wide application relating to public schools not included in the body of the public school law.

The notes, decisions and other matter, it is hoped, will be found convenient and useful.

A careful reading of the law by all school officers and teachers will prevent many mistakes and much burdensome correspondence and delay.

J. Y. JOYNER,  
*Superintendent of Public Instruction.*

RALEIGH, May, 1917.

RALEIGH, N. C.  
MAY 1917

UNIV. OF  
CALIFORNIA

EDUCATION IN OUR CONSTITUTION

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Article IX of the Constitution of North Carolina relates to education. It reads as follows:

SECTION 1. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

SEC. 2. The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of or to the prejudice of either race.

SEC. 3. Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least four months in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this section they shall be liable to indictment.

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State and not otherwise appropriated by this State or the United States, also all money, stocks, bonds and other property now belonging to any State fund for purposes of education, also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to the State and not otherwise appropriated by the State or by the terms of the grant, gift or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

SEC. 5. All moneys, stocks, bonds, and other property belonging to a county school fund, also the net proceeds from the sale of estrays, also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as an equivalent for exemption from military duty shall belong to and remain in the several counties and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties in this State: *Provided*, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

SEC. 6. The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof in any wise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws and regulations from time to time as may be necessary and expedient for the maintenance and management of said University.

SEC. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also that all the property which has heretofore accrued to the State or shall hereafter accrue from escheats, unclaimed dividends or distributive shares of the estates of deceased persons shall be appropriated to the use of the University.

SEC. 8. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction, and Attorney-General shall constitute a State Board of Education.

SEC. 9. The Governor shall be president and the Superintendent of Public Instruction shall be secretary of the Board of Education.

SEC. 10. The Board of Education shall succeed to all the powers and trusts of the president and directors of the literary fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said board may be altered, amended, or repealed by the General Assembly, and when so altered, amended or repealed they shall not be reenacted by the board.

SEC. 11. The first session of the Board of Education shall be held at the capital of the State within fifteen days after the organization of the State Government under this Constitution; the time of future meetings may be determined by the board.

SEC. 12. A majority of the board shall constitute a quorum for the transaction of business.

SEC. 13. The contingent expenses of the board shall be provided by the General Assembly.

SEC. 14. As soon as practicable after the adoption of this Constitution the General Assembly shall establish and maintain in connection with the University a department of agriculture, of mechanics, of mining and of normal instruction.

SEC. 15. The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years for a term of not less than sixteen months, unless educated by other means.

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SEC. 27. The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.—*Bill of Rights, North Carolina Constitution.*

Article II, section 29:

The General Assembly shall not pass any local, private, or special act or resolution: "Erecting new townships, or changing township lines, or establishing or changing the lines of school districts."

#### EDUCATIONAL QUALIFICATION FOR SUFFRAGE.

Article VI, section 4, of the Constitution of North Carolina contains the following:

Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and before



he shall be entitled to vote he shall have paid, on or before the first day of May of the year in which he proposes to vote, his poll tax for the previous year, as prescribed by Article V, section 1, of the Constitution. But no male person who was on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, he shall have registered in accordance with the terms of this section prior to December 1, 1908.

## NEW SCHOOL LEGISLATION, 1917

### AN ACT TO ESTABLISH A STATE BOARD OF EXAMINERS AND INSTITUTE CONDUCTORS

[CHAPTER 146, PUBLIC LAWS 1917.]

*The General Assembly of North Carolina do enact:*

SECTION 1. There shall be and is hereby constituted a State Board of Examiners and Institute Conductors, which shall consist of six members—three men and three women—of recognized ability, character, professional training and successful experience in teaching or in supervising schools, to be designated as Institute Conductors, who shall be appointed by the Governor of the State, three for a term of two years, three for a term of four years, and their successors for a term of four years. All vacancies occurring in the membership of said board by death or resignation or otherwise shall be filled in the same manner for the unexpired term. The State Superintendent of Public Instruction shall be *ex officio* chairman of said board, and the State Supervisor of Teacher-Training and Superintendent of the State Normal Schools for the Colored Race and the Cherokee Indians shall be *ex officio* secretary. The salary of each institute conductor shall be fixed by the State Board of Education, upon the recommendation of the executive committee of the North Carolina Teachers' Assembly, at a sum not to exceed two thousand five hundred dollars per year exclusive of expenses. For immoral conduct, incompetency, failure to perform duty, or other and sufficient cause, the State Board of Education may remove from office any member of said Board of Examiners and Institute Conductors, after due notice in writing to said member of the charges, who shall be given at least five days to appear and answer and offer evidence, and who shall have the right of appeal from the action of the State Board of Education to the courts of the State.

Sec. 2. Said Board of Examiners and Institute Conductors shall have entire control of examining, accrediting without examination, and certifying all applicants for the position of teacher, principal, supervisor, superintendent, and assistant superintendent in all public elementary and secondary schools of North Carolina, urban and rural, and no person shall be employed or serve in said schools as teacher, principal, supervisor, superintendent or assistant superintendent, who shall not be certificated for such position by said board under the provisions of this act: *Provided, however,* that the examination and certification of all applicants for second and third grade certificates shall be under the control of the county superintendent of each county or of the town or city superintendent of each town or city system operated under special act or charter. Said board shall prescribe rules and regulations for examining, accrediting without examination, and certifying all such applicants for the renewal and extension of certificates and for the issuance of life certificates. No certificate issued by said board shall be valid until approved and signed by the county superintendent of the county or the city superintendent of the city in which the examination of the holder of said certificate was held, or in the schools of which the holder of said

certificate, if issued without examination, applies to teach. Any certificate when so approved by said county or city superintendent shall be of Statewide validity, and in case said county or city superintendent shall refuse to approve and sign any such certificate, he shall notify the secretary of the State Board of Examiners and Institute Conductors and state in writing the reasons for such refusal, and said State Board of Examiners and Institute Conductors shall have the right, upon appeal by the holder of said certificate, to review and investigate and finally determine the matter.

SEC. 3. All State high school certificates, five-year State elementary school certificates, and first-grade county certificates in force at the time of the ratification of this act shall continue in force until the date of their expiration as stated in each certificate, after which the present holders of such certificates shall be subject to such rules and regulations as the State Board of Examiners and Institute Conductors may adopt in regard to the issuance or renewal, with or without examination, of certificates of the same class. Said Board of Examiners and Institute Conductors shall issue to all city superintendents, to all county superintendents, and to all assistant superintendents in service at the time of the ratification of this act temporary superintendents' or assistant superintendents' certificates without examination, and prescribe rules and regulations for the renewal and extension of the same; and in cases of undoubted fitness, competency, and progressive efficiency, evidence of which shall be submitted in writing to said board, it shall issue to all such superintendents and assistant superintendents a permanent certificate without examination under such rules and regulations as said board may adopt. On or before July first, nineteen hundred and seventeen, the superintendent or other supervising officer of every city, town, or other specially chartered school that now has power and authority to elect teachers without a county or State certificate shall file with the State Board of Examiners and Institute Conductors a complete list of the names of all teachers, principals, and supervisors in service in the school or schools under his supervision during the school year ending June thirtieth, nineteen hundred and seventeen, together with a certified statement from them and from said superintendent or supervising officer of the qualifications, preparation, professional training, and teaching experience of each, and the recommendation of said superintendent or supervising officer as to the grade of certificate to which each is entitled. Whereupon the State Board of Examiners and Institute Conductors may authorize and cause to be issued to such teachers, principals, and supervisors, without examination, a permanent certificate of the grade recommended, subject, however, to the rules and regulations of said board for keeping permanent certificates in force.

SEC. 4. The State Board of Examiners and Institute Conductors shall prepare questions for the examinations authorized under this act, and the State Superintendent of Public Instruction shall cause lists of the questions so prepared to be printed, and shall, before the date of such examination, send in sealed packages, not to be opened until the day of the examination, to each superintendent or other person appointed to conduct said examinations in the various counties or cities of the State, a sufficient number of such lists. The second Tuesday in April, July, and October of each year is hereby designated for said examinations, which may be continued from day to day for three successive days, under such rules and regulations as said board may adopt; but no examination shall commence on any other day than the first