

**VIRGINIA SCHOOL LAWS: CODIFIED FOR  
THE USE OF SCHOOL OFFICERS BY  
ORDER OF THE STATE  
BOARD OF EDUCATION; TO BE  
PRESERVED BY EACH OFFICER AND  
DELIVERED TO HIS SUCCESSOR**

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Virginia School Laws: Codified for the Use of School Officers by Order of the State Board of Education; To Be Preserved by Each Officer and Delivered to His Successor by Virginia Dept. of Public Instruction

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**VIRGINIA DEPT. OF PUBLIC INSTRUCTION**

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*Virginia. Laws, Statutes, etc.*  
**VIRGINIA SCHOOL LAWS**

STATE OF  
VIRGINIA

**Codified for the Use of School Officers by  
Order of the State Board of Education**

TO BE PRESERVED BY EACH OFFICER AND DELIVERED TO HIS  
SUCCESSOR

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TO THE  
APPENDIX

## Contents

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|  |     |
|--|-----|
| Constitutional Provisions . . . . .  | 5   |
| PUBLIC FREE SCHOOL LAW:  |     |
| Of Public Free Schools in counties, and of the Literary Fund . . . . .                         | 13  |
| Of Public Free Schools in cities and in towns constituting separate school districts . . . . . | 149 |
| Regulations of the State Board of Education . . . . .  | 156 |
| Index . . . . .  | 207 |

## Preface

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While this edition of the school law possesses no authority independent of the sources from which it was compiled, its publication by the Board of Education makes the work authoritative as a guide to school officers.

The act of Assembly which gave the school system organic life was approved July 11, 1870. The history of subsequent legislation affecting the schools can be readily traced from chapters LXVI and LXVII of the Codes of Virginia 1887 and 1904, which constitute the basis of the "Public Free School Law."

The text of Pollard's Code of 1904 has been followed, except in so far as it has been modified by legislation since its publication. Acts of Assembly passed subsequent to that date (1904) are incorporated with the original law.

All acts of a local character are omitted, and only such acts pertaining to State institutions of higher learning have been included as are of interest to the school officials at large.

The compiler has endeavored to arrange the matter for the convenience of school officers, without regard to the order in which it is printed in the Code.

It is the duty of every school officer receiving a copy of the law to preserve it carefully, and to transmit it to his successor in office.

*R. C. Stearnes*

Superintendent of Public Instruction.

DEPARTMENT OF PUBLIC INSTRUCTION,  
RICHMOND, VIRGINIA,  
October 1, 1915.

Williams

## Constitutional Provisions

1. *Oath to be prescribed.*—Members of the General Assembly and all officers, executive and judicial, elected or appointed after this Constitution goes into effect, shall, before they enter on the performance of their public duties, severally take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Virginia ordained by the Convention which assembled in the city of Richmond on the twelfth day of June, nineteen hundred and one, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_, according to the best of my ability; so help me God." (Sec. 34)

2. *Bonds of officers handling State funds.*—All State officers, and their deputies, assistants or employees, charged with the collection, custody, handling or disbursement of public funds, shall be required to give bond for the faithful performance of such duties; the amount of such bond in each case, and the manner in which security shall be furnished, to be specified and regulated by law. (Sec. 85)

3. *Magisterial districts, supervisors, etc.*—The magisterial districts shall, until changed by law, remain as now constituted: provided, that hereafter no additional districts shall be made containing less than thirty square miles. In each district there shall be elected by the qualified voters thereof, one supervisor. The supervisors of the district shall constitute the board of supervisors of the county, which shall meet at stated periods and at other times as often as may be necessary, lay the county and district levies, pass upon all claims against the county, subject to such appeal as may be provided by law, and perform such duties as may be required by law. (Sec. 111)

4. *Concerning the bonded indebtedness of cities and towns.*—No city or town shall issue any bonds or other interest-bearing obligations for any purpose, or in any manner, to an amount which, including existing indebtedness, shall at any time exceed eighteen per centum of the assessed valuation of the real estate in the city or town subject to taxation, as shown by the last preceding assessment for



taxes: provided, however, that nothing above contained in this section shall apply to those cities and towns whose charters existing at the adoption of this Constitution authorize a larger percentage of indebtedness than is authorized by this section; and provided further, that in determining the limitation of the power of a city or town to incur indebtedness there shall not be included the following classes of indebtedness:

(a) Certificates of indebtedness, revenue bonds or other obligations issued in anticipation of the collection of the revenue of such city or town for the then current year: provided, that such certificates, bonds or other obligations mature within one year from the date of their issue, and be not past due, and do not exceed the revenue for such year.

(b) Bonds authorized by an ordinance enacted in accordance with section one hundred and twenty-three, and approved by the affirmative vote of the majority of the qualified voters of the city or town voting upon the question of their issuance, at the general election next succeeding the enactment of the ordinance, or at a special election held for that purpose, for a supply of water or other specific undertaking from which the city or town may derive a revenue; but from and after a period to be determined by the council, not exceeding five years from the date of such election, whenever and for so long as such undertaking fails to produce sufficient revenue to pay for cost of operation and administration (including interest on bonds issued therefor, and the cost of insurance against loss by injury to persons or property, and an annual amount to be covered into a sinking fund sufficient to pay, at or before maturity, all bonds issued on account of said undertaking, all such bonds outstanding shall be included in determining the limitation of the power to incur indebtedness, unless the principal and interest thereof be made payable exclusively from the receipts of the undertaking. (Sec. 127)

### Education and Public Instruction

5. *Free schools to be maintained.*—The General Assembly shall establish and maintain an efficient system of public free schools throughout the State. (Sec. 129)

6. *State Board of Education, composition; vacancies, how filled.* The general supervision of the school system shall be vested in a State Board of Education, composed of the Governor, Attorney-

General, Superintendent of Public Instruction, and three experienced educators, to be elected quadrennially by the Senate, from a list of eligibles, consisting of one from each of the faculties, and nominated by the respective boards of visitors or trustees of the University of Virginia, the Virginia Military Institute, the Virginia Polytechnic Institute, the State Female Normal School at Farmville, the School for the Deaf and Blind, and also of the College of William and Mary so long as the State continues its annual appropriation to the last named institution.

The board thus constituted shall select and associate with itself two division superintendents of schools, one from a county and the other from a city, who shall hold office for two years, and whose powers and duties shall be identical with those of other members, except that they shall not participate in the appointment of any public school official.

Any vacancy occurring during the term of any member of the board shall be filled for the unexpired term by said board. (Sec. 130)

7. *Superintendent of Public Instruction, how elected, term of office; how vacancy filled; duties.*—The Superintendent of Public Instruction, who shall be an experienced educator, shall be elected by the qualified voters of the State at the same time and for the same term as the Governor. Any vacancy in said office shall be filled for the unexpired term by the said board.

His duties shall be prescribed by the State Board of Education, of which he shall be ex-officio president; and his compensation shall be fixed by law. (Sec. 131)

8. *Powers and duties of State Board of Education.*—The duties and powers of the State Board of Education shall be as follows:

First. It may, in its discretion, divide the State into appropriate school divisions, comprising not less than one county or city each, but no county or city shall be divided in the formation of such divisions. It shall, subject to the confirmation of the Senate, appoint, for each of such divisions, one superintendent of schools, who shall hold office for four years, and shall prescribe his duties, and may remove him for cause and upon notice.

Second. It shall have, regulated by law, the management and investment of the school fund.

Third. It shall have authority to make all needful rules and regulations for the management and conduct of the schools, which, when published and distributed, shall have the force and effect of

law, subject to the authority of the General Assembly to revise, amend, or repeal the same.

Fourth. It shall select text-books and educational appliances for use in the schools of the State, exercising such discretion as it may see fit in the selection of books suitable for the schools in the cities and counties, respectively.

Fifth. It shall appoint a board of directors, consisting of five members, to serve without compensation, which shall have the management of the State Library, and the appointment of a librarian and other employees thereof, subject to such rules and regulations as the General Assembly shall prescribe; but the Supreme Court of Appeals shall have the management of the law library and the appointment of the librarian and other employees thereof. (Sec. 132)

9. *School districts; school trustees.*—Each magisterial district shall constitute a separate school district, unless otherwise provided by law. In each school district there shall be three trustees selected, in the manner and for the term of office prescribed by law. (Sec. 133)

10. *The literary fund.*—The General Assembly shall set apart as a permanent and perpetual literary fund the present literary fund of the State; the proceeds of all public lands donated by Congress for public free school purposes; of all escheated property; of all waste and unappropriated lands; of all property accruing to the State by forfeiture, and all fines collected for offences committed against the State, and such other sums as the General Assembly may appropriate. (Sec. 134)

11. *Appropriations for school purposes; school age.*—The General Assembly shall apply the annual interest on the literary fund; that portion of the capitation tax provided for in the Constitution to be paid into the State treasury, and not returnable to the counties and cities; and an annual tax on property of not less than one nor more than five mills on the dollar to the schools of the primary and grammar grades, for the equal benefit of all of the people of the State, to be apportioned on a basis of school population; the number of children between the ages of seven and twenty years in each school district to be the basis of such apportionment; but if at any time the several kinds or classes of property shall be segregated for the purposes of taxation, so as to specify and determine upon what subjects State taxes and upon what subjects local taxes may be levied, then the General Assembly may