

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

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The public school law of North Carolina; being a part of chapter 89, revisal 1905, as amended by the General assembly of 1907, 1909, 1911 and 1913 by Various

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UNIV. OF
CALIFORNIA

RALEIGH
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SUPERINTENDENT OF PUBLIC INSTRUCTION
1914

TABLE OF CONTENTS.

PREFATORY NOTE.

EDUCATION IN OUR CONSTITUTION.

NEW SCHOOL LEGISLATION, 1913.

Six-months School Term Law.

Compulsory Attendance Law.

Child Labor Law.

Gulford County Farm-life School Law.

Women on School Boards.

THE PUBLIC SCHOOL LAW.

- I. Application of Chapter, section 4029.
- II. The State Board of Education, sections 4030-4035.
- III. Loans for Building Schoolhouses, sections 4053-4056.
- IV. The School System and Course of Study, sections 4085-4088.
- V. The General Powers and Duties of the State Superintendent, sections 4089-4092.
- VI. School Funds Provided by the State, sections 4093-4106.
- VII. School Funds Provided by County and Local Taxation and Apportionment of Same, sections 4107-4118.
- VIII. The Powers and Duties of the County Board of Education, sections 4119-4134.
- IX. The Powers and Duties of the County Superintendent, sections 4135-4144.
- X. The Powers and Duties of School Committee, sections 4145-4151.
- XI. The Treasurer of the School Fund, sections 4152-4160.
- XII. Privileges and Duties of Teachers, sections 4161-4167.
- XIII. Rural Libraries, sections 4172-4179.
- XIV. Separate Schools for Indians of Robeson County, sections 4168-4171.
Public High School Law.
Deaf Children Must Attend.
Scientific Temperance Instruction.
Health Law.
County Farm-life Schools.
Special County Taxation for Schools.

INDEX TO THE PUBLIC SCHOOL LAW.

PREFATORY NOTE.

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.

The *amendments* made to the School Law by the General Assembly of 1913 are printed in italics in the amended sections.

This compilation also contains the legislation of 1907 relative to high schools, attendance of deaf children, and scientific temperance instruction; the amendments of 1909, the amendments and the new school legislation of 1911 relative to County Farm-life Schools and special county taxation for schools; and also the amendments (in italics) and the new school legislation of 1913. 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.

RALFICH, March, 1913.

EDUCATION IN OUR CONSTITUTION.

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.

Section 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.*

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.

SIX MONTHS SCHOOL LAW.

AN ACT TO PROVIDE FOR A SIX MONTHS SCHOOL TERM IN EVERY PUBLIC SCHOOL DISTRICT OF THE STATE.

The General Assembly of North Carolina do enact:

PER CAPITA STATE APPROPRIATION OF \$250,000.

SECTION 1. That two hundred and fifty thousand dollars be, and the same is, hereby appropriated annually out of the State Treasury for the benefit of the public schools, to be apportioned by the State Board of Education to the respective counties of the State per capita as to school population on the first Monday in January of each year, using the school census of the preceding scholastic year as the basis of apportionment: *Provided*, that the State Board of Education shall annually deduct from said appropriation, before the apportionment thereof, the sum of one thousand five hundred dollars to be used in part payment of the salary and expenses of the Superintendent of the State Colored Normal Schools and inspector and director of the county teachers' institutes and of the teacher-training work of the State, and shall also deduct therefrom biennially in advance seven thousand five hundred dollars to be used for the establishment of rural libraries as provided in section four thousand one hundred and seventy-nine of The Revisal of one thousand nine hundred and five of North Carolina.

WARRANTS, HOW ISSUED.

SEC. 2. Upon requisition of the Superintendent of Public Instruction, the State Auditor shall issue his warrant upon the State Treasurer for the amount due each county, payable to the county treasurer, to be credited to the general public school fund of said county.

STATE EQUALIZING SCHOOL FUND CREATED.

SEC. 3. There shall be set aside annually five cents of the annual *ad valorem* tax levied and collected for State purposes on every one hundred dollars value of real and personal property in this State, and the funds annually arising from said tax shall be held by the State Treasurer as a fund separate and apart from all other funds for State purposes, and shall be known as "The State Equalizing School Fund," and shall be used, as hereinafter directed, to provide a six months school term in every school district in the State, or as nearly a six months term as said funds will provide.

APPROPRIATION OF EQUALIZING FUND—METHOD AND CONDITIONS.

SEC. 4. On or before the first Monday in December of each and every year the county board of education of each and every county entitled to aid from this fund shall submit to the State Board of Education, on blanks furnished for that purpose by the State Superintendent of Public Instruction, a sworn itemized statement by districts, showing the number of teachers employed in each district, the grade or class and the salary of each teacher, and such other information as may be required. Said statement shall further show under oath

that provision has been made as required by law for a four months school term in each district of said county, the rate of special tax levied therefor and the aggregate fund derived or to be derived therefrom. On or before the first Monday in February of each year the State Treasurer shall certify to the State Board of Education the amount of said State equalizing school fund derived and to be derived from said five cents property tax levied and set aside from the State tax levy on every one hundred dollars value of real and personal property in the State during the school year ending June thirtieth thereafter, and the State Board of Education shall apportion said fund among all the counties of the State that have complied with all the requirements of the law for providing a school term of four months in every school district, so as to equalize the school terms in said counties and bring the term in each legal school district in each of said counties to an equal length, bringing all terms in all districts to a minimum of six months, or as near thereto as the funds provided for this purpose render possible. The State Board of Education, however, shall apportion this fund only for the salaries of the teachers employed, and no part of said fund shall be apportioned or used for any other purpose than for the payment of the salaries of the said teachers for the period designated by the State Board of Education in the apportionment to each county. The salaries apportioned from said fund for teachers shall not exceed forty dollars per month for first grade, thirty dollars per month for second grade, and twenty dollars per month for third grade. Any balance of said fund that may remain after equalizing terms to six months as herein provided shall be apportioned among all the counties of the State per capita as to school population.

IN APPROPRIATION OF EQUALIZING FUND, NO ACCOUNT TO BE TAKEN OF
LOCAL TAX FUNDS.

SEC. 5. In the apportionment of the county school fund and in the apportionment of funds under this act to school districts levying a special tax for their schools no account shall be taken of the funds derived from said special tax, and the authorities legally empowered to levy such special tax in such school districts are hereby authorized, upon recommendation of the school committee or board of trustees of said school districts, to reduce the rate of the annual special tax levy therein proportionately to the increase of the funds of said district from the increased apportionment from the county and State funds and to the needs of the district: *Provided, however,* that the school term in said district shall not be reduced by said decrease in the special tax more than it is lengthened by the increased appropriation from the county and State funds.

COUNTIES THAT DO NOT HAVE FOUR MONTHS TERM AFTER LEVYING MAXIMUM RATE,
ENTITLED TO RECEIVE AID FROM THIS FUND.

SEC. 6. After any county shall have levied and collected a special tax of fifteen cents on every one hundred dollars value of property, real and personal, and forty-five cents on every taxable poll therein, to provide a four months school term in every school district, though the funds derived therefrom may be insufficient therefor, said county shall be entitled to receive from the State equalizing school fund provided under this act an apportionment for salaries of teachers for the same increased period beyond the end of its school term as it would if it had provided a full four months term in every district.