

**SCHOOL LAW OF
SOUTH
CAROLINA. 1906**

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School law of South Carolina. 1906 by O. B. Martin

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O. B. MARTIN

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UNIVERSITY OF CALIFORNIA

SCHOOL LAW *of* SOUTH CAROLINA 1906

PREPARED BY O. B. MARTIN
STATE SUPERINTENDENT OF EDUCATION

Constitutional Provisions, 1906

ARTICLE XI.

EDUCATION.

SECTION 1. The supervision of public instruction shall be vested in a State Superintendent of Education, who shall be elected for the term of two years by the qualified electors of the State, in such manner and at such time as the other State officers are elected; his powers, duties and compensation shall be defined by the General Assembly.

SEC. 2. There shall be a State Board of Education, composed of the Governor, the State Superintendent of Education, and not exceeding seven persons to be appointed by the Governor every four years, of which Board the Governor shall be Chairman, and the State Superintendent of Education, Secretary. This Board shall have the regulation of examination of teachers applying for certificates of qualification, and shall award all scholarships, and have such other powers and duties as may be determined by law. The traveling expenses of the persons to be appointed shall be provided for by the General Assembly.

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SEC. 3. The General Assembly shall make provision for the election or appointment of all other necessary school officers, and shall define their qualifications, powers, duties, compensation and terms of office.

SEC. 4. The salaries of the State and County school officers and compensation of County Treasurers for collecting and disbursing school moneys shall not be paid out of the school funds, but shall be otherwise provided for by the General Assembly.

SEC. 5. The General Assembly shall provide for a liberal system of free public schools for all children between the ages of six and twenty-one years, and for the division of the Counties into suitable school districts, as compact in form as practicable, having regard to natural boundaries, and not to exceed forty-nine nor be less than nine square miles in area: *Provided*, That in cities of ten thousand inhabitants and over, this limitation of area shall not apply: *Provided, further*, That when any school district laid out under this Section shall embrace cities or towns already organized into special school districts in which graded school buildings have been erected by the issue of bonds, or by special taxation, or by donation, all the territory included in said school district shall bear its just proportion of any tax that may be levied to liquidate such bonds or support the public schools therein: *Provided, further*, That nothing in this Article contained shall be construed as a repeal of the laws under which the several graded school districts of this State are organized. The present division of the Counties into school districts and the provisions of law now governing the same shall remain until changed by the General Assembly.

SEC. 6. The existing County Boards of Commissioners of the several Counties, or such officer or officers as may hereafter be vested with the same or similar powers and duties, shall levy an annual tax of three mills on the dollar upon all the taxable property in their respective Counties, which tax shall be collected at the same time and by the same officers as the other taxes for the same year, and shall be held in the County treasury of the respective Counties; and the said fund shall be apportioned among the school districts of the County in proportion to the number of pupils enrolled in the public schools of the respective districts, and the officer or officers charged by law with making said apportionment shall notify the Trustees of the respective school districts thereof, who shall expend and disburse the same as the General Assembly may prescribe. The

General Assembly shall define "enrollment." Not less than three Trustees for each school district shall be selected from the qualified voters and taxpayers therein, in such manner and for such terms as the General Assembly may determine, except in cases of special school districts now existing, where the provisions of law now governing the same shall remain until changed by the General Assembly: *Provided*, The manner of the selection of said Trustees need not be uniform throughout the State. There shall be assessed on all taxable polls in the State between the ages of twenty-one and sixty years (excepting Confederate soldiers above the age of fifty years), an annual tax of one dollar on each poll, the proceeds of which tax shall be expended for school purposes in the several school districts in which it is collected. Whenever during the three next ensuing fiscal years the tax levied by the said County Boards of Commissioners or similar officers and the poll tax shall not yield an amount equal to three dollars per capita of the number of children enrolled in the public schools of each County for the scholastic year ending the thirty-first day of October in the year eighteen hundred and ninety-five, as it appears in the report of the State Superintendent of Education for said scholastic year, the Comptroller General shall, for the aforesaid three next ensuing fiscal years, on the first day of each of said years, levy such an annual tax on the taxable property of the State as he may determine to be necessary to make up such deficiency, to be collected as other State taxes, and apportion the same among the Counties of the State in proportion to the respective deficiencies therein. The sum so apportioned shall be paid by the State Treasurer to the County Treasurers of the respective Counties, in proportion to the respective deficiencies therein, on the warrant of the Comptroller General, and shall be apportioned among the school districts of the Counties, and disbursed as other school funds; and from and after the thirty-first day of December, in the year eighteen hundred and ninety-eight, the General Assembly shall cause to be levied annually on all the taxable property of the State such a tax, in addition to the said tax levied by the said County Boards of Commissioners or similar officers, and poll tax above provided, as may be necessary to keep the schools open throughout the State for such length of time in each scholastic year as the General Assembly may prescribe; and said tax shall be apportioned among the Counties in proportion to the deficiencies therein and disbursed as other school

funds. Any school district may by the authority of the General Assembly levy an additional tax for the support of its schools.

SEC. 7. Separate schools shall be provided for children of the white and colored races, and no child of either race shall ever be permitted to attend a school provided for children of the other race.

SEC. 8. The General Assembly may provide for the maintenance of Clemson Agricultural College, the University of South Carolina, and the Winthrop Normal and Industrial College, a branch thereof, as now established by law, and may create scholarships therein; the proceeds realized from the land scrip given by the Act of Congress passed the second day of July, in the year eighteen hundred and sixty-two, for the support of an agricultural college, and any lands or funds which have heretofore been or may hereafter be given or appropriated for educational purposes by the Congress of the United States, shall be applied as directed in the Acts appropriating the same: *Provided*, That the General Assembly shall, as soon as practicable, wholly separate Claflin College from Claflin University, and provide for a separate corps of professors and instructors therein, representation to be given to men and women of the negro race; and it shall be the Colored Normal, Industrial, Agricultural and Mechanical College of this State.

SEC. 9. The property or credit of the State of South Carolina, or of any County, city, town, township, school district or other subdivision of the said State, or any public money, from whatever source derived, shall not, by gift, donation, loan, contract, appropriation, or otherwise, be used, directly or indirectly, in aid or maintenance of any college, school, hospital, orphan house, or other institution, society or organization, of whatever kind, which is wholly or in part under the direction or control of any church or of any religious or sectarian denomination, society or organization.

SEC. 10. All gifts of every kind for educational purposes, if accepted by the General Assembly, shall be applied and used for the purposes designated by the giver, unless the same be in conflict with the provisions of this Constitution.

SEC. 11. All gifts to the State where the purpose is not designated, all escheated property, the net assets or funds of all estates or copartnerships in the hands of the Courts of the State where there have been no claimants for the same within the last seventy years, and other money coming into the Treasury of the State by reason of the twelfth Section of an Act entitled "An Act to provide a mode of

distribution of the moneys as direct tax from the citizens of this State by the United States in trust to the State of South Carolina," approved the twenty-fourth day of December, in the year eighteen hundred and ninety-one, together with such other means as the General Assembly may provide, shall be securely invested as the State School Fund, and the annual income thereof shall be apportioned by the General Assembly for the purpose of maintaining the public schools.

SEC. 12. All the net income to be derived by the State from the sale or license for the sale of spirituous, malt, vinous and intoxicating liquors and beverages, not including so much thereof as is now or may hereafter be allowed by law to go to the Counties and municipal corporations of the State, shall be applied annually in aid of the supplementary taxes provided for in the sixth Section of this Article; and if after said application there should be a surplus, it shall be devoted to public school purposes, and apportioned as the General Assembly may determine: *Provided, however,* That the said supplementary taxes shall only be levied when the net income aforesaid from the sale or license for the sale of alcoholic liquors or beverages are not sufficient to meet and equalize the deficiencies for which the said supplementary taxes are provided.

* * * * *

Done in Convention in Columbia, on the fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five.

JOHN GARY EVANS, President of the Convention.

IRA B. JONES, Vice-President of the Convention.

W. JASPER TALBERT, Vice-President of the Convention.

Attest: S. W. VANCE, Secretary of the Convention.

Code of Laws of South Carolina, 1902

SEC. 1174. The State Superintendent of Education shall be elected at each general election, in the same manner as other State officers, and shall enter upon the duties of his office at the time prescribed by law. Before entering upon the duties of his office, he shall give bond, for the use of the State of South Carolina, in the penal sum of five thousand (5,000) dollars, with good and sufficient sureties, to be approved by the Governor, conditioned for the faithful and impartial performance of the duties of his office; and he shall also, at the time of giving bond, take and subscribe the oath prescribed in Section 26. of Article III., of the Constitution, of the State, which shall be endorsed upon the back of said bond; and the bond shall be filed with the Secretary of State, and by him recorded, and when so recorded, shall be filed with the State Treasurer. The Superintendent of Education shall receive as compensation for his services the sum of nineteen hundred dollars per annum, payable monthly out of the State Treasury; and his traveling expenses, not exceeding three hundred dollars, shall be paid out of the State Treasury upon duly itemized accounts rendered by him.

SEC. 1175. He shall have general supervision over all the schools of the State supported in whole or in part from the public school funds, and it shall be his duty to visit every County in the State as often as practicable for the purpose of inspecting the schools, awakening an interest favorable to the cause of education, and diffusing as widely as possible, by public addresses and personal communications with school officers, teachers and parents, a knowledge of existing defects and of desirable improvements in the government and instruction of the said schools. He shall secure, by and with the advice of the State Board of Education, uniformity in the use of text-books throughout the free public schools of the State, and shall forbid the use of sectarian or partisan books and instruction in said schools. He shall prepare and transmit to the several County Superintendents of Education, school registers, blank certificates, reports and such other suitable blanks, forms and printed instructions as may be necessary to aid school officers and teachers in making their reports and carrying into full effect the various provisions of the school laws of this State; and shall cause the law relating to the

free public schools, with such rules, regulations, forms and instructions as shall be legally prescribed, to be printed, together with a suitable index, in pamphlet form, at the expense of the State; and he shall cause copies of the same to be transmitted to the several County Superintendents of Education for distribution. He shall collect in his office such school books, apparatuses, maps and charts as can be obtained. He may certify copies of all papers filed in his office, and such certified copies shall be competent evidence thereof.

SEC. 1176. He shall make a report, through the Governor to the General Assembly at each regular session thereof, showing: 1st. The whole number of pupils registered in and the number enrolled as hereinafter defined in the free common schools of this State during the year ending the thirtieth day of the last preceding June, and the number in each County registered in and the number enrolled as hereinafter defined during the same period. 2d. The number of whites and the number of colored, of each sex, attending the said schools. 3d. The number of free schools in the State. 4th. The number of pupils studying each of the branches taught. 5th. The average wages paid to teachers of each sex, and to the principals of schools and departments in said schools. 6th. The number of school houses erected during the year, and the location, material and cost thereof. 7th. The number previously erected, and the material of their construction, and their condition and value, and the number with the grounds enclosed. 8th. The Counties in which Teachers' Institutes were held, and the number attending the Institutes in each County. 9th. Such other statistical information as he may deem important, together with such plans as he may have matured and the State Board of Education may have recommended for the management and improvement of the school fund and for the more perfect organization and efficiency of the free public schools. All State institutions of higher learning shall make an annual report on or before the first day of September of each year to the State Superintendent of Education, embracing a detailed account of the operations of such institutions, including the expenditure of the public moneys for the current scholastic year, which reports the State Superintendent of Education shall include in his annual report to the Legislature. All Acts or parts of Acts requiring annual reports to be made to other authorities are hereby repealed.

SEC. 1177. The sum of nine hundred dollars shall be allowed to the