

**PUBLIC SCHOOL  
LAW OF NORTH  
CAROLINA**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649018307

Public School Law of North Carolina by Various

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**VARIOUS**

**PUBLIC SCHOOL  
LAW OF NORTH  
CAROLINA**



PUBLIC  
SCHOOL LAW  
OF  
NORTH CAROLINA

AS COMPILED IN THE "REVISAL OF 1905 OF NORTH CAROLINA"

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ISSUED IN PURSUANCE OF LAW  
BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION

RALEIGH  
E. M. UZZELL & Co., STATE PRINTERS AND BINDERS  
1905



## PREFACE.

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For the information and convenience of school officers and of the general public, this pamphlet containing the School Law and notes thereon by the State Superintendent is issued as required by law. The sections correspond in numbering to the sections of the Revisal of 1905 of North Carolina, as compiled by the Commissioners appointed for that purpose. The publication of the pamphlet has been delayed on account of the delay in the publication of this Revisal. All amendments to the School Law by the General Assembly of 1905 are incorporated in the respective sections to which these amendments related.

All school officers and public school teachers are urged to read carefully this law and the accompanying notes. The notes are intended to aid in the explanation and interpretation of the law and to give helpful suggestions to teachers and school officers. A careful reading of the law and the notes will prevent many mistakes and much troublesome correspondence and delay. I bespeak the hearty co-operation of all school officers, teachers and friends of education in the wise and faithful administration of this law.

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

Raleigh, N. C., July 25, 1905.

## IMPORTANT CHANGES IN THE SCHOOL LAW BY THE GENERAL ASSEMBLY OF 1905.

For the convenience of those familiar with the Public School Law before the amendments enacted by the General Assembly of one thousand nine hundred and five, I beg to call attention to the following principal changes:

1. No person while actually engaged in teaching in the public schools is eligible as a member of the county board of education. See section 4119.

2. Township committees are required to take the census in townships by districts and may be paid at the usual rate of two cents per name for their services or may be allowed for their services for the entire year a dollar a day each for four days, but cannot be paid for both. The township committee is required to appoint one man in each school district to look after the school-house and property and advise with the committee. See section 4145.

3. Expenditures by school committees for supplies and repairs cannot be made without the order of the county board. See section 4149.

4. Schools in districts with a census of less than one hundred and fifty children are not, as heretofore, required to be closed when the attendance falls below one-fifth of the school census, but may be closed by the committee with the approval of the county superintendent of schools. See section 4164.

5. All of section twenty-six relating to county teachers' institute and school is stricken out and a new section, which explains itself, is substituted in place of it. See section 4167.

6. The per diem of members of county boards of education in every county is fixed at two dollars. See section 4134.

7. By striking out the words "unless prevented by geographical reasons or sparsely settled neighborhoods" in section twenty-nine, the county boards of education are now absolutely prohibited by law from creating any new school district with less than sixty-five children. See section 4129.

8. Where necessary, an existing school-house site may be enlarged by the same sort of condemnation proceedings as is now provided for procuring new sites. See section 4131.

9. Only certain essential elementary branches specifically named can be taught in public schools employing only one teacher. Public schools employing more than one teacher may teach in addition to these certain higher branches and high school studies after first making provision for the thorough teaching of the elementary branches. There is practically no change in the branches required to be taught in the public schools, but thoroughness in the elementary branches is emphasized, and neglect of these branches for the higher branches is prevented by limiting the subjects that may be taught in schools with one teacher and specifying additional subjects that shall be taught in schools with more than one teacher. See section 4087.

10. Two additional public examinations of teachers may be held by the county superintendent with the approval of the county board of education after a notice of at least ten days. Private examinations of applicants for teachers' certificates are discouraged by forbidding the county superintendent to give such examinations unless applicants can give a reasonable excuse for failure to attend the public examinations, and by requiring a fee of three dollars instead of one dollar for such examinations. With four examinations a year there ought to be little necessity for private examinations. See section 4162.

11. All doubt as to the requirement that the county superintendent shall visit the public schools of his county while in session is removed by striking out the words "under the direction of the county board of education." See section 4141.

12. Sheriffs are required in their settlement with the treasurer to make separate accounts of insolvents and delinquents allowed on property or capitation tax, and the county superintendent is required to file in his office copies of fines and penalties reported by justices of the peace to the clerk of the superior court. See section 4111.

13. The section of the law prescribing the form of reports by public school teachers is so changed as to make these reports conform to the new teachers' registers. See section 4165.

14. In cases of contract with teachers of a private school for teaching the public school in connection therewith, tuition may be charged



for instruction in higher branches of study, provided the apportionment of funds for the public school of the district would, in the opinion of the county board of education, be insufficient to provide instruction in these higher branches of study if the public school were taught separately. See section 4151.

15. The proper machinery for the establishment of public township high schools by township tax levied by a vote of the people, and for the establishment of such township high schools without the levying of a special tax where the public school funds are sufficient for that purpose, is provided. See section 4113.

16. The expense of holding elections for levying a special tax for schools in special tax districts under section seventy-two must be paid out of the general county school fund. See section 4115.

17. The board of education is required to publish annually the report of the treasurer of the school fund. See section 4133.

The principal changes in the rural library act are as follows:

1. The appropriation of ten dollars for rural libraries must now be made out of the general county school fund instead of the district fund. See section 4173.

2. Provision is made for the establishment of supplementary libraries in connection with libraries established under the laws of one thousand nine hundred and one and of one thousand nine hundred and three, and in connection with libraries that may be established under the new law of one thousand nine hundred and five, after one year from the establishment of the same. See section 4177.

3. After November thirtieth, one thousand nine hundred and six, and after November thirtieth of every second year thereafter, the balance of the biennial appropriation for rural libraries and for supplementary libraries unused on those dates by the counties and districts entitled thereto shall be available to any county or district complying with the required conditions, regardless of the number of libraries already established in the county. See section 4178.-

4. Annual reports from all local managers of libraries to the State Superintendent of Public Instruction are required in such form and at such time as he shall direct. See section 4175.

# PUBLIC SCHOOL LAW

OF

## NORTH CAROLINA

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### APPLICATION OF CHAPTER.

**4029. This chapter not applicable to certain schools; such schools regulated.** The provisions of this chapter shall not apply to any township, city or town now levying a special tax for schools and operating under special laws or charters, or to schools operating under section forty-seven, chapter one hundred and ninety-nine, laws of one thousand eight hundred and eighty-nine. School districts in any city or town now operating under section forty-seven, chapter one hundred and ninety-nine, laws of one thousand eight hundred and eighty-nine are hereby continued, and all vacancies in the school committees therein shall be filled by the county board of education. If such districts comprise a township there shall not be appointed township school committeemen for such township, and all apportionments shall be made directly to the committee of such districts. All such schools receiving any part of the public school fund shall be required to make to the state superintendent and the county superintendent such reports as these officers shall demand, and as are made by other public schools to them, and shall be under the general supervision of the state superintendent of public instruction.

1901, c. 4, s. 73; 1903, c. 435, s. 25.

### STATE BOARD.

**4030. Incorporated.** The governor, lieutenant governor, secretary of state, treasurer, auditor, superintendent of public instruction, and attorney general shall constitute the state board of education, and by the name, the State Board of Education, are created a corporation, and by that name may sue and be sued; may have a common seal; may acquire, receive and hold real, personal

and mixed property by purchase, gift, devise or otherwise, and may sell, dispose of and convey the same; and may contract and be contracted with for the purposes provided in this chapter and for such other purposes as may be prescribed by law, and to that end may make such by-laws for its government and the exercise of its powers, and alter the same from time to time in its discretion, as shall not be in conflict with the laws of the state and of the United States; and shall be vested with all other powers conferred upon corporations under the general law relating to corporations.

Const., Art. IX, ss. 8, 9, 10; Code, s. 2503; 1881, c. 200; 1903, c. 567, s. 7.

**4031. Officers; quorum; meetings; expenses.** Of the board, the governor shall be president, the superintendent of public instruction shall be secretary, and the treasurer of the state shall be treasurer, and a majority of the board shall constitute a quorum for the transaction of business. The board shall hold its meetings in the executive office, and shall meet at such times as a majority of the members may appoint; but the governor may call a meeting at any time. The contingent expenses of the board shall be provided for by the general assembly.

Const., Art. IX, ss. 9, 12, 13; Code, s. 2504; 1881, c. 200, s. 2.

**4032. Proceedings recorded.** All the proceedings of the board shall be recorded in a well-bound and suitable book, which shall be kept in the office of the superintendent of public instruction.

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

**4033. Succeeds to powers and property, etc., of literary fund.** The state board of education shall succeed to all the powers and trusts of the "president and directors of the literary fund of North Carolina," and shall have full power to legislate and make all needful rules and regulations for the government of the public schools and for the management of the state educational fund. But all such acts, rules and regulations of the board may be altered, amended, or repealed by the general assembly, and when so altered, amended or repealed shall not be re-enacted by the board; and the board shall succeed to and have all the property, powers, rights, privileges and advantages which in anywise belonged or appertained to the "presi-