

**SCHOOL LAW OF UTAH:
PUBLISHED BY AUTHORITY
FOR THE USE OF THE
PUBLIC SCHOOL OFFICERS**

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School Law of Utah: Published by Authority for the Use of the Public School Officers by Various

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DEPARTMENT OF PUBLIC INSTRUCTION,
A. C. NELSON, Superintendent

SCHOOL LAW OF UTAH.

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SCHOOL LAW

OF THE

STATE OF UTAH.

CHAPTER 1.

STATE BOARD OF EDUCATION.

1763. Membership. Vested with general control public schools. The State Board of Education shall consist of the State Superintendent of Public Instruction, the president of the University of Utah, the president of the Agricultural College, and two other persons of large experience and eminent professional standing, to be appointed by the Governor, by and with the consent of the Senate, to serve for a period of four years. The general control and supervision of the public school system is vested in the State Board of Education.

Power to promote the establishment of libraries and gymnasiums. The State Board of Education shall also promote the establishment of libraries and gymnasiums throughout the State, and shall have power to appoint a secretary who shall work under the direction of the State Superintendent of Public Instruction. The salary of the Secretary shall be fixed by the State Board of Education and approved by the State Board of Examiners. The Board shall have the power to call to its assistance expert help to promote libraries and gymnasiums whenever needed. The actual and necessary traveling expenses incurred by such help and the salary of the Secretary shall be paid from the contingent fund of the State Board

of Education, upon the presentation of properly certified and approved vouchers.

1764. Power to grant diplomas and certificates. The State Board of Education is hereby authorized and empowered to issue diplomas of two grades, namely, state high school and state grammar, and certificates of one grade, namely, state grammar. It shall also have power to issue temporary certificates of high school grade, good for one year.

1765. Id. Granted to whom. State diplomas or state certificates shall be issued only to professional teachers who have reached the age of twenty years, have had two years' successful experience in this State, and exhibit satisfactory evidence of good moral character, and freedom from serious infections or hereditary disease, and upon critical examination are found to possess the requisite scholarship and culture.

1766. Valid where and for what time. These state diplomas and certificates shall be valid in any county, city, town or school district in the State; the high school diplomas in any department of the public schools; the grammar grade diplomas, in grammar and primary departments; and certificates, in grammar and primary departments; state diplomas shall be good during the lifetime of the holders, and state certificates for a period of five years.

1767. Id. Examinations required. Normal certificates. Life diplomas of other states. Ceasing to teach. Candidates for state professional diplomas of high school grade shall be required by examination or other evidence to exhibit a high degree of scholarship in all the following branches, namely: arithmetic, United States history, reading and elocution, orthography, English grammar, political and physical geography, physiology, algebra, physics, rhetoric, drawing, plane and solid geometry, botany, English literature, general history, civil government, history and science of education, and psychology; and also in any three of the following branches

namely: chemistry, geology, French, German, Latin, Greek, trigonometry, zoology, biology, and mineralogy. Candidates for state professional diplomas of grammar grade shall be required, by examination or other evidence, to exhibit satisfactory knowledge of all the following subjects, namely: arithmetic, United States history, reading and elocution, orthography, English grammar, political and physical geography, physiology, nature studies, algebra, physics, rhetoric, drawing, plane geometry, botany, English literature, general history, civil government, the history and science of education, and psychology; provided, that:

Normal certificates and diplomas.

1st. Normal certificates and normal diplomas issued by the University of Utah subsequent to March 10, 1892, and all normal certificates and normal diplomas issued hereafter by the University of Utah shall have the force of state certificates; and the holder of any normal diploma as hereinbefore specified, after having had two years' successful experience in teaching in this State, shall be entitled to a high school diploma.

2nd. Holders of normal certificates issued by the University of Utah subsequent to March 10, 1892, and all normal certificates and normal diplomas issued hereafter by the University of Utah; and holders of high school certificates now in force and issued as provided by law by boards of education in cities of the first and second classes, and territorial first grade certificates and state diplomas and certificates now in force, may, at the discretion of the State Board of Education, be exempt from examination in any and all subjects which were required in the examination for such certificates.

Life Diplomas.

3rd. Life diplomas issued by state boards in other states and shown to be of equal rank with those issued by the State Board of this State may receive equal recognition after the holders acquire two years' successful experience in schools of

this State. When countersigned by the State Superintendent of Public Instruction under the direction of the State Board; such diplomas shall have equal validity with those of corresponding rank issued by the State Board.

When not in force.

4th. No professional diploma or certificate shall be in force if the holder allow a space of five years to elapse without following some educational pursuit.

1768. Board may appoint assistant examiners. The State Board of Education shall have authority to appoint a sufficient number of assistants of eminent educational ability to conduct examinations, and the necessary expense connected with the holding of such examinations shall be paid out of the state school fund upon vouchers to be approved by the State Board of Examiners.

1769. Board may revoke diplomas for cause. The State Board of Education is authorized and required to revoke, for immoral or unprofessional conduct or evident unfitness for teaching, state diplomas and state certificates issued under the provisions of this Chapter.

1770. Compensation and expenses of members of board.
Clerical assistance. A statement of actual and necessary traveling expenses of the members of said board, incurred in attending meetings of the board, must be certified to by the State Superintendent of Public Instruction, and be filed with the State Board of Examiners, who are empowered to allow or reject the same, in whole or in part, in the same manner as in the case of claims for which an appropriation has been made, and the State Auditor shall draw his warrant on the State Treasurer in favor of the person named therein for the amount allowed. The members of the said State Board of Education shall receive four dollars per day for time actually and necessarily spent in the performance of their duties; provided, that no member of the board receiving salary from

the State or any subdivision thereof, or from any public institution, shall receive any such per diem.

Clerical assistance.

The board may engage necessary clerical assistance, the cost of which shall not exceed \$250 annually, and shall be certified to as provided above in this section.

1771. Chairman and secretary of board. Record. The State Superintendent of Public Instruction shall be chairman of the State Board, and he shall appoint a member of the Board secretary, who shall keep a record of the Board's proceedings.

1772. Concurrence of majority necessary. A concurrence of a majority of all the members shall be necessary to the validity of an act of the Board.

1773. Meetings of Board. The Board shall meet at the call of the chairman, and at least twice each year.

CHAPTER 2.

STATE SUPERINTENDENT

1774. Election of State Superintendent. Qualifications. Term. Oath and bond. Deputy. There shall be chosen by the qualified electors of the State at the regular State election in the year nineteen hundred, and every four years thereafter, a Superintendent of Public Instruction, hereinafter called the State Superintendent, who, at the time of his election, shall be a qualified elector, shall have been a resident citizen of the State of Utah for five years next preceding his election, shall have attained the age of thirty years, shall be the holder of a state certificate of the highest grade issued in some state, or shall be a graduate of some reputable university, college or

normal school. He shall reside and hold his office at the seat of government for the term of four years from the first Monday in January following his election and until his successor is elected and qualified. Before entering upon his duties, he shall take the oath of office and give a bond in the penal sum of five thousand dollars, with not less than two sureties, to be approved, recorded, and filed as provided by law. The State Superintendent shall have power to appoint a deputy, who may represent him at teachers' institutes when other business prevents his being in attendance. The actual and necessary traveling expenses of such deputy shall be paid out of the school fund upon proper vouchers for the same being filed with the State Board of Examiners.

1775. State Superintendent charged with administration of school system. Apportionment of money. The State Superintendent shall be charged with the administration of the system of public instruction and the general superintendence of the business relating to district schools of the State, and of the school revenue set apart and appropriated for their support, and shall have full power to investigate all matters pertaining to the public schools. It shall be the duty of the State Auditor to notify the Superintendent of the actual amount of money in the state treasury to the credit of the state district school fund on the thirty-first day of October and December, and on the thirty-first day of March of each year. Within ten days after receiving such notification, the Superintendent shall apportion said fund among the several counties and cities of the first and second classes, and to the county superintendents, this Chapter, according to the number of persons between the ages of six and eighteen years, residing in such county or city as shown by the last school census lists of the several counties and cities, and immediately furnish to each county treasurer, to each treasurer of the board of education in cities of the first and second classes and to the county superintendents, an abstract of such apportionments. He shall also certify such apportionment to the State Auditor, and, upon receiving such certificate, the Auditor shall forthwith draw his warrant on the State Treasurer in favor of the county treasurer of each