

**THE COMMON
SCHOOL LAWS OF THE
STATE OF KENTUCKY**

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The common school laws of the state of Kentucky by Various

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VARIOUS

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THE
Common School Laws
OF THE
State of Kentucky

REVISED TO DATE

Edited and Published by

BARKSDALE HAMLETT

Superintendent of Public Instruction

1912

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CHAPTER 1.

EDUCATIONAL PROVISIONS OF THE
KENTUCKY CONSTITUTION

§ 183.—Common Schools to be provided for—The General Assembly shall, by appropriate legislation, provide for an efficient system of common schools throughout the State. (See sec. 4363, Ky. Stat.)

§ 184.—Fund set apart for common Schools—taxation for A. & M. College—The bond of the Commonwealth, issued in favor of the Board of Education, for the sum of one million three hundred and twenty-seven thousand dollars, shall constitute one bond of the Commonwealth in favor of the Board of Education, and this bond and the seventy-three thousand five hundred dollars of the stock in the Bank of Kentucky (now seventy-nine thousand eight hundred), held by the Board of Education, and its proceeds, shall be held inviolate for the purpose of sustaining the system of the common schools. The interests and dividends of said fund, together with any sum which may be produced by taxation or otherwise for the purposes of common school education, shall be appropriated to the common schools, and to no other purpose. No sum shall be raised or collected for education other than in common schools until the question of taxation is submitted to the legal voters, and the majority of the votes cast at said election shall be in favor of such taxation: Provided, The tax now imposed for educational purposes, and for the endowment and maintenance of the Agricultural and Mechanical College, shall remain until changed by law. (See sec. 4370, Ky. Stat.)

§ 185.—Common School Funds—Investment—Interest on—The General Assembly shall make provision, by law, for the payment of the interest of said school fund, and may provide for the sale of the stock in the Bank of Kentucky; and in case of a sale of all or any part of said stock, the proceeds of sale shall be invested by the Sinking Fund Commissioners in other good interest-bearing stocks or bonds, which shall be subject to sale and re-investment, from time to time, in like manner with the same restrictions as provided with reference to the sale of the said stock in the Bank of Kentucky. (See sec. 4370, Ky. Stat.)

§ 186.—Distribution of Fund—Surplus due Counties—Each county in the Commonwealth shall be entitled to its proportion of the school fund on its census of pupil children for each school year; if the pro rata share of any school district be not called for after the second

school year, it shall be covered into the treasury and be placed to the credit of the school fund for general apportionment the following school year. The surplus now due the several counties shall remain a perpetual obligation against the Commonwealth for the benefit of said respective counties for which the Commonwealth shall execute its bond, bearing interest at the rate of six per centum per annum, payable annually, to the counties respectively entitled to the same, and in the proportion to which they are entitled, to be used exclusively in aid of common schools. (See sec. 4375, Ky. Stat.)

§ 187.—Each race to share Fund equally—Separate Schools—In distributing the school fund no distinction shall be made on account of race or color and separate schools for white and colored children shall be maintained.

§ 188.—School Fund—Money received from United States, part of—So much of any moneys as may be received by the Commonwealth from the United States under the recent act of Congress refunding the direct tax shall become a part of the school fund and be held as provided in section 184; but the General Assembly may authorize the use by the Commonwealth of the moneys so received or any part thereof, in which event a bond shall be executed to the Board of Education for the amount so used, which bond shall be held on the same terms and conditions and subject to the provisions of section 184, concerning the bond therein referred to. (See sec. 4370, Ky. Stat.)

§ 189.—Appropriation for Sectarian purposes forbidden—No portion of any fund or tax now existing, or that may hereafter be raised or levied for educational purposes, shall be appropriated to, or used by, or in aid of, any church, sectarian or denominational school. (See further, Con., sec. 5.)

§ 155.—School Elections—Exceptions in Favor of—The provisions of sections 145 to 154, inclusive, (which require a secret ballot in all elections, etc.), shall not apply to the election of school trustees and other common school district elections. Said elections shall be regulated by the General Assembly, except as otherwise provided in the Constitution. (See secs. 4434, 4458, Ky. Stat.)

§ 157.—Municipal Tax Rate—Indebtedness—Submission to Voters—The tax rate of cities, towns, counties, taxing districts and other municipalities, for other than school purposes, shall not, at any time exceed the following rates upon the value of the taxable property therein, viz: For all towns or cities having a population of fifteen thousand or more, one dollar and fifty cents on the hundred dollars; for all towns or cities having less than fifteen thousand and not less than ten thousand, one dollar on the hundred dollars; for all towns or cities having less than ten thousand, seventy-five cents on the hundred dollars, and for counties and taxing districts fifty cents on the hundred dollars; unless it should be necessary to enable such city, town, county or taxing district to pay the interest on, and provide a sinking fund for the extinction of, indebtedness contracted before the

adoption of this Constitution. No county, city, town, taxing district, or other municipality shall be authorized or permitted to become indebted, in any manner or for any purpose, to an amount exceeding, in any year, the income and revenue provided for such year, without the assent of two-thirds of the voters thereof, voting at an election to be held for that purpose; and any indebtedness contracted in violation of this section shall be void. Nor shall such contract be enforceable by the person with whom made; nor shall such municipality ever be authorized to assume the same.

BILL OF RIGHTS.

§ 5.—Freedom of conscience—Church and State—Education—No preference shall ever be given by law to any religious sect, society or denomination; nor to any particular creed, mode of worship or system of ecclesiastical polity; nor shall any person be compelled to attend any place of worship, to contribute to the erection or maintenance of any such place, or to the salary or support of any minister of religion; nor shall any man be compelled to send his child to any school to which he may be conscientiously opposed; and the civil rights, privileges or capacities of no person shall be taken away, or in anywise diminished or enlarged on account of his belief or disbelief of any religious tenet, dogma or teaching. No human authority shall, in any case, whatever, control or interfere with the rights of conscience. (See further, sec. 189, Con.)

LOCAL AND SPECIAL LEGISLATION.

§ 59.—Limitations upon—The General Assembly shall not pass local or special acts concerning any of the following subjects, or for any of the following purposes, namely:

Sub. Sec. 25.—Common Schools—To provide for the management of common schools. (See Chap. 113, Ky. Stat.)

CHILDREN.

§ 243.—Children—Age at which they may be employed to be fixed—The General Assembly shall, by law, fix the minimum ages at which children may be employed in places dangerous to life or health, or injurious to morals; and shall provide adequate penalties for violations of such law. (See sec. 326, Ky. Stat.) (See also Chapters 67 and 68, Acts, 1908.)

SCHOOL LAW

CHAPTER II.

GENERAL PROVISIONS.

§ 1.—**A Uniform System**—There shall be maintained throughout the State of Kentucky a uniform system of common schools in accordance with the Constitution of the State and this chapter. (Ky. Stat. Sec. 4363.)

§ 2.—**Common School Defined—Any Child may Attend**—No school shall be deemed a "common school," within the meaning of this chapter, or be entitled to any contribution out of the school fund, unless the same has been, pursuant hereto, actually kept, or is under contract to be kept, by a qualified teacher for six or more months in all subdistricts during the same school year, and at which every child residing in the district between the ages of six and twenty years, has had the privilege of attending, whether contributing towards defraying the expenses or not: Provided, That nothing herein shall prevent any person from attending the common school who will obtain the consent of the trustees and the teachers and pay the required tuition fees. In order that each child of the Commonwealth may enjoy the benefits of a six months' school, the Superintendent of Public Instruction shall for each school year apportion the fund for each county having one or more subdistricts of less than fifty pupil children as follows: He shall apportion to each district, without regard to school population, the per capita of fifty pupil-children, both from the fund derived from the State and the interest on the county bond, if any, and pro rate the remainder of the fund among the districts having more than fifty such children. Provided, That any fractional balance shall be omitted in computing the said per capita, and that the aggregate of fractional balances shall be credited to the respective counties, and be taken into account the following year; (Ky. Stat. Sec. 4364, as changed by act 1908.) (The act of 1912 has probably repealed a part of this section.)

§ 3.—**School Year**—The school year shall begin on the first day of July and end on the thirtieth of June. (Ky. Stat. Sec. 4365.)

§ 4.—**School Month—School Day—Assistant Teachers**—Twenty school days, or days in which teachers are actually employed in the school room, shall constitute a school month in the common schools of the State; but no teacher shall teach on Saturdays. Teachers shall have the benefit of only such legal holidays as they actually observe.

Six hours of actual work in the school room shall constitute a school day; and under no circumstances shall the daily session, including recesses and intermissions, exceed nine hours in length. When the attendance exceeds fifty, the teacher may employ, during such attendance, an assistant, whose scholarship and competency shall be acceptable to the division board of his educational division. When the school shall require an assistant to serve regularly at a salary such assistant shall hold a certificate of qualification and be employed by the division board of his educational division. (Ky. Stat. Sec. 4366, as changed by Act 1908.)

§ 5.—**Regulations for Schools—Penalties**—All pupils who may be admitted to common schools shall comply with the regulations established in pursuance of law for the government of such schools. Willful disobedience or defiance of the authority of the teachers, habitual profanity or vulgarity, or other gross violation of propriety or law, shall constitute good cause for suspension or expulsion from school. (Ky. Stat. Sec. 4367.)

§ 6.—**Forbidden Publications and Doctrines**—No books or other publications of a sectarian, infidel, or immoral character, shall be used or distributed in any common school; nor shall any sectarian, infidel or immoral doctrine be taught therein. (Ky. Stat. Sec. 4368.)

§ 7.—**Conditions for Graduation**—Whenever a pupil of any common school shall have faithfully completed the prescribed course of study, shall have passed a proper examination before the County Board of Examiners, on a series of questions prescribed by the State Board of Examiners and paid to the said county board an examination fee of one dollar, he shall be entitled to a certificate of such completion and examination, signed by said county board, and approved by the Superintendent of Public Instruction who shall affix thereto his official seal. The Superintendent of Public Instruction shall prepare a proper form for said certificate. One such examination shall be held in each county on the last Friday and Saturday in January, and another on the second Friday and Saturday in May of each year. (Ky. Stat. Sec. 4369.)

§ 8.—**Intoxicating Liquors not to be sold**—That no person shall sell or otherwise dispose of any spirituous, vinous, or malt liquors within four hundred feet of the campus or grounds of any normal school or university maintained in whole or in part by the Commonwealth of Kentucky. Any person offending against the provision hereof shall, for each offense, be fined not less than ten dollars nor more than fifty dollars, or confined in the county jail for any length of time not to exceed twenty-five days, either or both so fined and imprisoned, in the discretion of the court or jury trying the case. (Acts of 1912.)