

**DIGEST OF LAWS RELATING
TO FREE SCHOOLS IN
THE STATE OF DELAWARE.
CHAPTER 369, VOLUME 16**

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Digest of Laws Relating to Free Schools in the State of Delaware. Chapter 369, Volume 16 by Various

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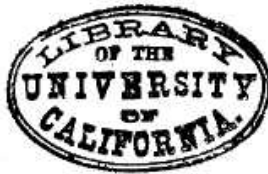
DIGEST OF LAWS
RELATING TO
FREE SCHOOLS
IN THE
STATE OF DELAWARE.

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SCHOOL LAWS OF DELAWARE.

ARTICLE I.

SUPERINTENDENT.

On the second Tuesday in April, annually, the Governor shall appoint and commission some suitable person, of good moral character, and well qualified in regard to his mental attainments for the place, as Superintendent of the Free Schools of the State of Delaware, who shall hold his office for one year and until his successor shall in like manner be appointed. The Governor shall have power to fill any vacancy caused by death, resignation, or otherwise.

Sec. 3, Chap. 46,
Vol. 16.

State Superintendent to be appointed.

Qualifications.

Term of office.

Vacancy.

The Superintendent shall visit every school once a year. He shall note in a book, to be kept for that purpose, the number of scholars; the condition of school building, ground and appurtenances; the qualification and efficiency of the teachers; the conduct and standing of the scholars; the method of instruction, and the discipline and government of the schools. In the visits of the Superintendent to the schools, he shall advise with the teachers respectively, and give them such instructions in regard to discipline and teaching as he may deem necessary, and shall have power to suspend or withdraw any teacher's certificate upon his refusal to comply with the reasonable directions of the Superintendent, subject, however, to an appeal, as in other cases. He shall, by every means in his power, strive to promote and advance the cause of education and interest in the schools, and, in order to secure his entire time, he shall not engage in any other business, or pursue any other calling.

Sec. 4, Chap. 46,
Vol. 16.

Duties of State Superintendent.

When he may withdraw certificates.

Shall engage in no other business.

The Superintendent shall examine all persons who shall apply to him for that purpose, and who propose to teach in this State, and any one interested may attend such examination, which may be oral, or by

Sec. 5, Chap. 46,
Vol. 16.

Who shall be examined.

Mode of examination.
Where and when held.

Who shall be recommended for a first grade certificate.

When certificate shall issue.
How signed.

Good for how long.

Who shall receive second grade certificate.

How long good.

Who shall receive third grade certificate.

How long good.

Who may appeal.
Superintendent shall keep list of certificates.
Chap. 355,
Vol. 16.

Sec. 5, Chap. 46,
Vol. 16.
Section 4, Chap. 369,
Vol. 16.

Salary \$1,500.
How drawn.

Sec. 7, Chap. 46,
Vol. 16.

printed or written questions, or partly by each method. These examinations may be at such times and places as the Superintendent may appoint, having due regard to the necessities of the schools and the convenience of the teachers. Every applicant who is of good moral character, and who shall be found qualified to teach orthography, reading, writing, mental arithmetic, written arithmetic, geography, history of the United States, English grammar, elements of rhetoric, algebra, geometry, and natural philosophy, shall be recommended to the State Board of Education for a first grade certificate; and the said Board, approving the same, shall authorize and direct such certificate to issue, signed by the Superintendent, and countersigned by the President of said Board, and the certificate so issued shall be good for three years, unless sooner revoked by the Superintendent for cause, to be approved by said Board. Every applicant who is of good moral character, and who shall, in examination, answer ninety *per centum* of all questions asked in orthography, reading, writing, mental arithmetic, written arithmetic, geography, history of the United States, and English grammar, shall receive, from the Superintendent, a second grade certificate, which shall be good for two years, unless sooner revoked for cause, to be approved by said Board. If any such applicant fail to answer ninety *per centum* of the questions asked in examination, in the branches mentioned for a second grade certificate, but shall answer at least sixty *per centum* thereof, he shall receive from the Superintendent a third grade certificate, which shall be good for one year, unless sooner revoked for cause. Any applicant having been refused a certificate may appeal to the State Board of Education. The Superintendent shall also keep an accurate list of all certificates granted by him, with the dates thereof, and the names of the persons to whom granted.

The State Superintendent shall receive a salary of fifteen hundred dollars per annum, to be paid quarterly by the State Treasurer on warrants drawn by himself and marked correct by the State Auditor; but the State Auditor shall not mark such warrant correct when such Superintendent has failed to discharge his duties faithfully and to the best of his abilities.

The State Superintendent shall annually, on the first Tuesday in

December, in each and every year, report in writing to the Governor Annual report to the Governor. the condition of the public schools, and make such recommendations and suggestions as he may think proper.

The Superintendent shall hold a teachers' institute, in each of the Sec. 11, Chap. 46, Vol. 16. counties of this State, at least once a year, of at least three days' Teachers' Institute. session, at which time all the teachers in their respective counties shall When held. attend, unless unavoidably detained; at which time the Superintendent Duties of Teachers. shall give all the information to teachers within his power, and such Duties of Superintendent. other instructions as he may deem advisable for the advancement of education, and have a general interchange of views of teachers as to the wants of the various schools.

The Superintendent shall, by the consent of the State Board of Sec. 13, Chap. 46, Vol. 16. Education, or a majority of them, have power to re-district, or When Superintendent may re-district, or consolidate, any district in Sussex county. consolidate, any of the districts in Sussex County, when, in his judgment, such consolidation or re-districting is necessary for the promotion of education in said county; *provided, however,* he shall not interfere with any consolidated district or incorporated board of education.

The Superintendent shall purchase all the school books used in the Sec. 5, Chap. 36, Vol. 16. public schools of the State, at the lowest price at which the same can Superintendent to purchase school books. be obtained, first inviting competition, and draw his warrant upon the How paid for. State Treasurer for the amount thereof in favor of the person supplying Distribution of school books. the same, which he is hereby authorized to pay. The Superintendent shall also distribute said books at the price at which they were purchased to the clerk of each school district in this State, as said clerk may indicate upon his written order for the same. He shall also pay over to the State Treasurer, quarterly, the money received from the clerks of the several school districts for school books, as herein-after provided for, and also at the same time furnish the State Treasurer a list of the school books, and their respective prices, supplied to each List of school books, to whom rendered. clerk of the district during the preceding three months. The State Superintendent, before entering upon the duties of his office, shall give Bond of superintendent. bond to the State of Delaware, with at least three sureties, to be approved by the Governor, in the penalty of fifteen thousand dollars, with conditions as follows, viz: The condition of the above obligation Condition. is such, that if the above named ————, being State Superin-

Warrant of
Attorney.

tendent, shall and do well and truly account for all money which shall come to his hands from the several school districts of this State, and shall pay and apply the same according to law, and deliver to his successor in office all school books on hand at the expiration of his term of office, then the above written obligation shall be void. To the said bond there shall be subjoined a warrant of attorney to confess judgment thereon, and the said bond and warrant of attorney shall be joint and several.

Sec. 7, Chap.
369, Vol. 16.
Record of
Superintendent.

The Superintendent shall keep a book, in which shall be recorded in the proper form all his acts and doings with reference to the purchase and distribution of books as hereinbefore provided. The clerk of each school district shall also keep a record of the school books received and distributed, and also the amount received therefor, in an itemized form.

ARTICLE II.

ASSISTANT SUPERINTENDENT.

Sec. 1, Chap.
369, Vol. 16.
Appointment
of Assistant
Superintendent.

The Governor, at the time of the appointment of the State Superintendent, shall appoint and commission some suitable person as Assistant Superintendent of the Free Schools of the State of Delaware, who shall hold his office for the term of one year and until his successor shall be appointed.

Sec. 3, Chap.
369, Vol. 16.
Duties of
Assistant
Superintendent.

It shall be the duty of the Assistant Superintendent to aid the State Superintendent in the performance of his duties now imposed by law, and to that end shall be subject to his direction. It shall also be the duty of the Assistant Superintendent to act as Secretary of the State Board of Education.

Secretary.

Sec. 4, Chap.
369, Vol. 16.

He shall receive a salary of eight hundred dollars per annum as compensation for all the duties herein imposed upon him, to be paid in the same manner as the salary of the State Superintendent is now paid.

ARTICLE III.

STATE BOARD OF EDUCATION.

Sec. 2, Chap.
369, Vol. 16.
State Board of
Education.

The Secretary of State, President of Delaware College, and the State Superintendent, shall constitute a State Board of Education for

this State, who shall meet on the first Tuesday of January, in each and every year, in the Capitol, at Dover, at 2 o'clock in the afternoon.

The Assistant Superintendent shall act as Secretary of said Board of Education. The President of Delaware College shall, by virtue of his office, be President of said Board of Education. The State Board of Education shall hear appeals and determine finally all matters of controversy between the Superintendent and teachers or commissioners, and between school commissioners and teachers; the State Board of Education, together with the State Superintendent, shall determine what text books are to be used in the free schools of this State. The State Board of Education, together with the State Superintendent, shall issue an uniform series of blanks for the use of teachers, and shall require all records to be kept and returns to be made according to these forms. (They shall also prepare and distribute the proper forms, to be signed by the school commissioners of each district respectively, certifying under their hands that they have adopted and used in their respective districts the text books directed to be used by the State Board of Education, and no other, except in branches in which said Board has given no direction,) and the Auditor of Accounts shall neither settle with, nor give any order, or certificate, to any school district, its clerk, or commissioners, until such certificate shall be presented and filed with him.

The members of the State Board of Education shall receive no salary or compensation for the performance of the duties thereof. A majority of the members of the State Board of Education shall constitute a quorum to do business, but a less number may adjourn from time to time, until a quorum be obtained. Their Secretary shall keep a record of their proceedings, and all books, papers, and other documents, shall be carefully preserved by the Secretary and be by him handed over to his successor in office.

The provisions of this article, and of the two preceding articles, shall not apply to any school or school districts managed or controlled by an incorporated board of education, unless by special request of said board.

Annual meeting.

Who shall be Secretary.

Who President.

Powers and duties of Board.

Shall determine what text books are to be used.

Who shall issue blanks.

Returns.

Shall prepare and distribute forms.

When the Auditor shall not settle.

Sec. 3, Chap. 46, Vol. 15.

No compensation.

Quorum.

Duties of Secretary.

Sec. 10, Chap. 46, Vol. 15.

Not applicable to incorporated schools.

Exception.

ARTICLE IV.

DISTRICTS.

- R. C. Chap. 42,
Sec. 7. The limits of the school districts in the several counties, and all alterations of such limits, whether by the division of a district, the union of several, or otherwise, shall be recorded in the office of the Clerk of the Peace of the proper county.
- Limits of districts to be recorded.
- Certificate of Clerk of Peace to Trustee of School Fund. The Clerk of the Peace shall certify, in due form, to the Trustee of the School Fund, the number and location of each school district laid out by the Levy Court of his county, and every alteration of a district.
- Alteration of districts. The Levy Court, two-thirds of all the members concurring, may, upon application, make such alterations, having due regard to the public convenience, and to the interest of the schools; but notice of such intended application, and of the time when it will be made, and of the alterations desired, shall be given by advertisements posted in four or more public places in each district to be affected by the change twenty days before the application is made, or the court shall not receive it.
- Notice to alter district.
- Chap. 442, Sec. 2, Vol. 12. Whenever a petition shall be presented to the Levy Court of either county, signed by twelve or more owners or holders of real estate in any school district or districts contiguous to each other, praying that an additional district may be formed from the district or districts in which they reside, the said Levy Court shall appoint three judicious and impartial persons, residing in said county, and without the limits of the districts immediately affected by the petition, who shall go to the said district or districts, and inquire concerning the propriety of laying out an additional district therefrom; and if, after careful examination, the said commissioners should be of opinion that an additional district should be laid off, they shall locate and lay off such additional district as to them shall seem just and proper; and when the said commissioners, or a majority of them, shall have located and laid out said additional district, they, or a majority of them, shall make return of the said additional district so located and laid out, and also of the part or parts of the original district or districts remaining after the said additional district shall have been laid off, describing plainly the metes and bounds of each, into the office of the Clerk of the Peace of said
- Application to divide district.
- Appointment of commissioners.
- Mode of proceeding in dividing district.
- Return of commissioners.